MENDOCINO Local Agency Formation Commission

Ukiah Valley Conference Center 👌 200 South School Street 👌 Ukiah, California 95482

Irish Beach Water District SPHERE OF INFLUENCE UPDATE

Prepared in accordance with Government Code §56425

Adopted- May 2, 2016

MENDOCINO LOCAL AGENCY FORMATION COMMISSION

LAFCo Resolution No. 15-16-21

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY APPROVING THE IRISH BEACH WATER DISTRICT SPHERE OF INFLUENCE UPDATE 2016

WHEREAS, the Mendocino Local Agency Formation Commission, hereinafter referred to as the "Commission", is authorized to establish, amend, and update spheres of influence for local governmental agencies whose jurisdictions are within Mendocino County; and

WHEREAS, the Commission conducted an update for the Irish Beach Water District's sphere of influence pursuant to California Government Code Section 56425; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission in the form and manner prescribed by law; and

WHEREAS, the Executive Officer's report and recommendations on the sphere of influence update were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the sphere of influence update on May 2, 2016; and

WHEREAS, the Commission considered all the factors required under California Government Code Section 56425.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

- 1. This sphere of influence update has been appropriately informed by the Commission's earlier municipal service review on countywide water and wastewater services, for which the section on the Irish Beach Water District was accepted by the Commission on October 6, 2014.
- 2. The Commission, as Lead Agency, finds the update to the Irish Beach Water District's sphere of influence is exempt from further review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15061(b)(3). This finding is based on the Commission determining with certainty the update will have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.
- 3. The Irish Beach Water District confirmed during the review of its sphere of influence that its services are currently limited to water, septic system monitoring, and groundwater monitoring. Accordingly, the Commission waives the requirement for a statement of services prescribed under Government Code Section 56425(i).
- 4. This sphere of influence update is assigned the following distinctive short-term designation: "Pacific Reefs Water District Sphere of Influence Update 2016"

05-02-16

- 5. Pursuant to Government Code Section 56425(e), the Commission makes the written statement of determinations included in the Irish Beach Water District Sphere of Influence Update report, hereby incorporated by reference.
- 6. The Executive Officer shall revise the official records of the Commission to reflect this update of the Irish Beach Water District's sphere of influence.

BE IT FURTHER RESOLVED that the Irish Beach Water District's sphere of influence is reaffirmed to remain coterminous with the District boundary, as depicted in Exhibit "A".

The foregoing Resolution was passed and duly adopted at a regular meeting of the Mendocino Local Agency Formation Commission held on this 2nd day of May, 2016, by the following vote:

AYES: Brown, Doble, Hammerstrom, McCowen, McNerlin, Orth, Ward

NOES: NOME

ABSTAIN: none

ABSENT: Madrigal

JERRY WARD, Chair

ATTES' Executive Officer GEORG IAMS

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IRISH BEACH WATER DISTRICT SPHERE OF INFLUENCE UPDATE MENDOCINO LAFCO

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INTRODUCTION

OVERVIEW

This update is prepared in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) which states, "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities, LAFCo shall develop and determine the Sphere of Influence (SOI) of each local governmental agency within the county" (GC §56425). A "SOI" is defined under the CKH Act as ".... a plan for the probable physical boundaries and service area of a local (government) agency" (GC §56076).

Decisions on organizational changes must be consistent with the SOI boundary and determinations. The adopted SOI is used by LAFCo as a policy guide in its consideration of boundary change proposals affecting each city and special district in Mendocino County. Other agencies and individuals use adopted SOIs to better understand the services provided by each local agency and the geographic area in which those services will be available. Clear public understanding of the planned geographic availability of urban services is crucial to the preservation of agricultural land and discouraging urban sprawl.

The following update will assess and recommend an appropriate Sphere of Influence (SOI) for the Irish Beach Water District (IBWD or District). The objective is to update IBWD's SOI relative to current legislative directives, local policies, and agency preferences in justifying whether to (a) change or (b) maintain the designation. The update draws on information from the IBWD Municipal Services Review (MSR), which includes the evaluation of availability, adequacy, and capacity of services provided by the District.

REVIEW **P**ERIOD

SOI reviews and updates typically occur every five years, or as needed. A local agency's services are analyzed with a twenty year planning horizon, and a sphere is determined in a manner emphasizing a probable need for services within the next 5-10 years. Actual boundary change approvals, however, are subject to separate analysis with particular emphasis on determining whether the timing of the proposed action is appropriate.

EVALUATION CONSIDERATIONS

When updating the SOI, the Commission considers and adopts written determinations:

Sphere Determinations: Mandatory Written Statements

- 1. Present and planned land uses in the area, including agricultural and open space
- 2. Present and probable need for public facilities and services in the area
- 3. Present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide
- 4. Existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency
- 5. If the agency provides services related to water, sewer, or fire, then the present and probable need for these services by any disadvantaged unincorporated communities within the existing sphere should be considered

Policies specific to Mendocino LAFCo are also considered along with determinations in administering the CKH Act. This includes considering the merits of the SOI, or any changes, relative to the Commission's seven interrelated policies, as listed below, with respect to determining the appropriate SOI.

General Guidelines for Determining Spheres of Influence

The following is excerpted from *Mendocino LAFCo's 2016 Policies and Procedures*, "Chapter 9: Spheres of Influence, MSRs, and Special Studies":

Section 1. Spheres of Influence

Reduced Spheres

The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission shall, however, consider removal of land from an agency's sphere of influence if either of the following two conditions applies:

- the land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years; or
- the land is inside the affected agency's jurisdictional boundary but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

Zero Spheres

LAFCo may adopt a "zero" sphere of influence encompassing no territory for an agency. This occurs if LAFCo determines that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency (e.g., mergers, consolidations). The local agency which has been assigned a zero sphere should ultimately be dissolved.

Service Specific Spheres

If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a "service specific" sphere of influence may be designated.

Agriculture and Open Space Lands

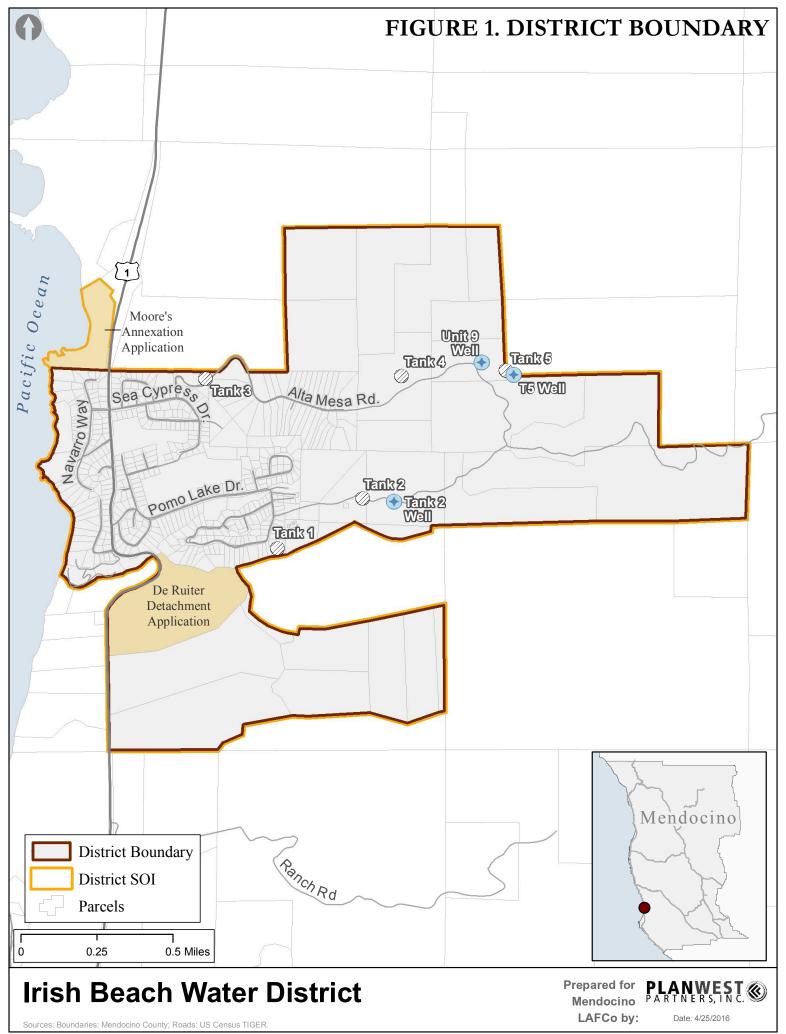
Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's sphere of influence unless the area's exclusion would impede the planned, orderly and efficient development of the area. In addition, LAFCo may adopt a sphere of influence that excludes territory currently within that agency's boundaries. This may occur when LAFCo determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency's sphere. Exclusion of these areas from an agency's sphere of influence indicates that detachment is appropriate.

Annexations are not Mandatory

Before territory can be annexed to a city or district, it must be within the agency's sphere of influence (G.G. §56375.5). However, territory within an agency's sphere will not necessarily be annexed. A sphere is only one of several factors that are considered by LAFCo when evaluating changes of organization or reorganization.

Islands or Corridors

Sphere of influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.



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CURRENT AGENCY OPERATIONS

The Irish Beach Water District (IBWD or District) provides treated water to landowners within Irish Beach, a subdivision primarily of second homes. The District monitors groundwater resources and has an existing moratorium on drilling wells for those areas not presently served by district facilities within District's boundaries (IBWD Resolution 2000-7). Additionally, the District provides administrative oversight of current and future private and community septic system maintenance (MSR 2014).

BACKGROUND

The District is located approximately four miles north of Manchester and eight miles south of Elk on Mendocino's south coast in the unincorporated area of southwestern Mendocino County. The District encompasses 1,294 acres (2.02 square miles) and serves the Irish Beach subdivision, of approximately 460 parcels, 200 of which are developed (MSR 2014).

IBWD is an independent special district formed pursuant to California Water District Law (State Water Code Section 34000-38501). IBWD was established on April 14, 1967 for the primary purpose of providing water to the community of Irish Beach. In 1980, under Health and Safety Code Section 6955 *et seq.*, the District added a wastewater disposal zone to its purview and provides oversight of existing and future private and community septic systems (MSR 2014).

Upon formation in 1967, the District consisted of 220 acres (LAFCo Resolution No. 67-2). In 1972, the Moore's annexation added 400 acres to the District (LAFCo Resolution No. 72-7). A second Moore's Annexation added an additional 720 acres to the District (LAFCo Resolution No. 75-14). The last completed boundary change was the Arnold detachment, which removed 112.23 acres from the District in December 1988 (LAFCo Resolution No. 88-9) (MSR 2014).

MUNICIPAL SERVICE REVIEW

In 2014, LAFCo prepared a countywide water and wastewater services MSR, which included the Irish Beach Water District. The IBWD MSR was approved by the Commission on November 3, 2014. A Municipal Service Review is a part of and a prerequisite for a SOI Update; as such, much of the information contained herein comes directly from the 2014 IBWD MSR.

SPHERE OF INFLUENCE

The District's Sphere of Influence (SOI) was last updated in 1994 to include APNs 131-110-04 and 131-110-36, commonly referred to as the "Inn Site" or the proposed Moore's Annexation. With the exception of this site, the SOI is otherwise coterminous with the District's boundaries (See Figure 1). The District considers this existing SOI to be appropriate and does not provide services to any properties outside the District boundary (MSR 2014). This update will consider maintaining the existing SOI.

Proposed Moore's Annexation

As discussed above, APN 131-110-04 and 131-110-36 are included in the existing District SOI. This area, consisting of approximately 17 acres of vacant land north of the Irish Beach Subdivision, is referred to as the "Inn Site" in the 2014 MSR and is also known as the proposed Moore's

Annexation (LAFCo Application A-2009-01). The District has a "will serve" contractual agreement with the property owner (MSR 2014).

The Inn Site is currently designated Range Lands with a Visitor Accommodation and Services Combining District (VAS) for hotel, inn or motel use types (*2C) as denoted on the Coastal Land Use Plan Map. This designation provides for an inn up to 20 units. However, given the constraints of the parcel, only a small portion of the site is developable and it is unlikely that an inn of that size would be feasible there. While an application was made for a use permit for an inn development in the early 1990s, it was ultimately withdrawn.

In 2006, the property owner applied to Mendocino County for a General Plan Amendment (GPA) and rezone of the Inn Site and other property within the District boundaries. This application seeks to change the Range Land zoning (160 acre minimum lot sizes) to Rural Residential with the potential for one acre lots.

In 2009, the property owner submitted an application to LAFCo to annex the Inn Site, which was placed on hold pending completion of the District MSR. Once the MSR was completed in 2014, the applicant again requested annexation based solely on currently allowable development. LAFCo reviewed the proposal on March 2, 2015 and acknowledged Coastal Commission comments that annexation and extension of water services to the subject property would require a Mendocino County Local Coastal Program (LCP) Amendment and further environmental review for purposes of amending the County's certified Land Use Plan (LUP) prior to any action that would authorize changes to the District boundary and urban boundary line. At the time of this analysis, the LAFCo application is on hold to allow time for the applicant to address necessary land use entitlements and environmental review at the County-level.

Proposed De Ruiter Detachment

Mendocino LAFCo presently has an application on file for a property owner-initiated detachment of APN 132-210-22 from the IBWD. The detachment application was filed in October 8, 2014, and is known as the De Ruiter Detachment (LAFCo File No. D-2014-01). The property consists of approximately 60.5 acres within the District's boundary and has been described in the past as part of a 196-acre property previously referred to as the "Nichols Ranch". The District does not provide water services to this property, which is outside the Urban/Rural boundary. The property is located immediately south of Irish Gulch and is currently designated Range Land (RL-160).

The De Ruiter property is currently vacant with an existing well. Mendocino County Planning Department approved coastal development permit (CDP) #8-2014 in September 2014, authorizing construction of a single family residence, barn, guest cottage, driveway, and ancillary development on the subject site. The property owner has objected to restrictions in use of the existing well for residential purposes only.

In response to a LAFCo referral, the Coastal Commission commented on September 18, 2015 noting that an LCP Amendment and further environmental review is necessary "prior to any action that would authorize changes to the service district boundary". According to this letter, additional review would be required "to understand the relationship between any access easements, water rights, and water sources on the subject property, and whether any of these water sources identified by IBWD currently serve or were envisioned under the certified LCP to eventually serve any of the parcels within the District".

At the time of this analysis, this LAFCo application is on hold pending a LCP Amendment.

DISADVANTAGED UNINCORPORATED COMMUNITIES

LAFCo is required to evaluate disadvantaged unincorporated communities (DUCs) as part of a SOI review, including the location and characteristics of any such communities. A DUC is defined as any area with 12 or more registered voters where the median household income (MHI) is less than 80 percent of the statewide MHI. Within a DUC, three basic services are evaluated: water, sewage, and fire protection. The IBWD provides water services, and is therefore only responsible for assuring that this service is adequately provided to communities.

The Irish Beach Water District encompasses the majority of the community of Irish Beach. However Irish Beach is not a 'census designated place' (CDP), therefore the median household income amount is not available. Because Irish Beach is primarily a 'second home' residential area with higher value homes, it is not expected that the community qualifies as a DUC. In addition, Annual Consumer Confidence Reports issued by the District continue to find that the District provides safe and abundant water to the community (MSR 2014).

POPULATION AND LAND USE

Population and Growth

The District was established to serve the unincorporated community of Irish Beach, a subdivision located between Manchester and Elk on the southern Mendocino Coast. An estimated population of 65 resides in Irish Beach year-round, with increases by 250 seasonal residents at various times of the year (MSR 2014).

The 2010 Census for zip code 95459 consists of 67.1 square miles and includes the communities of Manchester and Irish Beach. Population within the zip code was tabulated at 504 in the 2010 Census, with an average population concentration of eight persons per square mile. Manchester, approximately four miles south of Irish Beach, is a census designated place (CDP) located within Census Tract 011102 in Mendocino County and has a population of 195. Although rural residential properties are scattered throughout the zip code area, Irish Beach is the only other planned community in the area. Between the Census years 2000 and 2010, the area experienced a decrease in population of 81 people, from 585 to 501, a loss of approximately 14 percent of the population (MSR 2014).

Given Irish Beach's relatively isolated location and limited development potential, it's unlikely to experience significant population increases in the next few decades. In the application for formation of the District in the late 1960s, a build-out population of 1,200 was estimated. However, the area has experienced little growth with only 200 of the 460 parcels currently developed. Additionally, the occupancy rate has been reduced substantially since the 1960s, which further reduces the projected build-out population. While the District has undergone a number of annexations since its formation, little to no development has occurred within those areas (MSR 2014).

CAPACITY AND SERVICE

Water Services

The District currently provides service to approximately 200 residential customers within the District. Annual demand for Irish Gulch water was estimated at 24.1 acre-feet per year (af/yr) in 2000. Maximum monthly use is approximately 920,000 gallons, or approximately 0.05 cfs, and was achieved in July of 1994 and 1995 (MSR 2014).

IRISH BEACH WATER DISTRICT SPHERE OF INFLUENCE UPDATE MENDOCINO LAFCO

Water Supply

The Irish Beach Water District has four developed sources of water, and one additional partially developed well source: 1) the upper diversion on Irish Gulch (SWRCB Permit No. 15580); 2) the well (Well 9) located east of the main subdivision; 3) the lower diversion on Irish Gulch (Permit No. 20443); and 4) the new well (Well 5) located southeast of Well 9. The additional partially developed well (Well 2) is located east of Tank 2, and was developed with the property owner's permission. This well has been drilled, cased and tested, but has not yet been connected to the system or had utilities connected to it. Well 9 production volume has diminished in the past few years. The District maintains that the current water system capacity is adequately sized for existing development with some room for growth. In correspondence from the District to LAFCo in 1994, the District provided a "Plan for Services" and estimated its capacity to provide water service to 425 parcels (MSR 2014).

A mitigated negative declaration (MND) prepared for an extension of time for SWRCB Permit No. 15580 (Irish Gulch Water Rights) indicated that the District will require 0.292 cfs (211.4 af/yr) at full build-out, which is anticipated to be achieved sometime between 2038 and 2067. The District also has property and a trust fund to develop an additional water source and treatment plant when required (MSR 2014).

Infrastructure and Facilities

The District has five water storage facilities, a pipeline network, hydrant system, and a water treatment plant. IBWD has approximately 7.6 miles of pipeline, ranging from 6 to 2 inches in diameter. Parts of the District's distribution system dates from 1965, with sections added over the years, the newest of which was installed in 2000. Over 83 percent of the District's distribution and transmission system is more than 30 years old. Much of this system has an estimated useful life of 40 years. To address aging infrastructure needs, a Proposition 218 Assessment was passed by District voters in early the 2000s. The assessment funds are kept in a special reserve account specifically for capital improvements including but not limited to replacement of pipelines, pumps, valves, tanks, hydrants, and connections (MSR 2014).

Wastewater Services

In 1980 the IBWD passed a Resolution of Intention to form a wastewater disposal zone under Health and Safety Code Sections 6955, et seq. The purpose of the establishment of the zone was to monitor, maintain, repair, replace and pump wastewater disposal systems after such systems are initially installed pursuant to County Health and/or Regional Water Quality Control Board permits and standards on properties previously established as building sites within the subdivision known as Irish Beach. The District was not required to go through LAFCo to initiate the zone (MSR 2014).

As such, the District is responsible for maintaining individual wastewater disposal system records, including date of installation, as-built plans of installed systems and service records of systems. It is also under the purview of the District to send to new owners and owners of new systems information regarding maintenance practices that should be followed and local contractors that provide service. To enforce this, IBWD passed Resolution No. 93-5, which requires that all septic tanks be inspected and/or pumped if necessary every five years by a registered sanitarian or a septic tank operator. In 2011, the District passed Resolution No. 2011-2 to establish discharge limits of waste that may contaminate the waters of the state flowing through Irish Beach (MSR 2014).

The District does not own, lease, operate or maintain any wastewater facilities or collection systems. District responsibilities regarding wastewater are limited to keeping individual septic system records and reminding owners to properly maintain their systems. Based on information provided by the District regarding facilities, management practice and accountability, and financing, IBWD's service appears to be adequate (MSR 2014).

RELEVANT PLANNING AND SERVICE FACTORS

Local planning policies and land-use designations inform LAFCo SOI decisions. Below are relevant policies and service factors that are used as a guide.

County of Mendocino General Plan- Development Element (DE)

General Plan Water Supply and Sewer (Wastewater Treatment) Services Policies:

- Policy DE-186: Coordinate community water and sewer services with General Plan land use densities and intensities.
- <u>Policy DE-187</u>: The County supports efficient and adequate public water and sewer services through combined service agencies, shared facilities, or other inter-agency agreements.

<u>Action Item DE-187.1</u>: Work aggressively with water and sewer service providers to overcome current and projected system and supply deficiencies necessary to serve planned community growth.

<u>Action Item DE-187.2</u>: Support funding applications to improve and expand water and sewer service capabilities in areas planned for future growth or to resolve existing deficiencies.

<u>Action Item DE-187.3</u>: Work with communities and public water and sewer service entities to monitor, manage and/or maintain community-wide or decentralized water/sewer systems.

- Policy DE-188: Encourage water and sewer service providers to incorporate water conservation, reclamation, and reuse.
 - Encourage the development and use of innovative systems and technologies that promote water conservation, reclamation, and reuse.
 - Encourage the development of systems that capture and use methane emissions from their operation.
 - Encourage the development and use of innovative systems and technologies for the treatment of wastewater.
- <u>Policy DE-189</u>: Oppose extension of water or sewer services to rural non-community areas when such extensions are inconsistent with land use and resource objectives of the General Plan, except where the extension is needed to address a clear public health hazard.
- <u>Policy DE-190</u>: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.
- <u>Policy DE-191</u>: Land use plans and development shall minimize impacts to the quality or quantity of drinking water supplies.

DISCUSSION

Sphere of Influence

This update considers maintaining the existing SOI. The District considers its SOI to be appropriate and does not provide services to any properties outside the SOI boundary (MSR 2014).

The portion of the District east of the Irish Beach subdivision consists primarily of large parcels designated Forest Lands and zoned Timber Production. These lands are not currently served by the District, but several parcels contain wells and tanks that are integral to District operations. The District has no plans or intention to provide services that would facilitate the subdivision of these parcels or the parcels zoned rangeland located south of Irish Gulch. The District has expressed a desire to maintain these parcels within the current District boundary to provide for watershed and groundwater management activities.

Presently there are two applications on file with Mendocino LAFCo regarding IBWD boundaries, one annexation proposal and one detachment proposal (see above SOI discussion). Maintaining the existing SOI accounts for all areas that may receive District services, including the most recent Moore's Annexation. Should the De Ruiter property be detached from the District, a sphere of influence amendment for reduction may be considered at that time. Amending the sphere now to reflect the potential detachment is premature.

ANALYSIS

As presented in the introduction, when updating the SOI, the Commission considers and adopts written determinations. The following are the formal determinations for this SOI Update:

1.) Present and Planned Land Use

The current land use designation for the Moore's Annexation area is Range Land. However, as a part of the annexation application process, the property owner is seeking a change in landuse designation. Maintaining the SOI to include this area does not impact the land use designation decision by the County. Should the land use designation change, inclusion of the subject property into the District will be considered further.

2.) Present and Probable Need for Public Facilities and Services

Given Irish Beach's relatively isolated location and limited development potential, it's unlikely to experience significant population increases in the next few decades. A need for district services is anticipated to continue at present levels with little to no growth. The annexation application on file signifies a continued need for service in that portion of the SOI not within District boundaries.

3.) Present Capacity of Facilities and Adequacy of Public Services

The current water system capacity appears to be adequately sized for existing development with some room for growth The District also has property and a trust fund to develop an additional water source and treatment plant when required. Given the low anticipated growth rate, the District should have sufficient water supply and service capability for the planning horizon of this document.

4.) Social and Economic Communities of Interest

The IBWD serves the community of Irish Beach which is the primary community of interest for this SOI Update. There are no other communities identified in the immediate area.

5.) Present and Probable Need for Water, Sewer, or Fire Protection Services for Disadvantaged Unincorporated Communities (DUCs)

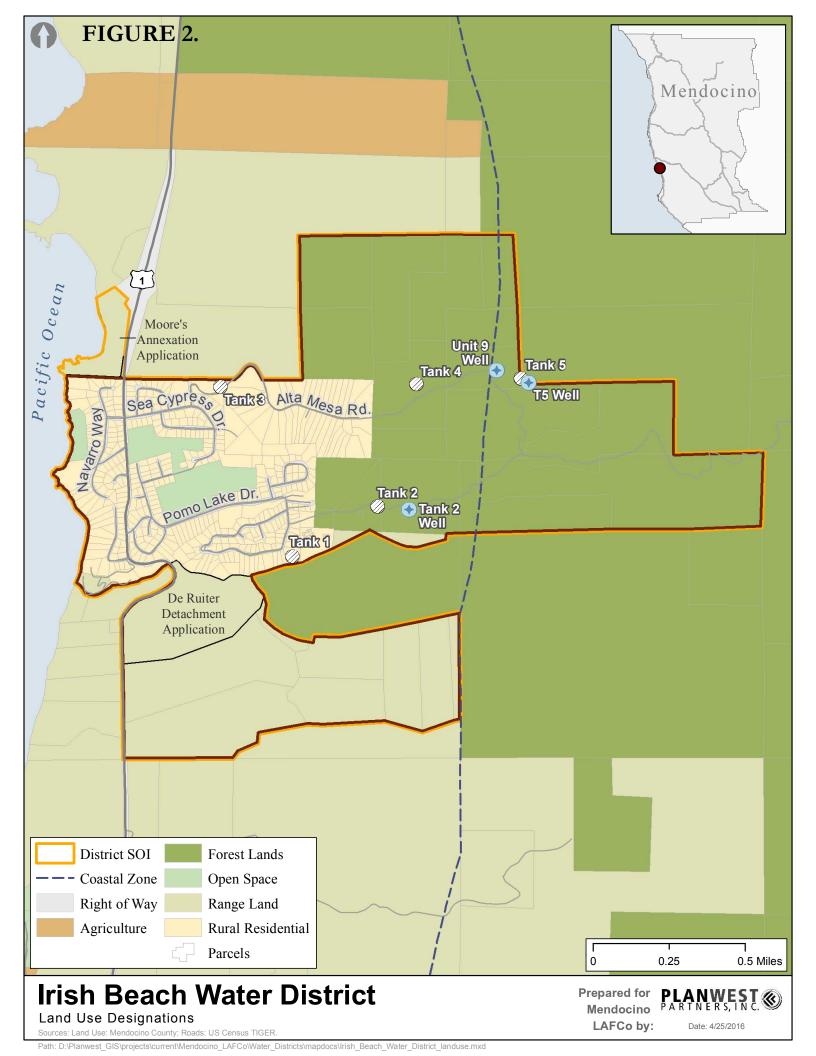
The District has not been identified as a DUC, nor are there any DUCs within the vicinity which have been identified to be considered for service by the District.

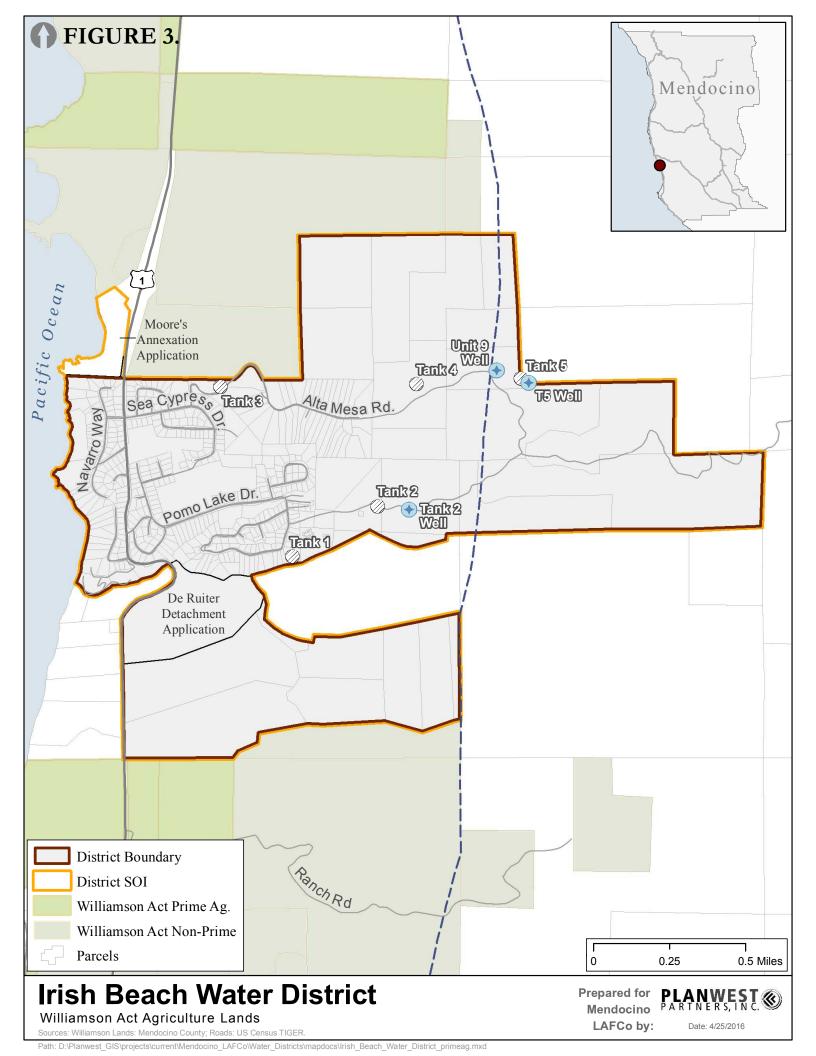
CONCLUSIONS

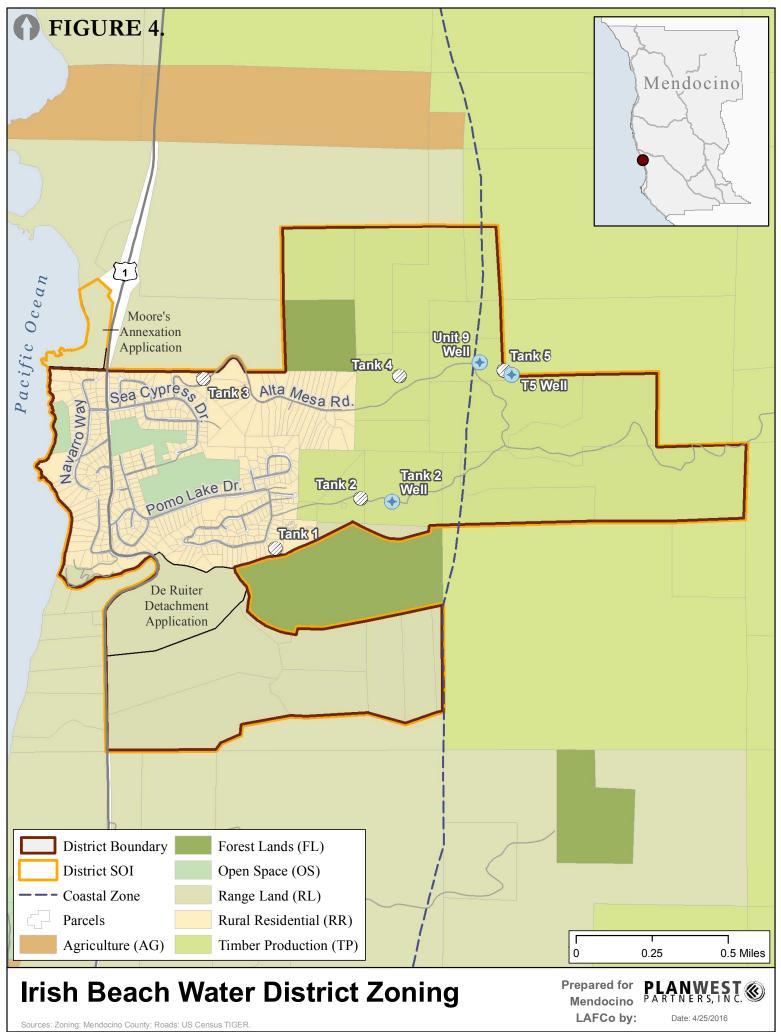
This update considers the present SOI relative to services provided and its consistency with LAFCo policy. The current SOI for the District is coterminous with the exception of the proposed Moore's Annexation site, which is outside of the current District boundary and urban limit line. Given that no services are provided outside of the District SOI and given the District indicates no future plans for service beyond the applications on file, an updated SOI that remains the same as the existing SOI boundary is sufficient (See SOI in Figure 1).

REFERENCES

(MSR, 2014) "Mendocino Local Agency Formation Commission, Final Water and Wastewater Municipal Service Review: Caspar South Water District, Elk County Water District, Gualala Community Services District, Irish Beach Water District, Laytonville County Water District, Pacific Reefs Water District, Round Valley County Water District, Westport County Water District. October 2014". Prepared by: Kateri Harrison, SWALE, Inc.; Uma Hinman, Uma Hinman Consulting. Final approval October 6, 2014.







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