

Independence Ranch

Community Services District

LAFCO FILE NO. 10-R-92

**FORMATION OF THE
INDEPENDENCE RANCH
COMMUNITY SERVICES DISTRICT
(I.R.C.S.D.)**

6289 Hawk Ridge Place
San Miguel, California 93451

LAFCO FILE NO. 10-R-92: FORMATION OF THE INDEPENDENCE RANCH COMMUNITY SERVICES DISTRICT

Chief Proponents: Eugene J. Miller, Charles B. Goebel, and Alan Herboldsheimer. Petition, signed by in excess of 80 percent of the registered voters in the boundaries of the proposed new district.

Certificate of Filing: November 10, 1992.

Purpose: ~~To upgrade and maintain existing roads.~~

Acreage and Location: The proposed district is located in northern San Luis Obispo County, west of Highway 101 and north of Highway 46. More specifically, the proposed district is southeast of Hog Canyon Road and northeast of Estrella Road (Exhibit A). The area contains approximately 1259.10 acres.

Recommended Action on the Environmental Determination for the Formation: Staff has determined that the proposed formation will not have a significant impact on the environment and therefore qualifies for the issuance of a Negative Declaration (Exhibit B).

Recommended Action on the Formation: Approval, with conditions and amended boundaries (Exhibit C).

Recommended Action on the Environmental Determination for the Sphere of Influence and Service: Staff has determined that the proposed sphere of influence and sphere of service will not have a significant impact on the environment and therefore qualifies for the issuance of a Negative Declaration (Exhibit D).

Recommended Action of the Sphere of Influence and Service: Approval (Exhibit C).

Property Tax Transfer: There will be no property taxes transferred to the proposed Independence Ranch Community Services District. Road improvements and maintenance will be financed by assessments.

Inhabited or Uninhabited: The territory within the proposed boundaries has more than twelve registered voters and is therefore considered to be inhabited.

Population: The population of the proposed CSD and adjacent areas, pursuant to the 1990 census, is approximately 326 people. The project site is an "antiquated subdivision" surrounded by agricultural land. The project site contains the majority of the residences and population in this area.

The project site has experienced a surge of lot sales and growth over the last 10 years. Very few homes existed at the site before 1980.

Topography: The area has rolling hills with 5% to 30% slopes, although the existing roads avoid steep terrain.

A-2
1

Land Use: A majority of the lots in the project site are still undeveloped. Rapid growth is expected to continue at the site, but not on the surrounding agricultural lands. Despite the site's remoteness from urban areas, it attracts new residents because of its scenic, affordable lots.

The entire project site is in the Residential Rural land use category, which allows minimum parcel sizes ranging from 5 to 20 acres.

There are scattered residences with gravel access roads. All undeveloped lots are vacant and unused.

The site is in the rural area of the El Pomar Planning Area and well outside of any urban or village reserve lines, and outside of any community-specific spheres of influence and service.

In the El Pomar Area Plan, the Rural Area/Residential Rural Standards No. 1 through 3 require new development to provide road improvements to the nearest existing road, for the benefit of public use. Specifically, each lot must dedicate its frontage area for public road use, and each builder must provide an all-weather gravel road to the nearest public road. These improvements are to become part of an ultimate 50 foot wide public road that follows the paper road routes shown on the antiquated subdivision map. In addition, the lots fronting Hog Canyon Road are to take access from the local roads within the subdivision, if a local road is available without crossing slopes exceeding 15%. Unfortunately, it is not feasible to provide interior access for the lots along Hog Canyon Road, as required by the planning area standard, due to the steep topography.

Approximately one-third of the Independence Ranch Tract lots have not been included in this application. These lots lie to the northwest and northeast of the project site. They are also in the Residential Rural land use category. The land use on these lots is also scattered residences and gravel access roads. All lands surrounding the Independence Ranch tract are in the Agriculture category, and engaged principally in grazing activities. There is a small commercial vineyard to the northwest.

The principal activity has been construction of new residences on the existing lots in the Independence Ranch tracts.

Present Public Services Provided to the Area: The County of San Luis Obispo provides the remainder of local services to the area. These include police protection from the Sheriff's Office, street maintenance, health, social services, planning, and general government services.

Powers of Community Services Districts: ~~This proposal is to form a community services district for road construction and maintenance.~~ For information purposes, it may be helpful to review the powers and authorities of CSD's. Government Code Section 61600 et seq,

A-2
2

establishes the powers and responsibilities of Community Services Districts. A CSD's primary characteristics are those of broad service authority, fiscal flexibility, and home rule through a locally elected Board of Directors that have earned it the term "junior city." Community Services Districts may furnish one or more of the following services:

- (a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.
- (b) The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.
- (c) The collection or disposal of garbage or refuse matter.
- (d) Protection against fire.
- (e) Public recreation by means of parks, including, but not limited to, aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools, or recreation buildings.
- (f) Street lighting.
- (g) Mosquito abatement.
- (h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.
- (i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.
- (j) ~~The opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.~~
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.
- (l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility," as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of the conversion in accordance with Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation, and maintenance of the facilities. Nothing in this section gives a district formed under this law the power to install, own, or operate the facilities that are described in this subdivision.
- (m) To contract for ambulance service the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.

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- (n) To provide and maintain public airports and landing places for aerial traffic.
- (o) To provide transportation services.

The Independence Ranch Community Services District will only provide services (j) and (k), as follows:

- (j) The opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.

In terms of financial operation, Community Services District are able to levy taxes, incur bonded indebtedness, establish service charges, borrow funds and enter into contracts.

Their governing board consists of three or five members, elected to four year terms. The Board of Supervisors may serve as the governing board, however, if the petition of formation so specifies.

In addition to the operational staff, the CSD is required at its first meeting to appoint a General Manager and a Secretary, who legally may also be the General Manager and act as Treasurer. The CSD should also have an attorney, who may also be under contract and serve other public entities at the same time. The General Manager and/or Secretary may be part-time employees or contract employees.

Financial Responsibilities of the New CSD: There are certain expenses associated with operating an independent district. Many administrative and accounting items are currently paid for as part of county overhead. These expenses would become an expense of the district. The new CSD would also be responsible for providing insurance for its operations. Since the district will probably contract for services to operate the district, additional expenses should be minimal. Operational services could be provided by a private engineering firm. However, in the event that the district elects to hire its own personnel, it would also be responsible for retirement and other employee benefits. The CSD would also need to provide for legal advice and space for its Board of Directors to meet.

Since the CSD will be collecting assessments, it will be necessary for the new Board of Directors to begin assessment district proceedings as soon as possible. Because the district will have an effective date that is before the end of calendar 1992, it is possible for

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See PS A2/6

A-2
4

Special
NOTE
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assessment to be collected on the 1993-94 property tax bills. To accomplish, however, assessment district proceeding will need to be commenced as soon as possible after the effective date of the district. The CSD would still have the ability to send out bills for road improvement and maintenance services without the assessment district, however, there is no legal means of forcing collections from unwilling property owners without the lien provided by collection on the property tax bill.

Appropriations Limit: Article XIII B of the State Constitution requires each local agency that will receive revenues from the proceeds of taxes, to have an appropriations limit. Since the Independence Ranch Community Services District will not receive any property tax monies, the establishment of an appropriations limit is not required. However, in the future should the new CSD decide to implement a special tax, it will be necessary to have the voters also approve an appropriations limit.

County Engineering Comments: County Engineering's is concerned with the acceptance of improved roads in the new CSD into the County maintained road system. If this is the case, the proponents will need to work with County Engineering to be sure of County standards. They should also find out if the Board will continue its policy of accepting improved roads for future maintenance. The Roads budget may not be able to afford this any longer. The CSD should also do its own maintenance, but the proponents have not addressed this in their proposal. This point should be made clear.

Planning Department Comments: The Planning and Building Department comments that the proposed Community Service District will provide a valuable service to the Independence Ranch tracts. A common problem among antiquated subdivisions is the lack of an adequate road system. Today's road standards have not been applied to antiquated subdivisions and the subdivision lots have only paper road routes to serve them. The El Pomar planning area standards requires the builders of new residences within Independence Ranch to grade and gravel the paper road serving their lot all the way to the nearest existing gravel road or public road. The proposed CSD will provide a much needed organized entity for maintaining the existing graveled roads that have been built in Independence Ranch. The Planning staff has the following suggestions:

- a. That the proposed CSD boundary be extended to include the 600 foot long section of the entry road (Independence Ranch Road) that actually connects onto Hog Canyon Road.
- b. That the CSD be required to maintain all the graveled roads that will be provided by future development within its boundaries.
- c. That the CSD consider expanding its boundaries to include all of the Independence Ranch Tracts in a subsequent annexation application.

A-2
5

- d. The adopted public service policies in the Land Use Element-Framework for Planning document specify that urban-level services are not appropriate for Residential Rural lands. However, besides road improvement and road maintenance there are other rural types of services that the new CSD should consider providing in the future when justified by further development and residential needs and desires. Such services could include:
- (i) A rural container collection program involving acquisition of a community trash collection site, thus saving all residents from having to make separate trips to the nearest landfill.
 - (ii) Acquisition of a site for a future community fire/paramedic station.

Election Requirements: The Community Services District Law, Government Code Section 61111, provides that if the petition of formation has been signed by not less than 80 percent of the registered voters residing in the area to be included in the district, the Board of Supervisors may dispense with an election and appoint a Board of Directors of the newly created Community Services District. An election would also be required to add services.

Effective Date of the Reorganization: The effective date of the new Independence Ranch Community Services District will be December 31, 1992.

Analysis of the Proposed Formation and Sphere of Influence and Service: The idea of forming a Community Services District in Independence Ranch seems appropriate in light of the need to improve and maintain roads in this rural, isolated, area of northern San Luis Obispo County. The idea of forming a multi-services district for a single purpose function in most instance is not consistent with LAFCO adopted policies. However, since the petition of application designates a single purpose - road improvement and maintenance, LAFCO has the ability to require that if services are to be added, the new district must return to LAFCO for approval, subject to election. Staff is somewhat concerned about forming a multi-service district in a rural area and the impact that this type of service provider could have on converting rural land to more intense uses. However, the restrictions on adding services and the resource restrictions in the area itself, would seem to indicate that this possibility is highly unlikely.

LAFCO staff agrees with County Planning that the proposed CSD's boundaries should be extended to include the 600 foot long section of Independence Ranch Road that extends into Hog Canyon Road and that all of the Independence Ranch Tracts be included in the CSD. In checking with the County Clerk's Office, adding this portion of Independence Ranch Road and adjacent Lots 54 and 4 to the boundaries would not change the election provisions. The properties presently have no registered voters.

LAFCO staff would also like to see the services of the new CSD expanded to include fire

A-2
6

protection at some time in the future. An isolated area such as Independence Ranch could certainly benefit from having fire and emergency medical services located within the area.

With regards to the sphere of influence and service, staff would recommend that the sphere of influence for the new CSD include all if the subdivided tracts in Independence Ranch. The sphere of service would include the boundaries of the CSD, as proposed by the proponents, with the addition of Lots 54 and 4 that front the 600 foot long section of Independence Ranch Road.

Based on the above, staff would recommend approval of the Independence Ranch Community Services District.

Recommended Action on Environmental Determination for the Formation:

In most LAFCO proposals involving existing agencies, the action on spheres of influence are completed prior to actions on the actual proposal. However, in situations involving the formation of new entities, action must be taken to form the agency prior to determinations on spheres of influence.

It is recommended that the Commission, by resolution:

1. Certify that the Negative Declaration prepared for the proposed reorganization as shown in Exhibit D, is complete and adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).
2. Determine that the proposed reorganization will have no significant impact on the environment.
3. Certify that the Commission has considered the contents of the Negative Declaration in making its determinations.

Recommended Action on the Formation: It is respectfully recommended that the Commission, by resolution, conditionally approve, with amended boundaries, the proposed formation if the Independence Ranch Community Services District, with the boundaries as set forth in Exhibit C.

Conditions:

1. That the Board of Directors of the Independence Ranch Community Services District be composed of five members elected as provided for in the Community Services Law, Government Code Section 61200; and

A-2
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2. That pursuant to Government Code Section 61600 (j) and (k), the Independence Ranch Community Services District be authorized to exercise the following services **only**:
 - * The opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.
 - * The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made; and
3. That any additional services shall be added only with LAFCO approval and subject to an election; and
4. That the effective date of the Independence Ranch Community Services District shall be December 31, 1992.
5. That the proponents submit a revised map and legal description, certified by the County Surveyor.

It is also recommended that the Commission designate the San Luis Obispo County Board of Supervisors as conducting authority for subsequent proceedings.

Recommended Action on the Environmental Determination for the Adoption of a Sphere of Influence and Service:

1. It is recommended that the Commission by resolution certify that the Negative Declaration prepared for the adoption of the sphere of influence and service as shown in Exhibit C, is complete and adequate and has been prepared in accordance with the California Environmental Quality Act (CEQA).
2. Determine that the proposed sphere of influence and service will have no significant impact on the environment.
3. Certify that the Commission has considered the contents of the Negative Declaration in making its determination.

A-2
8

Revised 11-13-92 2h!

Sub. Comm. for
Formation
IRCSO

**LOCAL AGENCY FORMATION COMMISSION
AGENDA**

November 19, 1992
9:00 A.M.

Board of Supervisors Chambers
County Government Center

Roll Call

Minutes of August 20, October 9 and October 15, 1992 Meetings

Regular Matters:

- A-1 LAFCO File 8-R-92: Annexation No. 11 to the Nipomo Community Services District (Tract 1740).
- A-2 LAFCO File 10-R-92: Formation of the Independence Ranch Community Services District.

Public Comment Period

NEGATIVE DECLARATION

PROJECT TITLE: ADOPTION OF A SPHERE OF INFLUENCE AND SERVICE FOR THE INDEPENDENCE RANCH COMMUNITY SERVICES DISTRICT

PROJECT DESCRIPTION:

The Local Agency Formation Commission (LAFCo) is responsible for determining the service boundaries, called "sphere of influence" and "sphere of service", for each special district and city in San Luis Obispo County. The sphere of influence and sphere of service determination for the Independence Ranch Community Services District is the project under consideration.

FINDINGS:

A sphere of influence and sphere of service revision is not a plan for development of the area, but rather a factor to be considered in reviewing future proposals before LAFCo. The sphere of influence and sphere of service is subject to regular review and/or revision, and does not represent an irrevocable action by the Commission.

These sphere of influence and sphere of service recommendations, will not result in any significant adverse environmental impacts. Should specific proposals be presented in future, which would call for further annexation and/or development of any involved properties, a new and independent environmental assessment will be conducted, and the appropriate environmental document prepared. In addition, the project will not:

1. Create impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.
2. Create impacts which achieve short-term, to the disadvantage of long-term, environmental goals.
3. Create impacts which are individually limited, but cumulatively considerable.
4. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

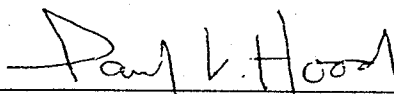
RECOMMENDATION:

Issuance of a Negative Declaration on the sphere of influence and service adoption for the Independence Ranch Community Services District is recommended, since approval of the project will not have significant effect upon environment.

Copy of initial study may be obtained at LAFCo Offices
County Government Center, Room 370
San Luis Obispo, CA 93408

Date: November 2, 1992

LAFCo File No. 10-R-92



Authorized Person
PAUL L. HOOD
DEPUTY EXECUTIVE OFFICER LAFCO

(NEGATIVE DECLARATION)

Name of Project: Formation of the Independance Ranch Community Services District

Location: Northern San Luis Obispo County, West of Highway 101 North of Highway 46, Southeast of Hog Canyon Road and Northeast of Estrella Road.

Entity or Person Undertaking Project: _____ City/District

Other: Name: Eugene Miller
Agent: _____
Address: 6285 Hawk Ridge Place
San Miguel, CA 93451

Project Description: Formation of a Community Services District for Road Construction and Maintenance.

Finding: It is hereby found that the above named project will not have a significant effect upon the environment. (See following page.)

Initial Study: An initial study of this project was undertaken and prepared in accordance with the Local Agency Formation Commission's environmental guidelines for the purposed of ascertaining whether this project might have a significant effect on the environment by:

Paul L. Hood, Deputy Executive Officer, LAFCO

Place where a copy of initial study may be obtained: _____

County Government Center, Room 370, San Luis Obispo, CA 93408

Date: November 3, 1992

Paul L. Hood
Authorized Person
Deputy Executive Officer
LAFCO

LAFCo File No: 10-R-92

Exhibit "B"

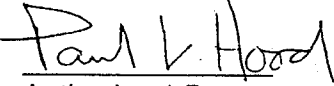
A-2
11

FINDINGS

The proposed formation of the Independence Ranch Community Services District will provide a means to construct and maintain roads in the Independence Ranch tract. No other services will be provided by the Community Services District. The area is designated as Residential Rural in the County Land Use Element of the General Plan. Formation of the district will not have any impact on the level or intensity of development in the area.

Based on the above, the formation in and of itself will have little or no impact on the environment. Any future development in the area will not be impacted by the formation and will be subject to further environmental review at such time as it is proposed.

RECOMMENDATION: Issuance of a Negative Declaration is recommended for Formation of the Independence Ranch Community Services District.


Authorized Person

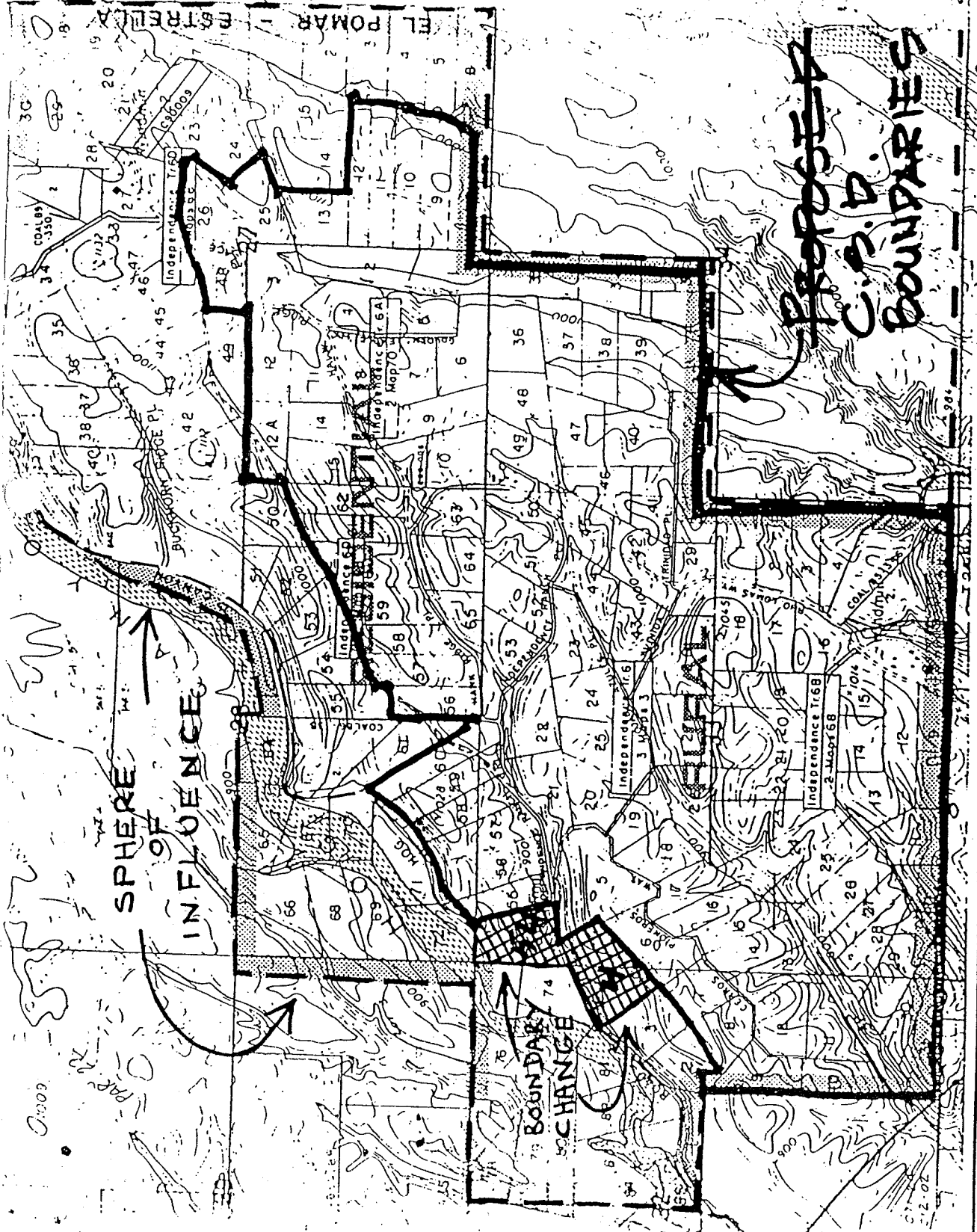
LAFCO FILE NUMBER: 10-R-92

A-2
12

H-2
132

SHANDON - CARRIZO

EL POMAR - ESTRELLA



PROPOSED
C.S.D.
BOUNDARIES

SPHERE
OF
INFLUENCE

BOUNDARY
CHANGE

INDEPENDENCE RANCH C.S.D.

EXHIBIT C-1

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