

***Lake Local Agency  
Formation Commission***

**Butler-Keys  
Community Service District  
SPHERE OF INFLUENCE REPORT**

**Adopted  
February 17, 2010  
Resolution 2010-0002**

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## **1 INTRODUCTION**

This Sphere of Influence (SOI) report is prepared for the Butler-Keys Community Service District in Lake County. This District provides street maintenance service within a fixed Sphere of Influence. The SOI report analyzes the services offered by the Butler Keys Community Services District and the District's capability to serve existing and future residents in the area. Information contained in this Sphere of Influence is current only as of the date of adoption.

### **1.1 LAFCO's Responsibilities**

Local Agency Formation Commissions are quasi-legislative local agencies created in 1963 to assist the State in encouraging the orderly development and formation of local agencies.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR, and periodic updates of the Spheres of Influence of each local agency. The Governor's Office of Planning and Research has issued Guidelines for the preparation of an MSR.

A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076).

Government Code §56425(f) requires that each Sphere of Influence be updated not less than every five years, and §56430 provides that a Municipal Service Review shall be conducted in advance of the Sphere of Influence update.

### **1.2 Sphere of Influence Requirements**

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide; and
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

### **1.3 Possible Approaches to the Sphere of Influence**

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Lake LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below.

#### **1. Coterminous Sphere:**

The sphere for a city or special district that is the same as its existing boundaries. This is the recommendation for the Butler-Keys CSD as shown in Figure 2, Butler-Keys Community Services District Boundary.

#### **2. Annexable Sphere:**

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere.

#### **3. Detachable Sphere:**

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.

#### **4. Zero Sphere:**

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

#### **5. Consolidated Sphere:**

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

#### **6. Limited Service Sphere:**

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following four conditions exist:

- a. The limited service provider is providing adequate, cost effective and efficient services.
- b. The multi-service agency is the most logical provider of the other services.

- c. There is no feasible or logical SOI alternative.
- d. Inclusion of the territory is in the best interests of local government organization and structure in the area.

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i) governing sphere determinations also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts,” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

#### 7. Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI.

### **1.4 SOI Update Process**

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years if determined necessary by the Commission. In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations.

This report identifies preliminary SOI policy alternatives and recommends the SOI option for the Butler-Keys CSD. Development of an adopted SOI will involve additional steps, including opportunity for public input at a LAFCO public hearing, and consideration and changes made by Commissioners.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

### **1.5 SOI Amendments and CEQA**

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are commonly exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write:

*"In City of Agoura Hills v. Local Agency Formation Commission (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (City of Agoura Hills), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing municipal boundaries was not a "project" because such action did not entail any potential effects on the physical environment."*<sup>1</sup>

Since the recommendation is for the Sphere of Influence boundary of the Butler-Keys CSD to remain the same, there will be no environmental impacts from the adoption of the Sphere and no environmental document is required.

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<sup>1</sup> Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

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## **2 BUTLER-KEYS AREA**

### **2.1 Butler-Keys Location**

The Butler-Keys CSD encompasses 183 single lots in a triangular area bounded by Butler Street on the west, Keys Boulevard on the east, and Highway 20 on the north. These lots were originally created as part of the larger “Keys Subdivision in 1980. Residents of the Butler-Keys CSD area elected to create the district in order to provide road service to their parcels in 1981. The Keys Subdivision, including the Butler-Keys CSD area, is part of the Community of Clearlake Oaks.

Clearlake Oaks is a small community located on the shores of Clear Lake, described more fully in the “Shoreline Area Plan” (2009). Begun as a lake-front subdivision in the 1920’s, Clearlake Oaks had grown into a community of 2,402 residents in 2000.

### **2.2 Clearlake Oaks Population Data**

There is no separate US Census data specifically for the Butler-Keys Community Services District. Data for Clearlake Oaks is shown below:

As of the US Census of 2000, there were 2,402 people, 1,194 households, and 655 families residing in the Clearlake Oaks community identified as a Census Designated Place (CDP).

There were 1,194 households out of which 15.2% had children under the age of 18 living with them, 42.0% were married couples living together, 9.5% had a female householder with no husband present, and 45.1% were non-families. 38.0% of all households were made up of individuals and 20.2% had someone living alone who was 65 years of age or older. The average household size was 2.01 and the average family size was 2.58.

In the Clearlake Oaks CDP the population was spread out in age as follows:

Under the age of 18	17.0%
18 to 24 years of age	3.5%
25 to 44 years of age	17.6%
45 to 64 years of age	28.6%
65 years of age or older	33.3%

The Clearlake Oaks median age was 55 years. For every 100 females there were 96.4 males. For every 100 females age 18 and over, there were 94.1 males in Clearlake Oaks.

The median income for a household in the Clearlake Oaks CDP was \$24,449, and the median income for a family was \$30,044. Males had a median income of \$30,227 versus \$17,011 for females.

The per capita income for the Clearlake Oaks CDP was \$14,297. About 15.0% of families and 21.9% of the population were below the poverty line, including 31.2% of those under age 18 and 9.7% of those aged 65 or over.

### **2.3 Butler-Keys Service Area**

According to the Butler-Keys CSD, there are 168 single lots (50 feet by 100 feet in size) in the District. Most of the lots have houses on them, some houses are on two lots and there about a dozen vacant lots.

There are 96 registered voters in the District. An estimate of the total population would be approximately 200 residents.

There is approximately one mile of paved streets maintained by the CSD, including First, Second, Third, Fourth, Fifth, Sixth, and Hoover Streets.<sup>1</sup>

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<sup>1</sup> Butler-Keys CSD, James Evans, Secretary, <mailto:mamosa@mchsi.com>, July 18, 2009.  
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### **3 BUTLER-KEYS CSD**

#### **3.1 District Background**

The Butler-Keys Community Services District is a very small district formed November 4, 1980.<sup>2</sup> The primary responsibility is the maintenance of the approximately one mile of neighborhood streets that the District had paved in 1982. Every five or six years the District contracts with an asphalt construction company through a bid process to have the streets resealed. That is the largest expense for the District.

Board members volunteer their time to conduct the business of the District and occasionally fill a pot hole or replace street name or traffic control signs.

On four occasions since 1982 the District has hired a person or company to trim or remove a tree. Every two years the District pays the County Registrar of Voters for the expenses of placing two or three of the Board Members on the ballot. Every eight years or so, the District pays the County to place a tax measure on the ballot.

The District also pays the County Counsel to review and approve the tax measure ballot documents and the reseal bid documents.

The only consistent annual expense is the Post Office Box rental and an independent CPA review and filing of the financial reports with the State Controller.

#### **3.2 District Finances**

The District keeps an ongoing accurate accounting of the District finances. It is updated four times a year prior to each Board meeting.

Because the District's economic activity is minimal, the major expense occurs only every five or six years. The District develops a budget as needed to determine what level of taxes are needed from the property owners in the District to fund the next reseal project and the minimal operations expenses for the next eight years or so.

The District Audit dated October 17, 2008, found that the financial statements "were prepared on the modified accrual basis of accounting".<sup>3</sup>

#### **3.3 District Government**

The Butler-Keys CSD Board meets on the second Wednesday of the month in March, June, September and December. The meetings are most often at the Clearlake Oaks Fire Station, 12655 E Highway 20, Clearlake Oaks, CA 95423, but may be held at a Board member's house

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<sup>2</sup> Butler Keys Community Services District, Audit, October 17, 2008, Melissa Fanning CPA, 14215 Lakeshore Drive, PO box 3830, Clearlake Ca 95422, Phone 707-995-1166, Fax 707-995-0851, E-Mail: melissaf@sonic.net.

<sup>3</sup> Butler Keys Community Services District, Audit, October 17, 2008, Melissa Fanning CPA, 14215 Lakeshore Drive, PO box 3830, Clearlake Ca 95422, Phone 707-995-1166, Fax 707-995-0851, E-Mail: melissaf@sonic.net.

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on occasion. All meetings and agendas are posted at three locations in the District at least three days before each meeting. The Board rarely has members of the public attend the meetings.<sup>2</sup>

The Butler Keys CSD Board members are as follows:

Chairman:  
Margaret Medeiros 998-9563  
13193 3rd Street, PO Box 1748  
Clearlake Oaks, CA. 95423  
mmederos1@mchsi.com

Vice Chairman:  
Sue Burton 998-3355  
13160 1st Street, P.O. Box 441  
Clearlake Oaks, Ca. 95423  
jsburton@mchsi.com

Secretary/Treasurer:  
James Evans 998-9243  
13155 4th Street, PO Box 994  
Clearlake Oaks, CA. 95423  
mamosa@mchsi.com

Director:  
Frank Gillespie 998-9294  
13118 4th Street, P.O. Box 511  
Clearlake Oaks, CA. 95423  
fgill2@sbglobal.net

Director:  
Jeanne Renli Schiele 998-1887  
13104 4th Street, P.O. Box 1193  
Clearlake Oaks, CA. 95423  
[oaksgal@copper.net](mailto:oaksgal@copper.net)

The District is not interested in changing the form of government to a County Road CSA or merging with such a district because it would be too expensive. The District maintains a high standard for street conditions and street repair.

The District Board Chairman and Secretary represented the District at the Lake County Planning Commission meeting on October 12, 2006 to comment on a general plan amendment and a zone change application for land within the District. The Lake County Community Development Department agreed that the staff would coordinate with the Lake County Public Works Department to inform the District of encroachment permits within the District.<sup>3</sup>

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<sup>2</sup> Butler Keys CSD, James Evans, Secretary, mamosa@mchsi.com.

<sup>3</sup> Lake County, Planning Commission Minutes October 12, 2006.

#### **4 BUTLER-KEYS CSD SPHERE OF INFLUENCE**

The determination of the Sphere of Influence is the most important planning function given to LAFCO by the State Legislature. Spheres of Influence are described by the Cortese-Knox-Hertzberg Act as an important tool for “planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities.”

Spheres serve a similar function in LAFCO determinations as general plans do for cities and counties. Consistency with the adopted sphere plan is mandatory, and changes to the plan require careful review. It is intended that written determinations adopted by LAFCO and the Sphere Diagram will together guide the provision of street maintenance services for the Butler-Keys area.

While LAFCO encourages the participation and cooperation of the subject agency, the sphere of influence plan is a LAFCO responsibility, and the Commission is the sole authority as to the sufficiency of the documentation and the plan’s consistency with law and LAFCO policy.

The proposed Sphere of Influence for Butler-Keys Community Services District is the same as the service area. This will be the Sphere of Influence for all time frames. A map of the Sphere of Influence is shown at the end of this report.

Future SOI amendments will require demonstrated capacity for infrastructure maintenance and expansion prior to Lake LAFCO approval.

#### **4.1 Land Use**

##### **4.1.1 *Present and Planned Land Uses in the Butler-Keys Area, Including Agricultural and Open Space Lands***

Lake County adopted a General Plan in 2008. The County adopted the “Shoreline Communities Area Plan” (See Figure 1, Shoreline Communities Area Plan) on September 15, 2009.<sup>4</sup> The Shoreline Communities Area Plan shows population growth for Clearlake Oaks as follows:

<b>Shoreline Communities Planning Area</b>
<b>Population and Housing Unit Projections</b>
<b>Clearlake Oaks<sup>5</sup></b>

<sup>4</sup> County of Lake, “Shoreline Communities Area Plan”,  
<http://www.co.lake.ca.us/Assets/CDD/docs/Shoreline+Communities+Area+Plan+Draft.pdf?method=1>, September 15, 2009.

<sup>5</sup> County of Lake, “Shoreline Communities Area Plan”,  
<http://www.co.lake.ca.us/Assets/CDD/docs/Shoreline+Communities+Area+Plan+Draft.pdf?method=1>, September 15, 2009, page 2-13.

Year	Population (0.075% Annual increase)	Housing Units (2.01)
2000	2,402	1,194
2008	2,814	1,400
2010	2,928	1,457
2015	3,233	1,608
2020	3,569	1,776
2025	3,941	1,961
2030	4,351	2,165

Design guidelines for the communities of Lucerne and Clearlake Oaks have been adopted as part of this Plan.<sup>6</sup>

#### **4.1.2 SOI Determinations on Present and Planned Land Use for Butler-Keys CSD**

- 1-1] The population within the Butler- Keys CSD will probably increase slowly.
- 1-2] The Sphere of Influence for the Butler Keys CSD should remain the same as the District Boundary.

#### **4.2. Municipal Services: Present Need**

##### **4.2.1 Service Need**

The Butler-Keys CSD residents have determined that the need exists for well-maintained roads and expect this need to continue. The District maintains the streets to the high standard of the residents.

#### **4.2.2 SOI Determinations on Facilities and Services: Present and Probable Need for Butler-Keys CSD**

<sup>6</sup> County of Lake, "Shoreline Communities Area Plan", <http://www.co.lake.ca.us/Assets/CDD/docs/Shoreline+Communities+Area+Plan+Draft.pdf?method=1>, September 15, 2009, page 3-42.

2-1] The need for the Butler Keys CSD will continue.

#### **4.3 Public Facilities Future Capacity**

##### **4.3.1 Facilities and Capacity**

The Butler-Keys Community Services District does not have equipment but contracts for road maintenance services as needed. The capacity of the District is in the ability to unify the community and maintain the correct procedures.

##### **4.3.2 SOI Determinations on Public Facilities Present and Future Capacity for Butler- Keys CSD**

3-1] The capacity of the Butler-Keys CSD will be adequate for the future as long as the volunteers maintain the proper procedures.

#### **4.4 Social or Economic Communities of Interest**

##### **4.4.1 Butler-Keys Community Services District**

The Butler-Keys Community Services District has been able to maintain a community within the larger community of Clearlake Oaks for the purposes of street maintenance since 1980. The Butler-Keys community provides a valued sense of identity for the residents but the economic and social services are provided in Clearlake Oaks.

##### **4.4.2 SOI Determinations on Social or Economic Communities of Interest for Butler-Keys Community Services District**

4-1] The Butler-Keys area is a unique small community within Lake County.

## **ABBREVIATIONS**

AB	Assembly Bill
CDP	Census Designated Place
CEQA	California Environmental Quality Act
CFD	Mello-Roos Community Facilities District
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CSA	County Service Area
CSD	Community Services District
District Butler Keys	Community Services District
ERAF	Educational Revenue Augmentation Fund
FY	Fiscal Year
GPS	Global Positioning System
LAFCO	Local Agency Formation Commission
MSR	Municipal Service Review (LAFCO)
OSHA	Occupational Safety and Health Administration (US)
SDA	Special Districts Administration (Lake County)
SOI	Sphere of Influence (LAFCO)
USEPA	U.S. Environmental Protection Agency

## **DEFINITIONS**

**Bond:** An interest-bearing promise to pay a stipulated sum of money, with the principal amount due on a specific date. Funds raised through the sale of bonds can be used for various public purposes.

**California Environmental Quality Act (CEQA):** A State Law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

**Community Facilities District:** Under the Mello-Roos Community Facilities Act of 1982 (? Section 53311, et seq.) a legislative body may create within its jurisdiction a special tax district that can finance tax-exempt bonds for the planning, design, acquisition, construction, and/or operation of public facilities, as well as public services for district residents. Special taxes levied solely within the district are used to repay the bonds.

**Community Services District (CSD):** A geographic subarea of a county used for planning and delivery of parks, recreation, and other human services based on an assessment of the service needs of the population in that subarea. A CSD is a taxation district with independent administration.

**Impact Fee:** A fee, also called a development fee, levied on the developer of a project by a county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce. California Government Code Section 66000, et seq., specifies that development fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. To lawfully impose a development fee, the public agency must verify its method of calculation and document proper restrictions on use of the fund.

**Infrastructure:** Public services and facilities such as sewage-disposal systems, water-supply systems, and other utility systems, schools and roads.

**Land Use Classification:** A system for classifying and designating the appropriate use of properties.

**Leapfrog Development;** New development separated from existing development by substantial vacant land.

**Local Agency Formation Commission (LAFCO):** A five-or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered to approve, disapprove, or conditionally approve such proposals. The LAFCO members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of independent special districts.

**Mello-Roos Bonds:** Locally issued bonds that are repaid by a special tax imposed on property owners within a community facilities district established by a governmental entity. The bond proceeds can be used for public improvements and for a limited number of services. These bonds are named after the program's legislative authors.

**Ordinance:** A law or regulation set forth and adopted by a governmental authority.

**Proposition 13** (Article XIII A of the California Constitution): Passed in 1978, this proposition enacted sweeping changes to the California property tax system. Under Proposition 13, property taxes cannot

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exceed 1% of the value of the property and assessed valuations cannot increase by more than 2% per year. Property is subject to reassessment when there is a transfer of ownership or improvements are made.<sup>7</sup>

**Proposition 218** (Article XIID of the California Constitution): This proposition, named "The Right to Vote on Taxes Act", filled some of the perceived loopholes of Proposition 13. Under Proposition 218, assessments may only increase with a two-thirds majority vote of the qualified voters within the District. In addition to the two-thirds voter approval requirement, Proposition 218 states that effective July 1, 1997, any assessments levied may not be more than the costs necessary to provide the service, proceeds may not be used for any other purpose other than providing the services intended, and assessments may only be levied for services that are immediately available to property owners.<sup>8</sup>

**Sphere of Influence (SOI):** The probable physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCO) of the county.

**Urban:** Of, relating to, characteristic of, or constituting a city. Urban areas are generally characterized by moderate and higher density residential development (i.e., three or more dwelling units per acre), commercial development, and industrial development, and the availability of public services required for that development, specifically central water and sewer service, an extensive road network, public transit, and other such services (e.g., safety and emergency response). Development not providing such services may be "non-urban" or "rural". CEQA defines "urbanized area" as an area that has a population density of at least 1,000 persons per square mile (Public Resources Code Section 21080.14(b)).

**Urban Services:** Utilities (such as water, gas, electricity, and sewer) and public services (such as police, fire protection, schools, parks, and recreation) provided to an urbanized or urbanizing area.

**Zoning:** The division of a city by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the general plan.

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<sup>7</sup> [http://www.californiataxdata.com/A\\_Free\\_Resources/glossary\\_PS.asp#ps\\_08](http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08)

<sup>8</sup> [http://www.californiataxdata.com/A\\_Free\\_Resources/glossary\\_PS.asp#ps\\_08](http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08)



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Butler-Keys Community Services District, "Butler Keys CSD Fiscal Year 2009 (July 1, 2008 to June 30, 2009) Financial Report as of 05/25/09".

Butler Keys CSD, James Evans, Secretary, [mamosa1@att.net](mailto:mamosa1@att.net), 2009.

[http://www.californiataxdata.com/A\\_Free\\_Resources/glossary\\_PS.asp#ps\\_08](http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08)

Lake County, Planning Commission Minutes October 12, 2006.

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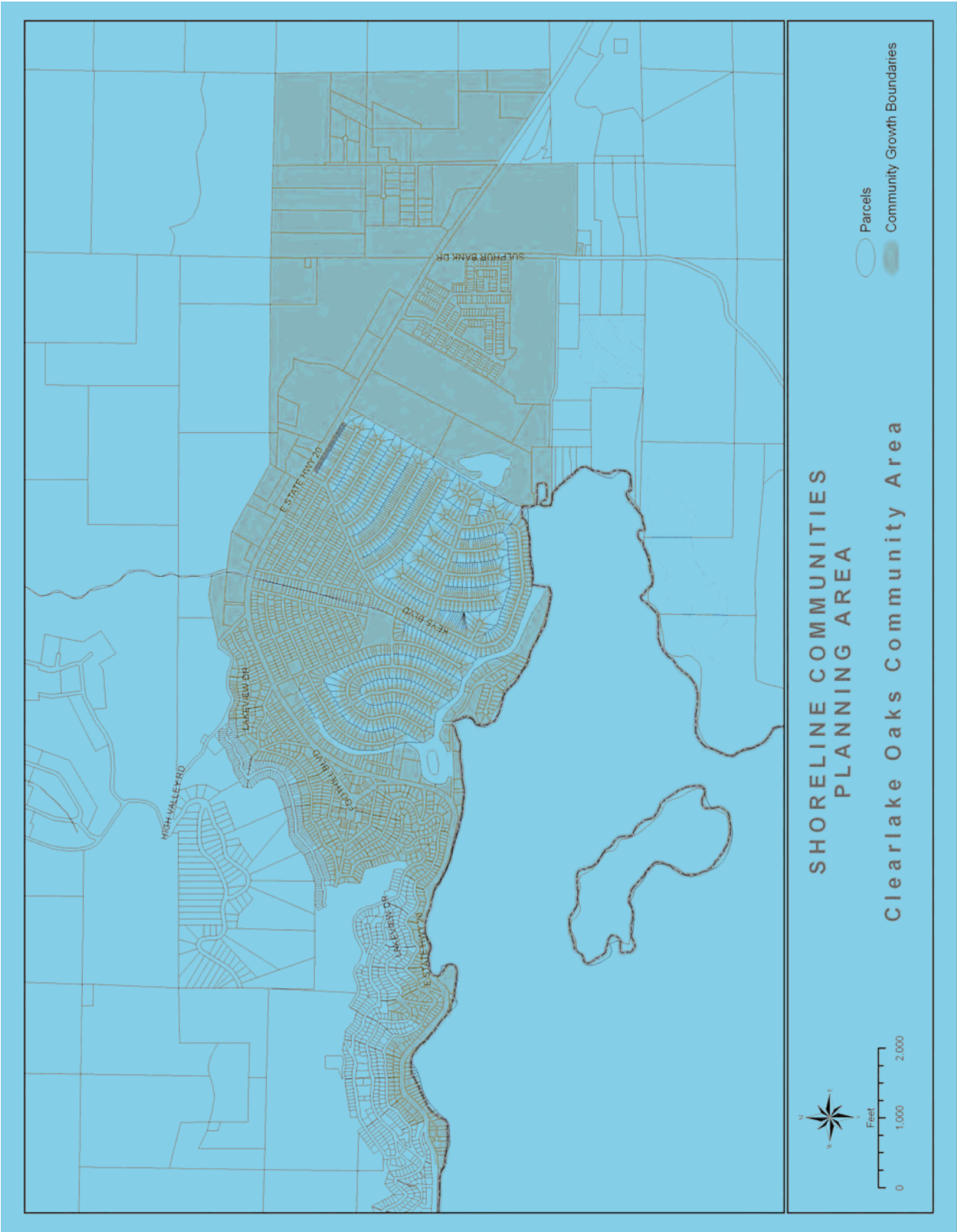


Figure 2 – Butler Keys Existing Boundary and Coterminous Sphere of Influence



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