

Concerns about Proposed Sphere Boundary Adjustments for the Properties between La Selva Beach and Seascap

John Hunt, LAFCO Alternate Public Member

As the draft Countywide Water Service and Sphere Review report states, “in determining the sphere of influence for each local agency, the Commission is required by Government Code Section 56425(e) to consider certain factors, including (underlining mine):

- The present and planned uses in the area, including agricultural & open-space lands;
- The present and probable need for public facilities and services in the area;
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency; and
- An update on a sphere of influence for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.”

I interpret the above to indicate that a sphere boundary is adjusted to accommodate present or anticipated need for public services, in this case municipal water. There is no mention of geographic contiguity as a reason to adjust a sphere boundary. Increasing the sphere to include the properties between Seascap and La Selva Beach could be considered an indication that SqCWD service to this area is anticipated, possibly within the 5 years between now and the next sphere review. Given that large parcels within this area (totaling 144 acres) are currently up for sale, this boundary adjustment has relevance to future land use, including the potential for higher-density development that could be serviced by municipal water.

Given that LAFCO is responsible for discouraging urban sprawl, preserving open-space and prime agricultural lands, [and] efficiently providing governmental services, ..., this proposed sphere boundary adjustment annexing open space and agricultural lands for municipal water would seem contrary to primary LAFCO priorities.

During our meeting on August 30 (Joe Serrano, Roger Anderson, myself), I was encouraged to solicit public comment on this sphere boundary adjustment. I sent emails to the Chair of the La Selva Beach Recreation District, the President and Membership Director of the La Selva Beach Improvement Association (LSBIA), and one individual resident of both Los Barrancos and Seascap, including Dr. Tom LaHue (President of the SqCWD Board). The Membership Director of the LSBIA forwarded my email to the LSBIA membership email list, and I was contacted by seven or eight residents requesting more information. I replied through direct conversation and by email. A representative email is copied below.

Email Message from John Hunt to Residents of La Selva Beach and Seascap:

In my role as alternate public member of the Local Agency Formation Commission (LAFCO), I would like to encourage public comment on an item to be heard at the LAFCO meeting on September 7.

Each county in California has a LAFCO, and LAFCOs are responsible for “discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing governmental services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.” (Quote from the LAFCO website: <https://santacruzlafco.org/about/>)

In a review of Santa Cruz County water districts, LAFCO staff proposed adjusting the “sphere of influence” boundary of the Soquel Creek Water District to include the properties between La Selva Beach and Seascape that have not previously been served by any water district. These are currently open space and agricultural lands. The draft report is on the web here:

<https://santacruzlafco.org/wp-content/uploads/2022/07/6b.1-Attachment-Draft-Water-MSR.pdf>

The report section on property between Seascape and La Selva Beach is on pages 222-224, and a map of the proposed boundary adjustment is on page 224.

Boundary adjustments are generally done to recognize land uses or potential changes in land use. Providing services to this area might affect its potential for development.

At the meeting on September 7, LAFCO commissioners will decide whether to accept the proposed boundary adjustment. If you have comments about your preferences for the future of the land between La Selva Beach and Seascape, LAFCO would like to receive them before its September 7 meeting. Comments can be brief or extensive, and can be sent to the LAFCO Executive Officer:

Joe A. Serrano

Local Agency Formation Commission of Santa Cruz County

701 Ocean Street, Room 318-D, Santa Cruz, CA 95060

Email: joe@santacruzlafco.org

Phone: (831) 454-2055

Email or phone comments are fine.

Please let me know if I can provide additional information. Thanks very much for your interest in land use here.

John Hunt

Alternate Public Member

Santa Cruz Local Agency Formation Commission

Joe Serrano

From: jshantiom <jshantiom@gmail.com>
Sent: Wednesday, August 31, 2022 5:20 PM
To: Joe Serrano
Subject: La Selva Xanthus

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Comment: The protection of open space in La Selva is of VERY high priority to us.
Jennifer K.

Joe Serrano

From: Michelle Simon <msjoe@sbcglobal.net>
Sent: Thursday, September 1, 2022 9:42 AM
To: Joe Serrano
Subject: LAFCO Proposals

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Joe

I'm a La Selva Beach Resident--I live on Mar Monte in the shade of the eucalyptus trees. I am strongly in opposition to altering boundaries for the water district--just to make them contiguous. Any potential for more development of the open space represented by the Xanthus property between Aptos and La Selva would make it much easier for future development. Such increased development would really have a negative impact on local traffic--already a disaster during rush hours--and on problems of risk mitigation from fire.

Thank you for your continued stewardship of our 'open spaces'.

Michelle Simon
40 Mar Monte Ave
La Selva
(541) 999 1930/msjoe@sbcglobal.net

Joe Serrano

From: Michael Shorestein <mshorens@gmail.com>
Sent: Thursday, September 1, 2022 5:25 PM
To: Joe Serrano
Subject: Xanthus property development and water

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I live in Los Barrancos. When the sign went up proposing development of the Xanthus land, I called the realtor listed on the sign along San Andreas Road. Apparently, they are trying to divide the parcel into five large ranches with an access road in off San Andreas, creating a dangerous intersection at the curved portion. I have not heard anything since then about County approval. Have you? Please advise and I will report back to the Los Barrancos Homeowners Association.

Michael Shorestein
218 El Pinar
Los Barrancos

Joe Serrano

From: Bonnie Gutierrez <bocuda@cruzio.com>
Sent: Saturday, September 3, 2022 11:49 AM
To: Joe Serrano
Subject: Xanthus property in La Selva Beach

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9/3/2022

Re: Xanthus Property

Dear Mr Serrano,

I have been a resident of La Selva Beach since 1985. I have appreciated the natural beauty of the Xanthus property that is home to many mountain lions, bobcats, coyotes, wild turkeys, hawks, owls, etc. The land was held in the Williams Act for years until the passing of the elder Mr. Xanthus who raised sheep on it. It is my desire to keep this land native for its open space beauty and for the creatures that roam through it.

I ask that you please Do Not allow Soquel Creek Water District to declare the land in their sphere of influence or for any other utilities to be allowed to develop on it.

This rare parcel of land is a buffer for wild animals to move from the ocean to the mountains. It is a perfect piece of land for Open Space Alliance to purchase and preserve.

Please do not allow any development on this property!

Thank you for your kind attention,

Bonnie
Gutierrez

18 Arbolado Drive La Selva Beach CA.

From: pjlsb@att.net
Sent: Sunday, September 4, 2022 5:09 PM
To: Joe Serrano
Subject: proposed re-alignment of SCWD boundaries

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Dear LAFCO members,

La Selva Beach has historically been a urban enclave separate from the urban services line. The character of the community as a "village" has been long established as common knowledge throughout Santa Cruz County. Distinctly, La Selva Beach has its own Recreation District. La Selva Beach remains separate from the county's sewer/waste water service line. Further, La Selva Beach established and maintained its own Fire District with community volunteers in the 1950's which protected residents until merging with Aptos Fire District in 1985. La Selva Beach's water system was also distinctly separate from the rest of Aptos until the 1990's when Soquel Creek Water District laid a connection line along San Andreas Boulevard to create more viable water resources for district customers.

The existing boundaries of Soquel Creek Water includes the residential communities of upper and lower La Selva Beach, Place de Mer, and San Dollar Beach.

The proposed LAFCO boundaries would alter that to include what is now agricultural lands. Specifically, there's inconsistencies in what the LAFCO staff states on page 227, that the District "does not have any agricultural customers." If the LAFCO staff proposal were to be implemented, then the Soquel Creek Water District **would include agricultural customers.**

Please See:

Countywide Water Service & Sphere Review Page 227 of 228

"Sphere of Influence Determinations

Government Code Section 56425 requires LAFCO to periodically review and update spheres of influence in concert with conducting municipal service reviews. Spheres are used as regional planning tools to discourage urban sprawl and encourage orderly growth. Written statements of determination must be prepared with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open-space lands. At present, the majority of land within the District is designated as Urban Low Residential. The District's customer base is predominantly single-family residential.

The District does not have any agricultural customers."

I ask that LAFCO recognize the unique character of La Selva Beach as the separate "village" that it is, and historically has been.

Please do not alter the existing service boundaries of Soquel Creek Water District.

Thank you,
Peter Stanger
19 Escuela Road
Watsonville, CA 95076

Joe Serrano

From: Tory and Rich Beale <rts@got.net>
Sent: Monday, September 5, 2022 10:19 AM
To: Joe Serrano
Subject: LAFCO Sept. 7, 2022 mt. : Sphere change

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To LAFCO,

To include the Xanthus properties within the Soquel Creek Water District is a bad idea.

I do not believe there is any legal reason for this action. So, I don't think you are compelled to take any action.

I believe it is still designated Agricultural with all the restrictions that go along with that designation. Any change in any of the services provided to agricultural lands is a 'green flag' to developers. I realize no service is currently being proposed, but this is a first significant step.

The 7 parcels that comprise the Xanthus property would allow only one primary residence per parcel. These potential residences do not now need any Urban Services. The General Plan states that development on these parcels can not "adversely affect the primary and continued Agricultural use of the property". I also believe that any such LAFCO action would need Coastal Commission approval. I am sure there would be significant public testimony against such action.

The property has for years provided a buffer to more dense development. The Xanthus property also provides a most critical wildlife corridor from inland to the ocean.

I request that you not include the Xanthus properties into the Sphere for Soquel Creek Water District.

Sincerely,

Richard Beale
retired Land Use Planner

15 Asta Drive
La Selva Beach

Joe Serrano

From: Ray <rshurson@cruzio.com>
Sent: Monday, September 5, 2022 4:52 PM
To: Joe Serrano
Subject: To LAFCO Re: Xanthus property consideration. Please stop any sphere of influence considerations. The property serves as a natural buffer to more unnecessary development. The Soquel Water District is already over taxed with high demand for water se...

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Ray Shurson (42 year resident)
35 Palma, La Selva Beach

Sent from my iPhone

Joe Serrano

From: Mary Altier <photos@maryaltier.com>
Sent: Monday, September 5, 2022 5:53 PM
To: Joe Serrano; Mary Altier; jwhunt@ucdavis.edu
Subject: Concerning upcoming meeting agenda item regarding sphere boundary for Xanthus property

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Dear Mr. Serrano:

It has come to our attention that the sphere boundary for the Xanthus property might be adjusted following next week's LAFCO meeting. We understand this change could have implications for future development of that area. We have lived on Mar Monte Avenue in La Selva Beach for over 50 years and feel that this property should remain as it is for a variety of reasons. In this time of drought and severe water shortages it seems a bad idea to set up a situation which might result in further development. The land is also a wonderful area for wildlife, many species calling it home. We often enjoy seeing deer and birds generating out of the undeveloped land as we travel to and from Seascape on San Andreas Road. Being full of trees and other foliage is excellent for the environment, cutting down on CO2 emissions. Finally, additional housing will mean more traffic which will severely impact the already overcrowded small roads surrounding it.

John Walker and Mary Altier Walker, 303 Mar Monte Ave., La Selva Beach

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See Mary's updated website with Photo Galleries and a Blog from around the world: www.maryaltier.com.

Joe Serrano

From: Susanne Paradis <svparadis@yahoo.com>
Sent: Monday, September 5, 2022 7:00 PM
To: Joe Serrano
Subject: LAFCO Sept. 7, 2022 mt. : Sphere change

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To LAFCO,

I want to echo the comments of Richard Beale about including the Xanthus properties within the Soquel Creek Water District being a bad idea.

As a La Selva Beach homeowner since 1998, I have also observed that the Xanthus property has provided a buffer to more dense development and has provided a critical wildlife corridor from inland to the ocean.

I join Richard in requesting that you not include the Xanthus properties into the Sphere for Soquel Creek Water District. There is no need to do so at this time.

Sincerely,

Susanne V. Paradis
svparadis@yahoo.com
303 Vista Dr., La Selva Beach, CA 95076
831 662-3334

Joe Serrano

From: cindy jackson <cinjack6860@gmail.com>
Sent: Monday, September 5, 2022 8:30 PM
To: Joe Serrano
Subject: 9/7 Meeting re: Sphere Change

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LAFCO:

I have read a bit about the sphere changes proposed to add the Xanthus property on San Andreas Road to the Soquel Creek Water District.

The Xanthus property does not appear to fall into the categories of a private water system "within" or "outside of/adjacent to" the SCWD's current boundaries. And it is zoned for agriculture, is it not?

The Xanthus property also provides a crucial pathway for wildlife.

I oppose adding the Xanthus property to the SCWD.

Sincerely,
Cindy Jackson
26 Arbolado Drive
La Selva Beach

Joe Serrano

From: Ian A. Mason <ian.alistair.mason@gmail.com>
Sent: Tuesday, September 6, 2022 8:25 AM
To: Joe Serrano
Subject: Xanthus property

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Dear Mr Serrano,

I have resided in La Selva Beach for 7 years, and plan to retire here.
The Xanthus property is a much needed natural resource in the area for wildlife, and hopefully will remain so. Especially given the already difficult water situation in the region.
More development cannot be desirable.

Sincerely, Ian A. Mason.

Joe Serrano

From: Ashley Winn <awinnfree@gmail.com>
Sent: Tuesday, September 6, 2022 10:01 AM
To: LAFCO Info
Subject: September 7, 2022 Agenda item 6B
Attachments: Comments of Ashley Winn on September 7.pdf

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Attached please find my comments to item 6B on the agenda for tomorrow's meeting.
Ashley Winn

Comments of Ashley Winn¹ on September 7, 2022 LAFCO Agenda Item 6b:

Pursuant to the opportunity to provide public comment on the above item, I hereby submit the following to request a minor, but important, modification to the staff recommendation to amend the sphere of influence boundary of the Soquel Creek Water District. For the reasons below, the proposal should be modified to exclude the area commonly referred to as the Xanthus properties, seven parcels which make up the area outside the urban services line in the proposed new sphere of influence falling between La Selva Beach and Seascape from the ocean to the freeway. The articulated reasons for a new sphere do not apply to this area.

Under Government Code Section 56301, LAFCO is charged with the following duty: ***“Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands***, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances”.

LAFCO acknowledged this purpose in its August 4, 2022 response to the Grand Jury’s report on the County’s water account being overdrawn.

Further under Government Code Section 56425, LAFCO is to consider the factors, including:

“ (e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its 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 that the agency provides or is authorized to provide.” CA Govt Code § 56425 (2021)

The property subject to this comment is currently outside the urban services line and is both agricultural land and open space. While LAFCO does not make land use decisions, it should not ignore existing land use designations. Why should the District’s sphere be extended to an area the County does not permit urban services development?

¹ Ashley Winn is a retired attorney, current Chair of the La Selva Beach Recreation District, past president of the La Selva Beach Improvement Association, the Santa Cruz County Bar Association and Santa Cruz County Trial Lawyers Association and currently resides in La Selva Beach.

LAFCO justifies the change in sphere largely because of situations of *existing* extended service agreements. **That justification is inapplicable to this area.**

LAFCO also acknowledges that the District services no agriculture customers; **why does LAFCO want to include this land in its sphere as it is clearly zoned as agricultural land and the District has no agricultural customers based on the staff report?**

LAFCO has justified a change as to the other areas it proposes to expand the District's sphere. But it has **not** justified an expansion to include the Xanthus properties. I respectfully submit that the proposed change be modified to exclude this area. Otherwise it could create pressure on the District and the County to alter existing land use regulations and be at odds with two of LAFCO's legal purposes to: **1. Discourage urban sprawl and 2. To preserve open space and prime agricultural lands.**

Joe Serrano

From: Tory and Rich Beale <rtsg@got.net>
Sent: Tuesday, September 6, 2022 10:20 AM
To: Joe Serrano
Subject: Re: LAFCO Sept. 7, 2022 mt. : Sphere change

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Good morning Mr. Serrano,

Thank you very much for your response and clarification of some points.

Having been on the board of the Land Trust in the past, and also represented land developers for 20 years, I see land use potential from both sides of the proverbial fence. The “white island” within the existing boundary consisting of the Xanthus property is a 'warning sign' to anyone wishing to submit themselves to the very difficult development process that exists here in Santa Cruz county.

If there is not legal reason to include the Xanthus parcels, keeping the island gives some assurance to the community that the property will stay Agricultural and provide open space for wildlife.

This small request, to keep the island, does no harm to the Xanthus properties, Soquel Creek Water District, or to LAFCO.

Sincerely,

Richard Beale

On Sep 6, 2022, at 9:36 AM, Joe Serrano <Joe.Serrano@santacruzcounty.us> wrote:

Good Morning Mr. Beale,

Thank you for your comments. State law requires LAFCO to review and conduct sphere updates on a periodic basis (Government Code Section 56425). The proposed sphere amendment that will be considered tomorrow will not change Soquel Creek Water District’s jurisdictional boundary nor will it change the land use designation for the Xanthus property and the surrounding agricultural lands. The proposed sphere amendment will simply reflect the areas Soquel Creek Water District is already serving and identify Soquel Creek Water District as the most logical service provider to certain areas substantially surrounded by the water district. This is important if the existing wells used within the agricultural lands run dry, get contaminated, or are no longer in use.

It is also important to note that an annexation process (in other words adding territory into a water district) is statutorily required if any area outside a public water system wants to connect into a district – this extensive process would require action and support by the County, LAFCO, and the affected residents. No annexation is being proposed as part of this sphere amendment.

In summary, this proposed sphere amendment will not change the agricultural land use designation in place for the Xanthus property or surrounding agricultural lands, it is not tied to any proposed development, and does not automatically add the Xanthus property or the surrounding agricultural lands into the Soquel Creek Water District.

Preservation of open space and agricultural lands is, and will continue to be, a priority for LAFCO. That being said, you are more than welcomed to join us next Wednesday at 9am for our virtual meeting.

Thanks again for your comments.

-Joe

Joe A. Serrano

Executive Officer

Local Agency Formation Commission of Santa Cruz County

701 Ocean Street, Room 318-D, Santa Cruz, CA 95060

Email: joe@santacruzlafco.org

Phone: (831) 454-2055



From: Tory and Rich Beale <rtsg@got.net>

Sent: Monday, September 5, 2022 10:19 AM

To: Joe Serrano <Joe.Serrano@santacruzcounty.us>

Subject: LAFCO Sept. 7, 2022 mt. : Sphere change

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I believe it is still designated Agricultural with all the restrictions that go along with that designation. Any change in any of the services provided to agricultural lands is a 'green flag' to developers. I realizes no service is currently being proposed, but this is a first significant step.

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The property has for years provided a buffer to more dense development. The Xanthus property also provides a most critical wildlife corridor from inland to the ocean.

I request that you not include the Xanthus properties into the Sphere for Soquel Creek Water District.

Sincerely,

Richard Beale
retired Land Use Planner

15 Asta Drive
La Selva Beach