VENTURA LOCAL AGENCY FORMATION COMMISSION

AGENDA

Wednesday September 18, 2013

9:00 A.M.
Hall of Administration, Board of Supervisors Hearing Room
800 S. Victoria Avenue, Ventura CA

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Commission Presentations and Announcements

PUBLIC COMMENTS

5. This is an opportunity for members of the public to speak on items not on the agenda.

(The Ventura Local Agency Formation Commission encourages all interested parties to speak on any issue on this agenda in which they have an interest; or on any matter subject to LAFCo jurisdiction. It is the desire of LAFCo that its business be conducted in an orderly and efficient manner. All speakers are requested to fill out a Speakers Card and submit it to the Clerk before the item is taken up for consideration. All speakers are requested to present their information to LAFCo as succinctly as possible. Members of the public making presentations, including oral and audio/visual presentations, may not exceed five minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission, based on the complexity of the item and/or the number of persons wishing to speak. Speakers are encouraged to refrain from restating previous testimony.)

CONSENT ITEMS

6. Minutes of the Ventura LAFCo July 17, 2013 Meeting

RECOMMENDED ACTION: Approval

COMMISSIONERS AND STAFF

COUNTY:	CITY:	DISTRICT:	PUBLIC:
Kathy Long	Carl Morehouse	Bruce Dandy	Linda Ford-McCaffrey
Linda Parks, Vice Chair	Janice Parvin	Gail Pringle, Chair	
Alternate:	*Alternate:*	*Alternate:*	*Alternate:*
Steve Bennett	Carol Smith	Elaine Freeman	Lou Cunningham
Executive Officer:	**Dep. Exec. Officer**	**Office Mgr/Clerk**	**Legal Counsel**
Kim Uhlich	Kai Luoma	Debbie Schubert	Michael Walker

PUBLIC HEARING ITEMS

7. <u>LAFCo 13-06S1 City of Oxnard Sphere of Influence Amendment, LAFCo 13-06S2 Calleguas Municipal Water District Sphere of Influence Amendment and LAFCo 13-06 City of Oxnard Reorganization – Ventura Boulevard (Parcels A-E)</u>
   To amend the spheres of influence for the City of Oxnard and the Calleguas Municipal Water District to include portions of the Santa Clara Avenue and Auto Center Drive rights-of-way and to annex five parcels (A-E) totaling approximately 2.8 acres to the City of Oxnard and to the Calleguas Municipal Water District. The reason for the proposal is to include the recently-constructed roadway improvements related to the Rice Avenue/State Route 101 interchange within City boundaries. The same territory is to be detached from the Ventura County Fire Protection District, the Ventura County Resource Conservation District, and County Service Areas 32 and 33.
   A. Certify that the Commission has reviewed and considered the information contained in: the Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) for the Rice Avenue/U.S. 101 Interchange Project prepared by the City, dated December 19, 2001; Addendum No. 1 to the MDN/FONSI prepared by the City, dated March 17, 2010 and the Second Addendum prepared by the Calleguas Municipal Water District, dated March 2013, and adopt the lead agency's findings and mitigation measures.
   B. Adopt resolution LAFCo 13-06S1 making determinations and approving the City of Oxnard Sphere of Influence Amendment – Ventura Boulevard.
   C. Adopt resolution LAFCo 13-06S2 making determinations and approving the Calleguas Municipal Water District Sphere of Influence Amendment – Ventura Boulevard.
   D. Adopt resolution LAFCo 13-06 making determinations and approving the City of Oxnard Reorganization – Ventura Boulevard (Parcels A-E).

   RECOMMENDED ACTION: Approval (A - D)

ACTION ITEMS

8. <u>Draft LAFCo Comments - Olivas Park Drive Extension Draft Environmental Impact Report</u>
   Review draft comments prepared by staff.

   RECOMMENDED ACTION: Direct Staff as Appropriate

9. <u>Land Conservation Act (Williamson Act) - Policy Direction</u>
   Consider policies relating to annexation proposals where territory proposed to be annexed to a city is under a current Land Conservation Act contract.

   RECOMMENDED ACTION: Direct Staff as Appropriate

10. <u>2013 CALAFCO Conference Report and Discussion</u>
Report from Commissioners who attended CALAFCO Conference and discussion of paper titled "California Within Limits: Research Notes for a History of California's Local Boundary Laws" by Peter M. Detwiler.

RECOMMENDED ACTION: Direct Staff as Appropriate

EXECUTIVE OFFICER'S REPORT
Next LAFCo meeting October 16, 2013

COMMISSIONER COMMENTS

INFORMATIONAL ITEMS

Applications Received:

- LAFCo 13-07 City of Camarillo Sphere Amendments and Reorganization – Camarillo Academy High School

Correspondence:

- Letter from Governor Edmund G Brown Jr.: 50th Anniversary of LAFCos

ADJOURNMENT

WEB ACCESS:
LAFCo Agendas, Staff Reports
and Approved Minutes can be found at:
www.ventura.lafco.ca.gov

Written Materials - Written materials relating to items on this Agenda that are distributed to the Ventura Local Agency Formation Commission within 72 hours before they are scheduled to be considered will be made available for public inspection at the LAFCo office, 800 S. Victoria Avenue, Administration Building, 4th Floor, Ventura, CA 93009-1850, during normal business hours. Such written materials will also be made available on the Ventura LAFCo website at www.ventura.lafco.ca.gov, subject to staff's ability to post the documents before the meeting.

Public Presentations - Except for applicants, public presentations may not exceed five (5) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission. Any comments in excess of this limit should be submitted in writing at least ten days in advance of the meeting date to allow for distribution to, and full consideration by, the Commission. Members of the public who wish to make audio-visual presentations must provide and set up their own hardware and software. Set up of equipment must be complete before the meeting is called to order. All audio-visual presentations must comply with the applicable time limit for oral presentations and thus should be planned with flexibility to adjust to any changes to the time limit established by the Chair. For more information about these policies, please contact the LAFCo office.

Quorum and Voting – The bylaws for the Ventura LAFCo Commissioner's Handbook provide as follows:
1.1.6.1 Quorum: Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.
1.1.6.2 Voting: Unless otherwise provided by law or these By-Laws, four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

Americans with Disabilities Act - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the LAFCo office (805) 654-2576. Notification 48 hours prior to the meeting will enable LAFCo to make reasonable arrangements to ensure accessibility to this meeting.

Disclosure of Campaign Contributions - LAFCo Commissioners are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCo decision, the Commissioner received more than $250 in campaign contributions from the applicant, an agent of the applicant, or any financially interested person who actively supports or opposes the LAFCo decision on the matter. Applicants or agents of applicants who have made campaign contributions totaling more than $250 to any LAFCo Commissioner in the past 12 months are required to disclose that fact for the official record of the proceeding.

Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Clerk of the Commission prior to the hearing or by an oral declaration at the time of the hearing.
The foregoing requirements are set forth in the Political Reform Act of 1974, specifically Government Code, section 84308.

VENTURA LOCAL AGENCY FORMATION COMMISSION

MEETING MINUTES

Wednesday July 17, 2013

Agenda Item 6

Hall of Administration, Board of Supervisors Hearing Room
800 S. Victoria Avenue, Ventura

1. Call to Order

   Chair Pringle called the meeting to order at 9:00 AM.

2. Pledge of Allegiance

   Chair Pringle led the pledge of allegiance.

3. Roll Call

   The clerk called the roll. The following Commissioners were present:

   Commissioner Dandy
   Commissioner Ford-McCaffrey
   Commissioner Long
   Commissioner Morehouse
   Commissioner Parks
   Commissioner Parvin
   Commissioner Pringle
   Alternate Commissioner Cunningham

4. Commission Presentations and Announcements

   There were no announcements.

PUBLIC COMMENTS

5. This is an opportunity for members of the public to speak on items not on the agenda.

   There were no public comments.

CONSENT ITEMS

6. Minutes of the Ventura LAFCo June 12, 2013 Meeting
7. FY 2012-13 Budget to Actual Report – May 2013

   MOTION: Approve item 6 and receive and file item 7 as recommended: Dandy
   SECOND: Long
   AYES: Dandy, Ford-McCaffrey, Long, Morehouse, Parks, Parvin, Pringle
   NOES: None
   ABSTAINED: None
   MOTION PASSES 7/0/0

DRAFT

COMMISSIONERS AND STAFF

COUNTY	CITY	DISTRICT	PUBLIC
Kathy Long	Carl Morehouse	Bruce Dandy	Linda Ford-McCaffrey
Linda Parks, Vice Chair	Janice Parvin	Gail Pringle, Chair	
Alternate:	*Alternate:*	*Alternate:*	*Alternate:*
Steve Bennett	Carol Smith	Elaine Freeman	Lou Cunningham
Executive Officer:	**Dep. Exec. Officer**	**Office Mgr/Clerk**	**Legal Counsel**
Kim Uhlich	Kai Luoma, AICP	Debbie Schubert	Michael Walker

PUBLIC HEARING ITEMS

8. Sphere of Influence Amendment and Waiver of Commissioner's Handbook Policies Relating to Territory Subject to Pending Change of Organization Proposal LAFCo 12-09 Lake Sherwood Community Services District – Annexation #2

Chair Pringle opened the public hearing. Kim Uhlich presented the staff report. The following persons gave public comments: Robert Liberman, Lake Sherwood Community Association; Michael Frankfurter, Lake Sherwood Community Association; Timothy Bramet, Lake Sherwood Community Association, Steve Perlman, property owner representative; Steven Sandifer, resident. With no other public comments, Chair Pringle closed the public hearing.

MOTION: Adopt resolution LAFCo 12-09S making determinations and approving the Lake Sherwood Community Services District Sphere of Influence Amendment-Annexation #2; adopt the LAFCo resolution waiving Commissioner's Handbook policies including the following condition: *The waivers shall not become effective until a signed resolution of application from the Lake Sherwood Community Services District (LSCSD) and the Ventura County Board of Supervisors initiating the formation of a waterworks district to assume responsibility for water provision from the LSCSD is submitted to the Executive Officer;* and condition the approval of any associated OASAs on the following:

(1) The OASAs shall expire on July 17, 2015.

(2) Recordation of written evidence of each landowner's consent binding all successive landowners to consent to the annexation of the subject territory shall be provided to the LAFCo Executive Officer; and

direct staff to provide a biennial progress report regarding the formation of a county waterworks district: Parks

SECOND: Dandy
AYES: Dandy, Ford-McCaffrey, Long, Morehouse, Parks, Parvin, Pringle
NOES: None
ABSTAINED: None
MOTION PASSES 7/0/0

ACTION ITEMS

9. CALAFCO Board of Directors Nominations

Kim Uhlich presented the staff report. There were no nominations.

10. CALAFCO Board of Directors Election – Voting Delegates
Kim Uhlich presented the staff report. The Commission designated Kathy Long as the voting delegate and Bruce Dandy as the alternate voting delegate.

CLOSED SESSION

11. Pursuant to Government Code Section 54957, the Commission adjourned to a closed session to consider the performance evaluation for the LAFCo Executive Officer. Chair Pringle reconvened the meeting with no announcement.

Alternate Commissioner Cunningham left prior to the commission reconvening.

ACTION ITEMS *(Continued)*

12. Compensation of the Executive Officer

MOTION: Approve a 3% merit increase to be effective July 7, 2013: Dandy
SECOND: Long
AYES: Dandy, Ford-McCaffrey, Long, Morehouse, Parks, Parvin, Pringle
NOES: None
ABSTAINED: None
MOTION PASSES 7/0/0

EXECUTIVE OFFICER'S REPORT
Kim Uhlich reminded the Commission of the CALAFCO Annual Conference dates and that their next scheduled meeting was September 18, 2013. She also reported on the decision by the CALAFCO Board of Directors to approve a revised legislative proposal to amend section 56133 of the Government Code.

COMMISSIONER COMMENTS
There were no Commissioner Comments.

ADJOURNMENT:
Chair Pringle adjourned the meeting at 11:50 a.m.

DRAFT

These Minutes were approved on September 18, 2013.

Motion:

Second:

Ayes:

Nos:

Abstains:

_____ _____

Date: **Chair, Ventura Local Agency Formation Commission**

DRAFT

VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: September 18, 2013

Agenda Item 7

LAFCo CASE NAME & NO:

A. LAFCo 13-06S1 City of Oxnard Sphere of Influence Amendment – Ventura Boulevard

B. LAFCo 13-06S2 Calleguas Municipal Water District Sphere of Influence Amendment – Ventura Boulevard

C. LAFCo 13-06 City of Oxnard Reorganization – Ventura Boulevard (Parcels A-E)

PROPOSAL:

A -B: To amend the spheres of influence for the City of Oxnard (City) (13-06S1) and the Calleguas Municipal Water District (Calleguas) (13-06S2) to include portions of the Santa Clara Avenue and Auto Center Drive rights of way totaling approximately 0.67 acres.

C: To annex five parcels (A-E) totaling approximately 2.8 acres to the City and to Calleguas (see Attachment 1). The reason for the proposal is to include the recently-constructed roadway improvements/realignments related to the Rice Avenue/State Route 101 interchange within City boundaries (Attachment 2 is an aerial photo of the proposal area taken in 2012). The same territory is to be detached from the Ventura County Fire Protection District, the Ventura County Resource Conservation District, and County Service Area No. 33. Parcel D is also proposed to be detached from County Service Area No. 32.

- **Parcel A** – 0.68 gross acres – contains three Assessor parcels on which a portion of the realigned Ventura Boulevard is located
- **Parcel B** – 0.28 gross acres – contains two Assessor parcels on which a portion of a realigned freeway off-ramp is located
- **Parcel C** – 0.04 gross acres – contains one Assessor parcel on which a portion of a realigned freeway off-ramp is located
- **Parcel D** – 0.67 gross acres – contains area within the rights-of-way for Santa Clara Avenue and Auto Center Drive
- **Parcel E** – 1.13 gross acres - contains two Assessor parcels on which a portion of the realigned Ventura Boulevard is located

COMMISSIONERS AND STAFF

COUNTY:	CITY:	DISTRICT:	PUBLIC:
Kathy Long	Carl Morehouse	Bruce Dandy	Linda Ford-McCaffrey
Linda Parks, Vice Chair	Janice Parvin	Gail Pringle, Chair	
Alternate:	*Alternate:*	*Alternate:*	*Alternate:*
Steve Bennett	Carol Smith	Elaine Freeman	Lou Cunningham
Executive Officer:	**Dep. Exec. Officer**	**Office Mgr/Clerk**	**Legal Counsel**
Kim Uhlich	Kai Luoma	Debbie Schubert	Michael Walker

LOCATION: Generally located near the intersection of Santa Clara Avenue and Ventura Boulevard north of and abutting the City of Oxnard in the Nyeland Acres community.

Parcels A, B, C, and E are located within the spheres of influence for both the City and Calleguas. Parcel D is located outside both spheres. The proposal includes a request to amend both spheres of influence to include Parcel D, as discussed later in this report.

PROPONENTS: City of Oxnard and Calleguas Municipal Water District by resolution.

NOTICE: This matter has been noticed as prescribed by law.

PARCEL INFORMATION:

Parcel	Assessor's Parcel Numbers	Owner/Assessee
A	149-0-100-350, -430 & -510	City of Oxnard
B	149-0-100-455 & -475	City of Oxnard
C	149-0-100-495	City of Oxnard
D	Right of way – no parcel number	
E	149-0-091-080 & -285	City of Oxnard

RECOMMENDATIONS

A. Certify that the Commission has reviewed and considered the information contained in: the Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) for the Rice Avenue/U.S. 101 Interchange Project prepared by the City, dated December 19, 2001; Addendum No. 1 to the MND/FONSI prepared by the City, dated March 17, 2010; and the Second Addendum prepared by Calleguas Municipal Water District, dated March 2013, and adopt the lead agency's findings and mitigation measures.

B. Adopt the attached resolution LAFCo 13-06S1 making determinations and approving the sphere of influence amendment for the City of Oxnard.

C. Adopt the attached resolution LAFCo 13-06S2 making determinations and approving the sphere of influence amendment for the Calleguas Municipal Water District.

D. Adopt the attached resolution LAFCo 13-06 making determinations and approving the City of Oxnard Reorganization – Ventura Boulevard (Parcels A-E).

GENERAL ANALYSIS

1. Land Use

Each parcel within the proposal area contains roadway improvements associated with the newly-constructed interchange:

- Parcel A – Contains a portion of the realigned Ventura Boulevard
- Parcel B – Contains a portion of a realigned freeway off-ramp
- Parcel C – Contains a portion of a realigned freeway off-ramp
- Parcel D – Contains area within the rights-of-way for Santa Clara Avenue and Auto Center Drive
- Parcel E – Contains a portion of the realigned Ventura Boulevard

The City will provide all associated maintenance, traffic enforcement, and emergency services. The City will also install landscaping along the recently-constructed roadways, requiring the extension of water service for irrigation.

Conformity with Plans

The City General Plan identifies the proposal area as street right-of-way.

Surrounding Land Uses, Zoning, and General Plan Designations

Parcel	North	East	South	West
A	Street right-of-way	Single family residential	Freeway	Mobile home park
B	Vacant commercial	Mobile home park	Freeway	Freeway
C	Vacant commercial	Vacant commercial	Freeway	Santa Clara Road
D	Agriculture	Santa Clara Road	Auto Center Drive	Agriculture
E	Single family residential	Single family residential	Vacant commercial / mobile home park / residence	Santa Clara Road

Topography, Natural Features and Drainage

Each parcel is generally flat and developed with roadways. There are no natural features.

2. Impact on Prime Agricultural Land, Agriculture, and Open Space

There are no agricultural or open space uses within the proposal area. The proposal area includes no land under a Williamson Act contract. Parcel D abuts agricultural activities to the west. However, the use of Parcel D as road right-of-way is not a use that typically adversely impacts nearby agricultural uses. Furthermore, the use of Parcel D as road right-of-way has already been established and the annexation will not change the existing use.

3. Population

There are no dwellings or habitable structures within the proposal area. Thus, there are no registered voters residing within the proposal area. As such, the proposal area is considered to be uninhabited under the provisions of LAFCo law relating to protest proceedings.

4. Services and Controls – Need, Cost, Adequacy and Availability

The City of Oxnard obtained ownership of the subject territory through eminent domain for purposes of improving the State Route 101/Rice Avenue/Santa Clara Avenue interchange and realigning Ventura Boulevard. Section 1810 of the Streets and Highways Code provides that a city may acquire property in the unincorporated area by purchase or by eminent domain if it is necessary to connect or widen existing city streets, and if the County consents to the acquisition. The County consented to the City's acquisition of these properties in 2004. Section 1810 further provides that the acquired property shall be deemed a city street for all purposes.

Because state law deems the streets within the proposal area as city streets for all purposes, some City services are currently being provided to the area, such as street maintenance, drainage, and emergency services. However, the City wishes to annex the area to provide other services, such as water service that is necessary to irrigate planned landscaping along the roadways. The annexation of these areas to the City will also help to avoid potential jurisdictional confusion that may occur as a result of what are, for all intents and purposes, City streets located in the unincorporated area. Both the City and Calleguas have indicated that adequate water supplies exist to provide irrigation to the planned landscaping.

5. Boundaries and Lines of Assessment

The boundaries are definite and certain. The maps and legal descriptions for this proposal have been forwarded to the County Surveyor but have not yet been certified as being accurate and sufficient for the preparation of a Certificate of Completion pursuant to Government Code Section 57201 and for filing with the

State Board of Equalization. As such, the attached Resolution (LAFCo 13-06) includes a condition that predicates recordation of a Certificate of Completion (completion of annexation proceedings) upon the approval of a map and legal description by the County Surveyor.

As can be seen on Attachment 2, the proposal area excludes a segment of the realigned Ventura Boulevard. According to Calleguas staff, the reason that this parcel was not included within the proposal area is to prevent the creation of an "island" that is surrounded by, but not within, the boundaries of the Metropolitan Water District (Metropolitan), of which Calleguas is a member agency. Metropolitan had expressed concerns regarding the creation of such an island within its service area. Because annexations to the City of Oxnard generally also require annexation to Calleguas (and thus annexation to Metropolitan) under Commissioner's Handbook Section 3.2.2, the exclusion of this parcel from the proposal area avoids the need to annex it to Metropolitan.

It should also be noted that not all of the area obtained by the City of Oxnard adjacent to Santa Clara Avenue is proposed to be annexed to the City. The area along the western side of Santa Clara Avenue and northeast of Parcel D was obtained by the City to allow for the widening of Santa Clara Avenue. This area, generally depicted on Attachment 3, is not part of the annexation proposal. To formalize ownership boundaries, County Public Works staff have requested that should the Commission approve the proposal it include a condition that the proposal shall not be recorded until the County has accepted an offer from the City to dedicate an easement or transfer ownership of this area to the County for public road and related purposes. Such a condition, to which City staff has agreed, is included in the attached resolution of approval (LAFCo 13-06).

6. Environmental Impact of the Proposal

The City of Oxnard adopted a Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) for the 101 interchange construction project in 2002. The City also prepared an addendum to the MND/FONSI in 2010. The documents identified measures to mitigate potentially significant impacts in the areas of geologic/seismic hazards, air quality, biological resources, hazardous waste, floodplain encroachment, noise, residential/business displacement, community facilities, public utilities and services, archeological resources, and aesthetics to less than significant levels. At the time that these documents were adopted, annexation to the City and Calleguas was not contemplated and is thus not evaluated. In light of this, in March 2013 Calleguas prepared and adopted a second addendum to the MND evaluating the environmental impacts that may result from the reorganization proposal. The addendum identified no new or increased impacts to the environment beyond those identified in the MND. The MND/FONSI and the two addendums were provided to the Commission under separate cover.

It is recommended that the Commission take the following actions:

- Certify that the Commission has reviewed and considered the information contained in: the MND/FONSI prepared for the Rice Avenue/U.S. 101 Interchange Project prepared by the City of Oxnard, dated December 19, 2001; Addendum No. 1 to the MND/FONSI prepared by the City of Oxnard, dated March 17, 2010; and the Second Addendum prepared by the Calleguas Municipal Water District, dated March 2013.

- Adopt the lead agency's findings and mitigation measures (Attachment 5).

7. Regional Housing Needs

The proposal includes the annexation of territory used for roadway purposes. The proposal will have no effect on housing.

8. Environmental Justice

Government Code § 56668(o) requires the Commission to consider "[t]he extent to which the proposal will promote environmental justice." This section of the Government Code defines "environmental justice" to mean the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposal area is within the community of Nyeland Acres, which the Commission has determined is a disadvantaged unincorporated community.

The proposal will allow for the City to extend water service to irrigate planned landscaping adjacent to the recently-constructed streets. The proposal does not represent greenfield development involving a significant expansion of infrastructure and services that could otherwise accommodate and benefit the remainder of Nyeland Acres. Thus, staff believes that the proposal would not unfairly treat the residents of Nyeland Acres and approval of the proposal would not result in the unfair treatment of any person based on race, culture or income with respect to the provision of public services to the proposal area.

SPECIAL ANALYSIS

Sphere of Influence Determinations

The area to be added to the spheres of influence for the City and Calleguas includes approximately 0.67 acres and contains right-of-way for Santa Clara Avenue and Auto Center Drive. This area is depicted in Attachment 4. Government Code §56425(e) requires that 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 certain factors prior to making a decision:

The present and planned land uses in the area, including agricultural and open space lands.

The present and planned land uses within the proposal area are roadways.

The present and probable need for public facilities and services in the area.

The sphere amendments will allow for the City and Calleguas to annex the area in order to provide water service to irrigate planned landscaping along the recently-constructed streets. Thus, there is a present and probable need for water service in the area.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

Both the City and Calleguas have represented that each has the capacity to provide water service to the proposal area.

The existence of any social or economic communities of interest in the area that the Commission may determine are relevant to the agency.

Staff has received no information to indicate that the sphere of influence amendments would adversely affect any social or economic communities of interest.

COMMISSION PROCEEDINGS – PROCESS CONSIDERATIONS

Pursuant to Govt. Code Section 56662(a), the Commission may make determinations on the proposal without notice and a hearing and can waive protest proceedings entirely if the following criteria are met:

(1) The territory is uninhabited.
(2) An affected local agency has not submitted a written demand for notice and hearing during the 10-day period following the issuance of the notice of Receipt of Application.
(3) The proposal is accompanied by proof, satisfactory to the commission, that all the owners of land within the affected territory have given their written consent to the proposal.

As indicated in the *Population* section of this report, the proposal area is considered to be uninhabited. No affected agency has submitted a written demand for notice and hearing. The City of Oxnard, which owns the land within the proposal area, has adopted a resolution in support of the reorganization. Staff recommends that the

Commission consider the proposal without notice and a hearing, and waive protest proceedings entirely. The resolution approving the annexation contains the appropriate language to waive protest proceedings.

ALTERNATIVE ACTIONS AVAILABLE:

A If the Commission, following public testimony and review of the materials submitted, determines that further information is necessary, a motion to continue the proposal should state specifically the type of information desired and specify a date certain for further consideration.

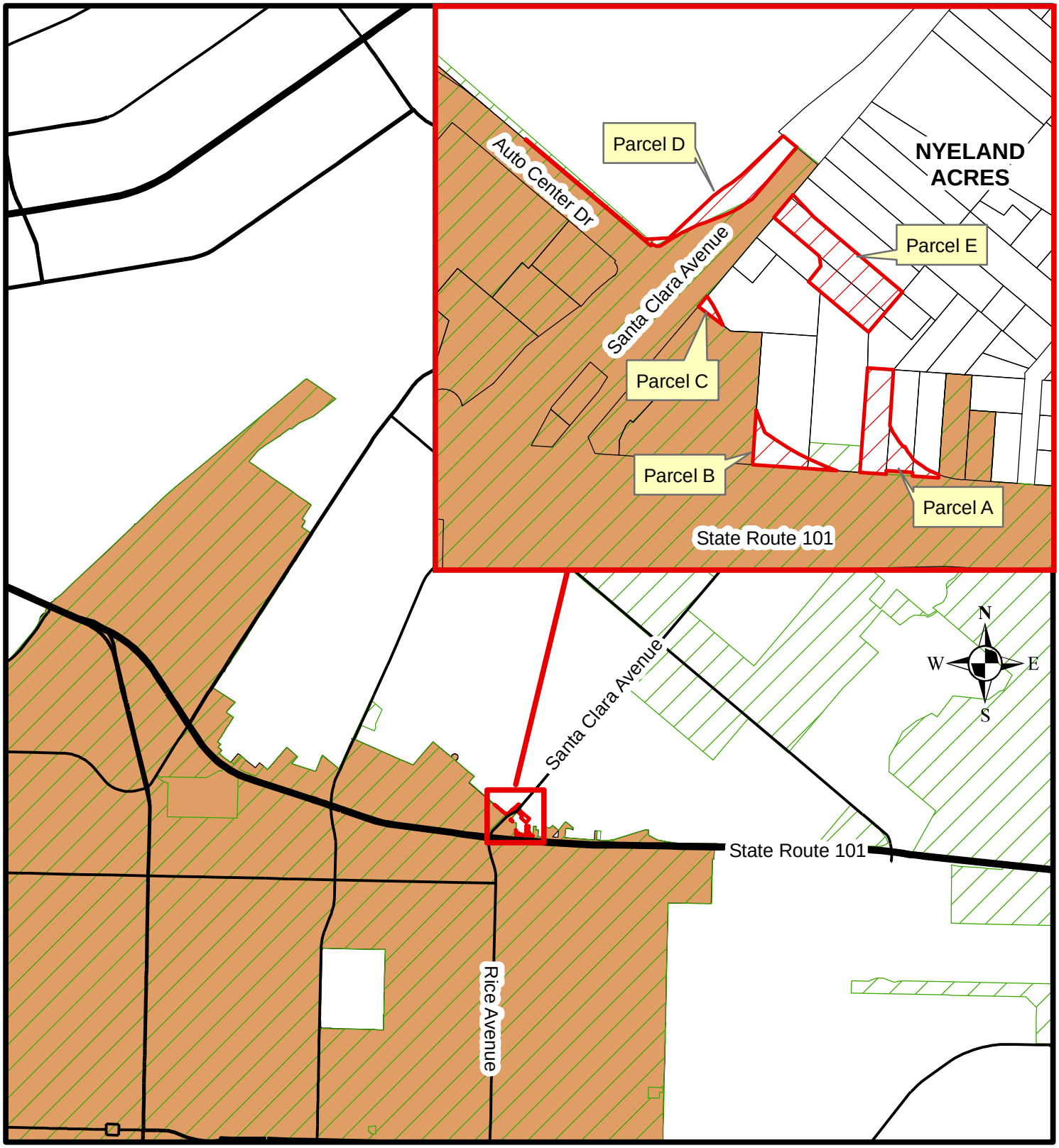
B. If the Commission, following public testimony and review of the materials submitted, determines that the boundaries of the reorganization proposal should be modified, or that the proposal should be approved subject to any changes or additions to the terms and conditions recommended, a motion to approve should clearly specify any boundary changes and/or any changes or additions to the terms and conditions of approval.

C. If the Commission, following public testimony and review of materials submitted, wishes to deny or modify the reorganization proposal, a motion to deny should include direction that the matter be continued to the next meeting and that staff prepare a new report consistent with the evidence submitted and the anticipated decision.

BY: _____
Kai Luoma, AICP
Deputy Executive Officer

Attachments:
(1) Vicinity Map *****
(2) Aerial Photo of Proposal Area
(3) Aerial Photo of General Area to be Dedicated to County
(4) Map of Sphere of Influence Amendment Area
(5) CEQA Findings and Mitigation Monitoring Program
(6) LAFCo 13-06S1 Resolution
(7) LAFCo 13-06S2 Resolution
(8) LAFCo 13-06 Resolution

***** LAFCo makes every effort to offer legible map files with the online and printed versions of our reports, however sometimes the need to reduce oversize original maps and/or other technological/software factors can compromise readability. Original maps are available for viewing at the LAFCo office by request.



LAFCo 13-06 City of Oxnard Reorganization
Ventura Boulevard (Parcels A-E)

Legend

- 13-06 Proposal Area
- City of Oxnard
- Calleguas Municipal Water District

LAFCo 13-06 City of Oxnard Reorganization
Ventura Boulevard (Parcels A-E)

Legend

13-06 Proposal Area

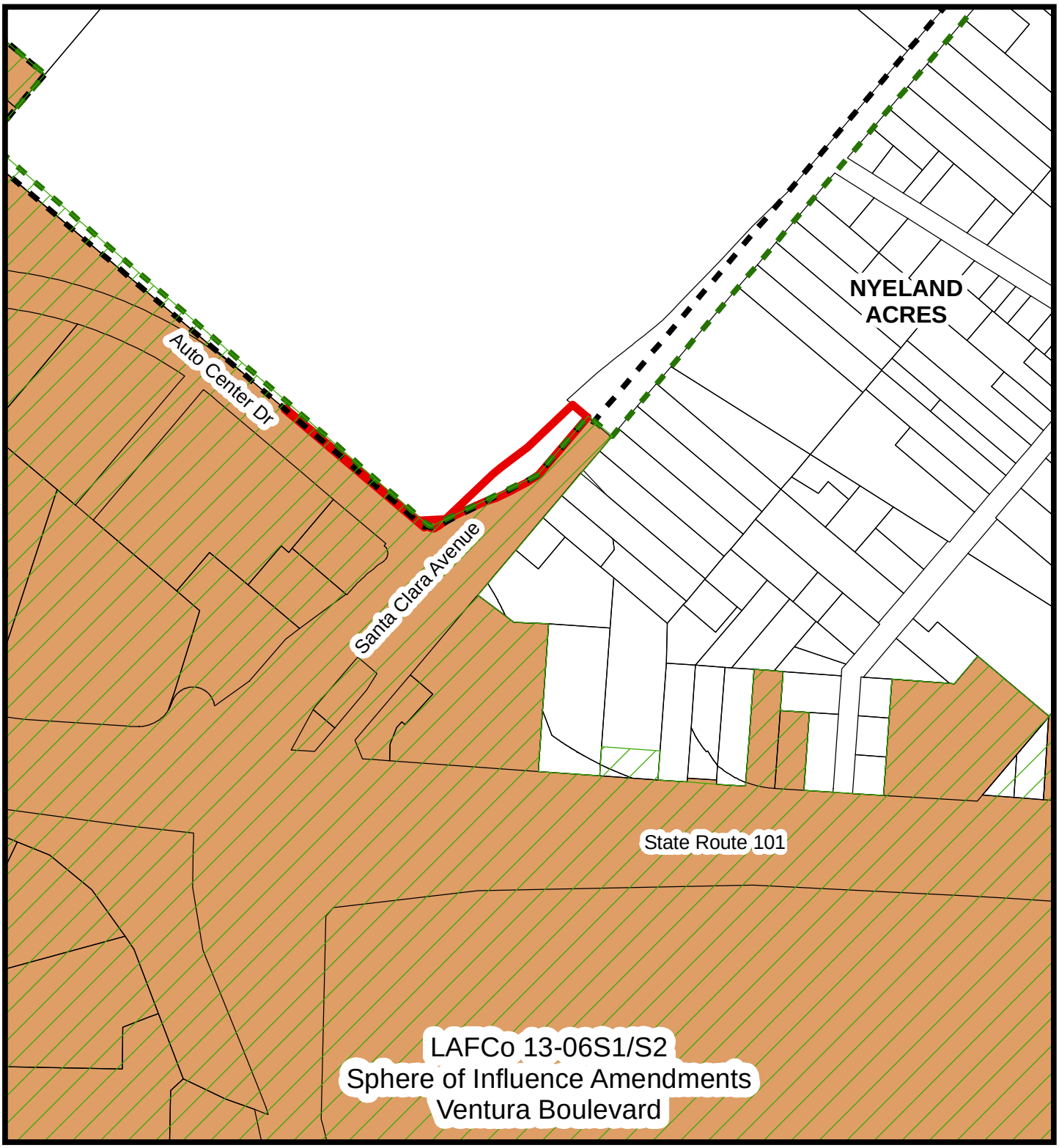
City of Oxnard Boundary

LAFCo 13-06 City of Oxnard Reorganization
Ventura Boulevard (Parcels A-E)

Legend

13-06 Proposal Area

City of Oxnard Boundary



Legend

- Area Proposed to be Included in City and Calleguas Municpal Water District Spheres of Influence
- City of Oxnard Sphere of Influence - Existing
- City of Oxnard
- Calleguas Municipal Water District Sphere of Influence - Existing
- Calleguas Municipal Water District

Attachment 5

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 12,099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE PROJECT TO CONSTRUCT INTERCHANGE IMPROVEMENTS ON U.S. HIGHWAY 101 AT RICE AVENUE PROPOSED BY THE CITY OF OXNARD

WHEREAS, the City of Oxnard intends to improve the interchange of U.S. Highway 101 at Rice Avenue to relieve traffic congestion and improve traffic safety; and

WHEREAS, the interchange of U.S. Highway 101 at Rice Avenue is identified in the *2020 General Plan* and conforms to the *2020 General Plan*; and

WHEREAS, an initial study/environmental assessment was prepared and circulated for public comment in accordance with the California Environmental Quality Act and the National Environmental Policy Act, interested public agencies were notified in writing of the date of the public hearing, and a public hearing was conducted on July 31, 2001, to receive public comments on the initial study/environmental assessment for the project; and

WHEREAS, the public comments and responses are incorporated in the Mitigated Negative Declaration/Finding of No Significant Impact dated December 19, 2001; and

WHEREAS, the City Council has considered the Initial Study/Environmental Assessment dated July 28, 2001, along with the comments and responses on the project provided in the Mitigated Negative Declaration/Finding of No Significant Impact dated December 19, 2001, and the mitigated negative declaration attached as Exhibit A; and

WHEREAS, the City Council finds the project will not have a significant effect on the environment after implementation of the mitigation measures identified in the mitigated negative declaration attached herewith as Exhibit A; and

WHEREAS, the City Council finds the mitigation monitoring and reporting program attached herewith as Exhibit B conforms to the California Environmental Quality Act; and

WHEREAS, the City Council is the decision making body for the project as established by the City Council procedures for implementing the California Environmental Quality Act.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the mitigated negative declaration (Exhibit A), and mitigation monitoring and reporting program (Exhibit B) adequately establish that the project will not have a significant effect on the environment and adopts the mitigated negative declaration and mitigation monitoring and reporting program, and approves the project to improve the interchange of Rice Avenue at U. S. Highway 101.

Resolution No. 12,099

PASSED AND ADOPTED THIS 26th day of February, 2002, by the following votes:

AYES: Councilmembers Holden, Maulhardt and Pinkard.

NOES: Councilmembers Lopez and Zaragoza.

ABSENT: None.

Dr. Manuel M. Lopez, Mayor

ATTEST:

Jill A. Beaty for
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Paula Kimbell for
Gary L. Gillig, City Attorney

Exhibits A & B are behind original resolution

MITIGATION MONITORING AND REPORTING PROGRAM

For the

Rice Avenue/U.S. 101 Interchange Project
(07-VEN-101, KP 31.4/33.0)
(E.A. 07279-003430)

Prepared for

City of Oxnard

Prepared by

Myra L. Frank & Associates, Inc.
811 West 7th Street, Suite 800
Los Angeles, California 90017

January 9, 2002

1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that agencies adopting Mitigated Negative Declarations take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during project implementation. [Pub. Resources Code, Section 21081.6, subd. (a)(1).]

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the City of Oxnard to ensure compliance with mitigation measures associated with the development of the proposed Rice Avenue/U.S. 101 Interchange Project.

The proposed project improvements include reconstruction and widening of the existing Rice Avenue overcrossing from two to six lanes, reconfiguration of the existing U.S. 101 on- and off-ramps, and the realignment of Ventura Boulevard. The project limits on Rice Avenue/Santa Clara Avenue would extend from approximately Gonzales Road on the south to just north of Auto Center Drive. Improvements on U.S. 101 to accommodate the interchange reconstruction would extend from approximately Almond Drive on the east to just west of Paseo Mercado. The proposed improvements would provide increased traffic capacity, improve traffic operations, bring the interchange into compliance with Caltrans standards, and enhance safety characteristics by reducing congestion.

Mitigation is proposed to address impacts in the following areas: geologic/seismic hazards, air quality, biological resources, hazardous waste, floodplain encroachment, noise, residential displacement, business displacement, community facilities, public utilities and services, archaeological resources, and aesthetics.

The Mitigation Monitoring and Reporting Program (Table 1) identifies the potential impacts by resource and by project phase. Table 1 identifies the mitigation monitoring and reporting requirements, including the party responsible for implementing the mitigation measure, implementation phase, monitoring activity, monitoring period, frequency of monitoring, party responsible for monitoring the mitigation, and outside agency coordination. The monitoring activity is required to ensure implementation of each mitigation measure and is to be completed concurrent with implementation of relevant phases of project planning, construction, and operation.

Table 1: Mitigation Monitoring and Reporting Program

Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Geologic/Seismic Hazards	Strong ground shaking associated with major earthquakes along nearby faults could result in structural damage to proposed project facilities.	a. A complete geotechnical investigation shall be performed prior to final project design to identify all geologic/seismic hazards.	Geotechnical consultant	Design	Check to ensure geotechnical investigation is completed.	Design	Once	City of Oxnard	None	N/A
		b. All structures shall be designed to resist the maximum credible earthquake associated with nearby faults. Interchange design shall conform to current codes and specifications and the most current Caltrans seismic design criteria.	Project engineer	Design	Check proposed plans, specifications, and drawings for compliance with applicable codes. Inspect construction.	Design; Construction	As necessary during design and construction	Project Engineer; Caltrans; City of Oxnard	None	N/A
	Potential hazards due to expansive and/or collapsible soil.	One or more of the following measures shall be implemented: a. Removal of expansive/collapsible subgrade soils and replacement with engineered fill. b. Support of structures on deep pile foundation systems. c. Densification of collapsible subgrade soils with in-situ techniques. d. Placing moisture barriers above and around expansive subgrade soils to help prevent variations in soil moisture content.	Project engineer; Construction Contractor	Design; Construction	Check to ensure project structures are designed and constructed in accordance with recommendations in geotechnical investigation.	Design; Construction	As necessary during design and construction	Project Engineer; Caltrans; City of Oxnard	None	N/A
	Potential hazards due to corrosive soils.	One or more of the following measures shall be implemented: a. Removal of corrosive subgrade soils and replacement with non-corrosive engineered fill. b. Installation of a cathodic protection system to protect buried metal pipelines. c. Use of coated or nonmetallic (i.e., concrete or poly vinyl chloride) pipes not susceptible to corrosion. d. Construction of foundations using sulfate-resistant concrete.	Project engineer Construction Contractor	Design; Construction	Check plans, specifications, and drawings to ensure one or more measures are implemented. Inspect construction.	Design; Construction	As necessary during design and construction	Project Engineer; Caltrans; City of Oxnard	None	N/A
	Potential hazards due to liquefiable soils.	One or more of the following measures shall be implemented: a. Construction using piles or deep foundations. b. Dynamic densification. c. Ground improvement. d. Grouting or removal of suspect soils.	Project engineer; Construction Contractor;	Design; Construction	Check plans, specifications, and drawings to ensure one or more measures are implemented. Inspect construction.	Design; Construction	As necessary during design and construction	Project Engineer; Caltrans; City of Oxnard	None	N/A
Air Quality	Fugitive dust emissions (PM_{10}) during construction would exceed Ventura County Air Pollution Control District (VCAPCD) thresholds.	All construction contractors shall comply with all air pollution control rules, regulations, ordinances and statutes which apply to any work performed pursuant to the contract, including any air pollution control rules, regulations, ordinances and statutes, specified in Section 11017 of the Government Code. To reduce potential dust emissions (PM_{10}), all contractors shall comply with VCAPCD regulations, including Rule 51 (nuisance). The following actions are recommended by VCAPCD for controlling fugitive dust emissions from grading and construction. a. Water the area to be graded or excavated before beginning grading or excavating. Use reclaimed water if available. To the extent practicable, water should penetrate sufficiently to maximize the reduction of fugitive dust. b. Cover truck loads of dirt leaving the site as required by California Vehicle Code Section 23114. c. Treat all graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or soil compaction, as appropriate. Water as often as necessary. d. Apply soil stabilization methods, such as watering, roll compaction, and use of environmentally safe dust control material, to portions of the site that are inactive for over four days. e. Post signs on the construction site limiting vehicle speeds to 15 miles per hour. f. Sweep adjacent streets at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets. g. Cease grading during high winds.	Construction Contractor	Construction	Check construction activities to ensure mitigation measures are implemented as necessary to minimize fugitive dust emissions.	Construction	Periodically during construction.	City of Oxnard	None	N/A

Table 1: Mitigation Monitoring and Reporting Program

Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Air Quality (Cont.)	Construction equipment emissions of reactive organic compounds and nitrogen oxides would exceed VCAPCD thresholds.	To reduce reactive organic compounds and nitrogen oxide emissions the following measures shall be implemented: a. Minimize equipment idling time. b. Maintain equipment engines in good condition and in proper tune, as per manufacturers' specification. c. Phase construction activities to the extent feasible to minimize the amount of equipment operating at any one time, particularly during the smog season between May and October. d. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electricity, if feasible	Construction contractor	Construction	Check construction activities to ensure mitigation measures are implemented to the extent feasible.	Construction	Periodically during construction.	City of Oxnard	None	N/A
Biological Resources	The project would require the removal of approximately 273 trees consisting primarily of Eucalyptus and nonnative trees.	According to the *City of Oxnard Parks and Recreation Department Landscape Standards* (1996), before construction begins, the trees that would be displaced by the proposed project shall be identified. A certified arborist's report and evaluation of these trees would then be required. No trees may be removed without the authorization of either the Parks and Recreation Department or the City Council. If written approval for the removal of the trees is granted, an economic evaluation of the trees' value would be made, based on the arborist's report. The City of Oxnard requires that trees subject to removal must be replaced. In accordance with City policy, the economic value of the displaced trees would be the basis for determining the number of additional trees and/or increased tree sizes for the project. The minimum box size for the replacement trees would be 24 inches and the replacement ratio would be 3:1 in accordance with City of Oxnard standards. All removed trees would be replaced with trees of the same species, or a comparable native species approved by the City and Caltrans. Drought resistant species shall be used whenever possible.	Certified arborist; City of Oxnard; Caltrans	Pre-construction; Construction; Post-construction	Check to ensure arborist report and economic evaluation are completed. Check to ensure replacement trees are planted and maintained in accordance with landscape plans.	Pre-construction; Construction; Post-construction	Once during pre-construction and as necessary during construction and post-construction.	City of Oxnard	None	N/A
	The project would require the removal of approximately 273 trees. These trees may provide nesting areas for listed bird species protected under the Migratory Bird Treaty Act.	a. If feasible, tree removal activities shall be scheduled outside of the breeding bird season, which occurs generally from March 1 through August 31 (but as early as February 1 for raptors). b. Beginning 30 days prior to disturbance of suitable nesting habitat during the breeding season, a qualified ornithologist shall conduct weekly surveys in the affected habitat, with the last survey conducted not more than 2 days prior to the initiation of tree removal/habitat. c. If breeding birds are encountered, a minimum 500-foot buffer for raptors and 300-foot buffer for all other native species shall be established as off-limits for construction until the young have fledged and there is no evidence of a second nesting attempt. Limits of construction in the field to maintain the proper buffer distances are best accomplished, when feasible, with construction fencing; otherwise, flagging and stakes can be used. d. Construction personnel shall be instructed on the sensitivity of the area. e. Documentation of compliance with the applicable state and federal laws pertaining to the protection of native birds shall be completed and submitted to the California Department of Fish and Game upon project completion. f. If construction in zones of one or more active nests cannot be avoided, the City shall consult as appropriate with the California Department of Fish and Game and U.S. Fish and Wildlife Service to discuss the potential loss of nest covered by the MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, and to obtain appropriate approvals authorizing activities that may otherwise result in MBTA or Fish and Game Code violations.	Qualified ornithologist; Construction contractor	Pre-construction; Construction	If tree removal activities occur during the breeding season, check to ensure that a qualified ornithologist surveys the construction zone prior to construction and check construction activities to ensure compliance with measures to protect breeding birds.	Pre-construction; Construction	As necessary during pre-construction and construction.	City of Oxnard	Possibly, if active nests are present during construction.	U. S. Fish and Wildlife Service

Table 1: Mitigation Monitoring and Reporting Program

Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Hazardous Waste	Project could be affected by contamination from: leaking underground storage tanks (LUST) sites, pesticides in areas used for agriculture, aerially deposited lead in soils within or adjacent to freeway right-of-way, lead based paint and asbestos containing materials in structures and buildings acquired for right-of-way, and lead and chromium in thermoplastic and painted traffic markings to be removed during construction	*a. Low Potential Sites:* Hazardous material sites with a low potential to result in adverse impacts (i.e., sites adjacent to the project site with active underground storage tanks, and/or sites where historic or current use may be associated with large quantities of hazardous materials) shall be re-evaluated if construction parameters vary from the currently proposed alignment. The re-evaluation is necessary to determine whether the sites would be reclassified as having a moderate or high potential to affect the proposed project.	Hazardous materials consultant	Pre-construction	Ensure that a re-evaluation is completed if construction parameters vary from proposed alignment.	Pre-construction	Once during pre-construction.	City of Oxnard	None	N/A
		b. *Moderate Potential Sites:* A review of available environmental records, a historical land use assessment, and a site-specific inspection shall be conducted for hazardous material sites with a moderate potential to result in adverse impacts (i.e., sites within or immediately adjacent to the project site where the number and/or status of underground storage tanks on site is not reported, and/or sites within the project site with active underground storage tanks). The record review shall identify data confirming remediation of on-and offsite contamination from former leaking underground storage tanks (LUST) sites, or agency certified closure of the site. Record review results or visual inspections that indicate contamination is present in the project area shall cause medium potential sites to be treated as high potential sites. Sites with USTs, i.e. Joyce Motors, where the status and/or number of tanks are not reported should undergo further record review to determine the status, condition, content, and number of tanks. At sites with inactive or improperly abandoned USTs, the tanks may be old and in poor condition and, therefore, should be thoroughly evaluated for condition and possible leaks. LUST sites where deep (greater than 1.5 meters (5 feet)) excavations are planned should consider drilling test holes and collecting samples as confirmation of remediation. Development of sites with non-leaking USTs shall include tank removal according to local regulations. Discovery of unknown contamination will require remedial plans.	Hazardous materials consultant	Pre-construction	Verify that a record search and site inspection are conducted prior to excavation. Ensure that soil samples and/or test holes are drilled at LUST sites where deep excavation would take place.	Pre-construction	As necessary during pre-construction.	City of Oxnard	None	N/A
		c. *High Potential Sites:* Current agency records of "high" potential sites (e.g., sites within or immediately adjacent to the project site with LUSTs that are reported as "no action taken," or where site assessment efforts or remediation/cleanup efforts are reported to be in progress, and/or active agricultural sites that practice chemical pest and weed control located within the project boundaries) shall be reviewed to design an investigation program to assess and verify the extent of potential contamination of surface and underlying soil, and shallow groundwater. The review shall be performed by a qualified and approved environmental consultant. Results shall be reviewed and approved by the County Health Department or State Department of Toxic Substances Control. The investigation shall include collection of samples and quantification of contaminant levels within the proposed excavation and surface disturbance areas. Subsurface investigation shall determine appropriate worker protection and hazardous material handling and disposal procedures. In addition, construction activities that require dewatering may require treatment of contaminated groundwater prior to discharge. Appropriate regulatory agencies, such as California EPA, the Regional Water Quality Control Board, and Ventura County Environmental Health Department should be notified in advance of construction so that discharge permits identifying discharge points, qualities, and groundwater treatment (if necessary) can be identified. Areas with contaminated soil determined to be hazardous waste shall be excavated by personnel who have been trained through the OSHA recommended 40-hour safety program (29CFR1910.120) with an approved plan for excavation, control of contaminant releases to the air, and off-site transport or on-site treatment. Health and safety plans prepared by a qualified and approved industrial hygienist shall be developed to protect the public and all workers in the construction area. Health and safety plans shall be reviewed and approved by the appropriate agencies, such as the Ventura County Environmental Health Department or the state Department of Toxic Substances Control.	Hazardous materials consultant	Pre-construction; Construction	Check to ensure that a record review and a site investigation are conducted to identify any soil and groundwater contamination sites. Check to ensure any hazardous materials encountered during construction are properly handled and disposed of by qualified personnel in accordance with applicable regulations. Check to ensure that hazardous materials health and safety plans are prepared and all required permits are obtained.	Pre-construction; Construction	Once during pre-construction and as necessary during construction.	City of Oxnard; Construction contractor	Possibly	Ca. EPA; Regional Water Quality Control Board; Ventura Co. Environmental Health Dept.; OSHA; State Department of Toxic Substances Control

Table 1: Mitigation Monitoring and Reporting Program

Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Hazardous Waste (Cont.)		*Residual pesticides:* Soil samples should be collected in construction areas in the project area south of U.S. 101 where the land has historically or is currently being farmed to verify and delineate the extent of pesticide contamination. Excavated materials containing elevated levels of pesticide will require special handling and disposal procedures. Standard dust suppression procedures should be used in construction areas to reduce airborne emissions of these contaminants and reduce the risk of exposure to workers and the public. Regulatory agencies for the State of California and County of Ventura should be contacted to plan handling, treatment, and/or disposal options.	Hazardous materials consultant; Construction contractor	Pre-construction; Construction	Check to confirm soil sampling is conducted. Inspect construction site to ensure proper procedures are followed to reduce exposure of public and workers to hazardous materials.	Pre-construction; Construction	Once during pre-construction and as necessary during construction.	City of Oxnard; Construction contractor	Possibly	Ca. EPA; Regional Water Quality Control Board; Ventura Co. Environmental Health Dept.; State Dept. of Toxic Substances Control
		Aerially deposited lead: The presence of aerially deposited lead shall be confirmed before or during the design phase of the project in order to develop proper plans for reuse of the affected soil within the project limits or disposal of contaminated soil at a landfill that is permitted to accept hazardous waste. The aerial lead site investigation study and report shall conform to the requirements of Caltrans and the state Department of Toxic Substances Control (DTSC). The aerial lead study shall require subsurface soil sampling and laboratory testing for lead, soluble lead, and soil pH within existing unpaved areas that will be disturbed or regraded for the project.	Hazardous materials consultant	Pre-construction; Construction	Check to confirm soil testing has been completed. Inspect construction site to confirm any lead contaminated soil is properly handled and disposed of.	Pre-construction; Construction	Once during pre-construction and as necessary during construction.	City of Oxnard	Possibly	State Dept. of Toxic Substances Control
		Asbestos, lead, and chromium containing materials: A survey of buildings, structures, and pavement areas to be removed or demolished shall be conducted to assess the presence and extent of asbestos, lead, and chromium containing materials. This study should be conducted prior to final design by a qualified and approved environmental specialist. The investigation shall include collecting samples for laboratory analysis and quantification of contaminant levels within the buildings and structures proposed for demolition, and in pavement disturbance areas. Based on these findings, appropriate measures for handling, removal, and disposal of these materials can be developed. Regulatory agencies for the State of California and County of Ventura should be contacted to plan handling, treatment, and/or disposal options. Should it be determined that asbestos containing material are present in structures affected by the proposed, a permit may be required from the Ventura County Air Pollution Control District prior to any work on the structures. Additional surveys and testing to determine the extent of contamination of properties affected by the proposed project will be conducted during final design and engineering and prior to construction. Those parties responsible for contaminated soil or groundwater on sites to be acquired for right-of-way will be responsible for the cost of any remediation necessary to meet regulatory standards. Remediation will either be conducted by the responsible party prior to acquisition of the property by the City or alternatively the City may reach an agreement with the responsible party whereby the cost of remediation is deducted from the purchase price of the property, in which case the City would be responsible for remediation. In either case, hazardous materials remediation to meet regulatory standards would be conducted prior to construction. Asbestos-containing building materials in buildings to be acquired will be removed and disposed of prior to demolition as required by law.	Hazardous materials consultant	Pre-construction	Check to ensure completion of structure survey and lab collection and testing of hazardous materials samples. Check to ensure any necessary permits are obtained and hazardous materials are properly handled, removed and disposed of.	Pre-construction	As necessary during pre-construction.	City of Oxnard	Possibly if surveys determine the presence of asbestos and/or testing reveals need for hazardous material remediation	State of California; County of Ventura; Ventura Country Air Pollution Control District

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Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Floodplain Encroachment	The proposed project would encroach into areas of 100-year shallow flooding in northwest quadrant (Zone AH) and at eastern project limits (Zone AO). This encroachment would result in an insignificant flood storage volume reduction.	Although significant flooding impacts are not anticipated, one or more of the following mitigation measures shall be implemented to ensure any adverse effects to the AH Zone are minimized: a. Obtain a Floodplain Development Permit before the start of construction. b. Design structural components to resist hydrostatic (where flow velocities are less than 5 feet per second) and hydrodynamic (where flow velocities are less than 10 feet per second) loads. c. Provide adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures. d. Use Best Management Practices (BMPs) during construction to protect surrounding land, including agricultural properties, from onsite stormwater runoff.	Project engineer; Construction contractor	Design; Construction	Confirm acquisition of Floodplain Development Permit. Check plans and drawings to ensure structures are designed to meet flood and drainage requirements. Inspect construction site to ensure BMPs are implemented.	Design; Construction	As needed during design and construction.	City of Oxnard;	Possibly	Ventura Co. Public Works Agency, Flood Control District
Noise Effects	Land uses, including noise-sensitive residential areas, in the vicinity of the new or realigned U.S. 101 ramps and the realigned Ventura Blvd. could experience increased traffic noise due to the proposed project improvements.	The results of the noise study indicated that noise barriers would be effective in reducing traffic noise in areas northwest and northeast of the interchange. In accordance with Caltrans procedures, prior to construction, the City of Oxnard will conduct a survey of the owners of properties affected by potential noise increases due to the proposed interchange improvements. If 50 percent or more of the affected owners (Note: In case of rental or leased property, the owner's opinion is considered superior to that of the residents) are opposed to the noise barrier, noise abatement would not be provided adjacent to the affected property. - *Northwest Quadrant Barrier.* This barrier would benefit receivers in the Valley Trailer mobile home park. It would be located on top of the retaining wall proposed between Ventura Blvd and the realigned northbound on-ramp from southbound Santa Clara Avenue. This barrier would have a maximum height of 4.2 meters (14 feet) and would extend from the proposed cul-de-sac of Ventura Blvd on the east to a point approximately 250 meters (820 feet) to the west. - *Northwest Quadrant Barrier.* This barrier would benefit numerous receivers in the northeast quadrant of the study area. The barrier would extend from approximately Orange Drive on the east to a point approximately 500 meters (1,640 feet) to the west. The barrier would be located on the north side of the U.S. 101 mainline and the realigned off-ramp to Auto Center Drive and would have a maximum height of 4.2 meters (14 feet). - *Ventura Boulevard.* Three barriers, two on the west side and one on the east dies of the realigned Ventura Blvd, are proposed to reduce potential noise increases at sensitive receptors near the new roadway. The first barrier on the west side of realigned Ventura Blvd would extend south from approximately Auto Center Drive and would follow the west edge of the realigned Ventura Blvd for a distance of approximately 70 meters (230 feet). A small gap between this barrier and a second barrier would be provided to allow access from Ventura Blvd. to a parcel to the west. The second barrier would continue along the west edge of Ventura Blvd, for a distance of approximately 160 meters (520 feet). The barrier on the east side of Ventura Blvd would extend south from Auto Center Drive for a distance of approximately 160 meters (525 feet). The recommended maximum heights for the barriers would vary from 2.4 meters (8 feet) to 3.0 meters (10 feet) depending on whether "absorptive" or "standard" barrier materials are used, respectively.	City of Oxnard; Project engineers; Construction contractor	Design; Construction	Check to ensure survey of property owners is conducted. Check project plans and construction activities to ensure mitigation measures are implemented as necessary.	Design; Construction	As necessary during project design and construction.	City of Oxnard	None	N/A

Table 1: Mitigation Monitoring and Reporting Program

Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Noise Effects (Cont.)	Construction activities (such as pile driving operations and potential night and weekend construction) could cause short-term noise and vibration impacts affecting nearby residences.	Existing noise abatement regulations for construction equipment shall be enforced. Caltrans Standard Specifications (Sections 7 and 42) and Standard Special Provisions, which provide limits on construction noise levels, shall be used for the proposed project as appropriate. Normally, construction noise levels should not exceed 86 dBA (Lmax) at a distance of 15 meters (50 feet). Any construction activities occurring outside the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday, or at any time on Sunday, shall comply with City noise level standards.	Construction contractor	Construction	Check construction activities to ensure adherence with noise abatement regulations and Caltrans Standard Specifications and Standard Special Provisions.	Construction	As necessary during construction.	City of Oxnard	None	(N/A
		Prior to approval of the final design, those locations where proposed permanent noise barriers could be constructed early in the construction process shall be identified.	Project engineer; Construction Contractor	Design	Check whether plans have been made to construct noise barriers early in the construction process. Inspect construction site.	Design; Construction	Once during design and construction.	City of Oxnard	None	N/A
		Temporary noise barriers shall also be investigated and installed, as necessary, prior to construction.	Construction contractor	Construction	Check whether temporary noise barriers have been investigated and constructed.	Construction	As necessary during construction.	City of Oxnard	None	N/A
Residential Displacement	Construction of the proposed interchange improvements would result in the displacement of 2 single-family residences and 15 mobile homes.	Properties shall be acquired and relocation assistance provided in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*. The following summarizes pertinent aspects of the property acquisition and relocation process: a. *Relocation Advisory Assistance:* The City of Oxnard will provide relocation advisory assistance to eligible persons displaced as a result of the acquisition of real property for public use, in accordance with Caltrans policies and the Uniform Act. The City of Oxnard will assist displaced persons in obtaining replacement housing by providing current and continuing information on the availability and prices of rental units for both multi-family and mobile homes that are comparable and "decent, safe, and sanitary" replacement dwellings. Eligible displaced persons will be offered comparable replacement dwellings that are open to all persons regardless of race, color, religion, sex, national origin, and consistent with the requirements of Title VI of the *Civil Rights Act of 1964*. Replacement dwellings will be in equal or better neighborhoods, at prices within the financial means of the individuals and families displaced, and reasonably accessible to their places of employment. This assistance will also include referrals to appropriate services provided by public and private agencies in the area. The City will also seek to minimize the effects of relocation by including a clause in affordable housing agreements that would give a preference to prospective residents who have been displaced by public actions such as the proposed project. b. *Relocation Payments:* The City of Oxnard will help eligible displaced persons by paying certain costs and expenses, in accordance with the Uniform Act. These costs are limited to those necessary for, or incidental to, purchasing or renting the replacement dwelling and actual moving expenses to a new location within 80 kilometers (50 miles of the displaced persons' property). Any additional moving costs incurred by moving in excess of 80 kilometers (50 miles) from the displaced persons' current unit will be the responsibility of the displaced persons. Displaced occupants may also qualify to receive a rental differential payment. This payment is made when it is determined that the cost to rent a comparable "decent, safe, and sanitary" replacement dwelling would be more than the present rent of the acquired dwelling. As an alternative, the tenant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase. Eligible displaced persons will be assigned to a relocation advisor, who will work closely with each displaced household in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displaced persons jeopardizing or forfeiting any of their benefits or payments.	City of Oxnard	Pre-construction	Check relocation activities to ensure that all eligible displaced persons receive relocation assistance and payments in accordance with Caltrans policies, the Uniform Act and the Civil Rights Act.	Pre-construction	As needed.	City of Oxnard	None	N/A

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Resource	Adverse Impact	Mitigation	Party Responsible for Mitigation	Implementation Phase	Monitoring Activity	Monitoring Period	Monitoring Frequency	Party Responsible for Monitoring Activity	Outside Agency Coordination	Agency
Residential Displacement (Cont.)	(Cont.)	c. *Mobile Home Relocations:* The City of Oxnard Municipal Code provides special considerations and requirements for the closure of mobile home parks. However, pursuant to Section 17.1-63, public agencies that are required to comply with the relocation requirements of California Government Code Section 7260, due to the displacement of a person or persons from a mobile home, are exempt from the City code requirements. The City of Oxnard will be required to comply with California Government Code Section 7260 in addition to the Uniform Act. Additionally, there are potential housing resources and programs (see Appendix E – Comment Letters and Responses, page E-10 of the final MND/FONSI) in the City of Oxnard that may be available to and could benefit the displaced residents. The City is committed to providing one or more of these assistance programs to the Ow Mobile Home Park tenants. If none are applicable, the City will provide a last resort housing program.	City of Oxnard	Pre-construction	Check to ensure City housing resources are made available to displaced residents. If no City resources are applicable, check that last resort housing program is provided.	Pre-construction	As necessary.	City of Oxnard	None	N/A
Business Displacement	The proposed project could result in the full displacement of 12 non-residential income-generating properties including 1 motel, 3 restaurants, and 8 sales/rental businesses	Eligible displaced businesses will be provided with relocation assistance in accordance with the Uniform Act. This program provides for aid in locating suitable replacement property and reimbursement for certain costs involved in relocation, including moving expenses. Payment "in lieu" of moving expenses is available to businesses that are expected to suffer a substantial loss of existing patronage as a result of the displacement, or if certain other requirements, such as the inability to find a suitable relocation site, are met. Relocation advisory assistance efforts will provide current lists of properties offered for sale or rent, suitable for specific relocation needs.	City of Oxnard	Pre-construction	Check relocation activities to ensure that all eligible displaced businesses receive relocation assistance and payments in accordance with the Uniform Act.	Pre-construction	As necessary during pre-construction.	City of Oxnard	None	N/A
Community Facilities	Construction activities could pose a hazard to pedestrian school children and their parents. Access to the school may also be diminished during the construction period.	To minimize construction hazards to school children walking to or from school in the vicinity of the proposed improvements, appropriate safety measures shall be employed to ensure all construction sites and staging areas are properly secured. Crossing guards shall be provided at construction sites and haul routes located near the school. The City shall also work with the affected school district to ensure access to the school is not substantially diminished and construction hazards to school children are minimized.	Construction contractor; City of Oxnard	Construction; Pre-construction	Check to ensure that safety measures are implemented and crossing guards are provided. Check that communication with affected school districts has occurred.	Construction; Pre-construction	As necessary during construction and pre-construction.	City of Oxnard	Yes	Local school districts
Public Utilities and Services	Utility relocation may be required during construction of the proposed project, which could temporarily disrupt service. Construction activities could also adversely affect access for emergency services due to temporary lane closures or detours.	A traffic management plan shall be developed and appropriate temporary signage provided to advise motorists and redirect traffic through detours to minimize potential impacts during construction. The Oxnard Police and Fire Departments shall be supplied with a construction plan and the traffic management plan prior to construction.	Project engineer; City of Oxnard	Pre-construction; Construction	Check to ensure that traffic management plan has been developed and provided to Oxnard Police and Fire Departments. Check to ensure appropriate signage is provided during construction.	Pre- construction; Construction	Once during pre-construction and as necessary during construction.	City of Oxnard	None	N/A
Archaeological Resources	An unknown potential exists for encountering previously unrecorded archaeological resources.	If buried cultural materials are encountered during construction, it is Caltrans' policy that work in the area must halt until a qualified archaeologist can evaluate the nature and significance of the find (Caltrans Environmental Handbook, 1991, Volume 2, Chapter 1). If human remains are exposed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition, pursuant to Public Resources Code 5097.98. The Caltrans District 7 Environmental Planning Branch shall be immediately notified. Because there is an unknown potential for encountering prehistoric archaeological resources, a Native American monitor shall be invited to be present during excavation.	Construction contractor; Archaeologist; Native American monitor	Construction	Check to ensure contractor is informed of Caltrans policies regarding archaeological resources. Check to ensure archaeologist is contracted in the event resources are discovered. Check to ensure Native American monitor is invited to be present.	Construction	As necessary during excavation and grading activities.	City of Oxnard	Possibly	Ventura County Coroner
Aesthetics	The proposed project would alter the existing landscape surrounding the Rice Avenue interchange.	Please refer to the Biological Resources (tree removal) section for measures to mitigate aesthetic effects from tree removal.	Certified arborist; City of Oxnard; Caltrans	Pre-construction; Construction; Post-construction	Check to ensure arborist report and economic evaluation are completed. Check to ensure replacement trees are planted and maintained in accordance with landscape plans.	Pre-construction; Construction; Post-construction	Once during pre-construction and as necessary during construction and post-construction.	City of Oxnard	None	N/A

LAFCo 13-06S1

RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE CITY OF OXNARD SPHERE OF INFLUENCE AMENDMENT – VENTURA BOULEVARD

WHEREAS, Government Code Section 56425 et seq. requires the Ventura Local Agency Formation Commission (LAFCo or Commission) to develop and determine the sphere of influence of each local governmental agency within Ventura County; and

WHEREAS, a written request has been filed with the Executive Officer of LAFCo pursuant to Government Code Section 56428 for the amendment of the City of Oxnard (City) sphere of influence; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence amendment including, but not limited to, testimony at the public hearing on September 18, 2013 and the LAFCo Staff Report and recommendation; and

WHEREAS, no change in regulation, land use or development will occur as a result of amending the sphere of influence for the City; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of this action by the Commission.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

(1) The LAFCo Staff Report and recommendation for approval dated September 18, 2013 are adopted.

(2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:

The present and planned land uses in the area, including agricultural and open space lands.

The present and planned land uses within the proposal area are roadways.

The present and probable need for public facilities and services in the area.

The sphere amendment will allow for the City to annex the area in order to provide water service to irrigate planned landscaping along the recently-constructed streets. Thus, there is a present and probable need for water service in the area.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The City has represented that it has the capacity to provide water service to the proposal area.

The existence of any social or economic communities of interest in the area that the Commission may determine are relevant to the agency.

Staff has received no information to indicate that the sphere of influence amendment would adversely affect any social or economic communities of interest.

(3) The sphere of influence amendment for the City is hereby approved to include the area shown as generally depicted on Exhibit A attached hereto.

(4) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCo by the County of Ventura as the official sphere of influence record for the City amended consistent with this action.

(5) The Commission certifies that it has reviewed and considered the information contained in: the Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) prepared for the Rice Avenue/U.S. 101 Interchange Project prepared by the City of Oxnard, dated December 19, 2001; Addendum No. 1 to the MND/FONSI prepared by the City of Oxnard, dated March 17, 2010; and the Second Addendum prepared by the Calleguas Municipal Water District, dated March 2013.

(6) The Commission finds that, on the basis of the whole record before it, there is no substantial evidence that the proposal will have a significant effect on the environment and the MND/FONSI and its Addendums reflect the Commission's independent judgment and analysis.

(7) The Commission hereby adopts the lead agency's Findings and Mitigation Measures (Attachment 5 of the staff report).

(8) The Commission directs staff to file a Notice of Determination in accordance with CEQA Guidelines § 15094 and § 15096(i).

(9) This sphere of influence amendment approval shall not become effective until a Certificate of Completion has been recorded for "LAFCo 13-06 City of Oxnard Reorganization – Ventura Boulevard (Parcels A-E)".

This resolution was adopted on September 18, 2013.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	☐	☐	☐	☐
Commissioner Long	☐	☐	☐	☐
Commissioner Ford-McCaffrey	☐	☐	☐	☐
Commissioner Morehouse	☐	☐	☐	☐
Commissioner Parks	☐	☐	☐	☐
Commissioner Parvin	☐	☐	☐	☐
Commissioner Pringle	☐	☐	☐	☐
Alt. Commissioner Bennett	☐	☐	☐	☐
Alt. Commissioner Cunningham	☐	☐	☐	☐
Alt. Commissioner Freeman	☐	☐	☐	☐
Alt. Commissioner Smith	☐	☐	☐	☐

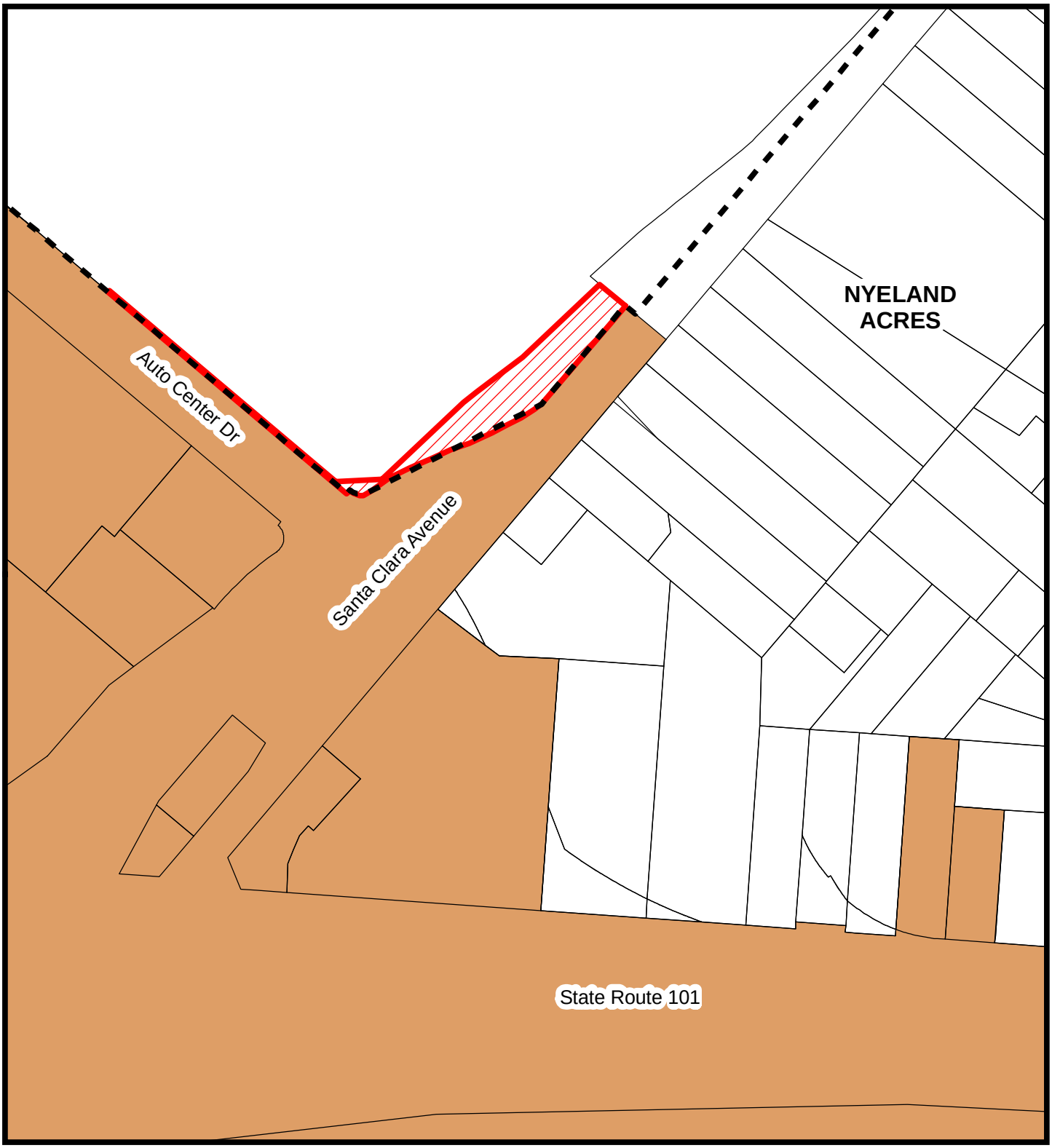
Dated:_____ _____

Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: City of Oxnard
Ventura County Surveyor
Ventura County Planning

EXHIBIT A



LAFCo 13-06S1 City of Oxnard
Sphere of Influence Amendment
Ventura Boulevard

Legend

- City of Oxnard
- City of Oxnard Sphere of Influence - Existing
- Area to be Included in City of Oxnard Sphere of Influence

LAFCo 13-06S2

RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE CALLEGUAS MUNICIPAL WATER DISTRICT SPHERE OF INFLUENCE AMENDMENT – VENTURA BOULEVARD

WHEREAS, Government Code Section 56425 et seq. requires the Ventura Local Agency Formation Commission (LAFCo or Commission) to develop and determine the sphere of influence of each local governmental agency within Ventura County; and

WHEREAS, a written request has been filed with the Executive Officer of LAFCo pursuant to Government Code Section 56428 for the amendment of the Calleguas Municipal Water District (District) sphere of influence; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence amendment including, but not limited to, testimony at the public hearing on September 18, 2013 and the LAFCo Staff Report and recommendation; and

WHEREAS, no change in regulation, land use or development will occur as a result of amending the sphere of influence for the District; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of this action by the Commission.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

(1) The LAFCo Staff Report and recommendation for approval dated September 18, 2013 are adopted.

(2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:

The present and planned land uses in the area, including agricultural and open space lands.

The present and planned land uses within the proposal area are roadways.

The present and probable need for public facilities and services in the area.

The sphere amendment will allow for the District to annex the area in order to provide water service to irrigate planned landscaping along the recently-constructed streets. Thus, there is a present and probable need for water service in the area.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The District has represented that it has the capacity to provide water service to the proposal area.

The existence of any social or economic communities of interest in the area that the Commission may determine are relevant to the agency.

Staff has received no information to indicate that the sphere of influence amendment would adversely affect any social or economic communities of interest.

(3) The sphere of influence amendment for the District is hereby approved to include the area shown as generally depicted on Exhibit A attached hereto.

(4) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCo by the County of Ventura as the official sphere of influence record for the District amended consistent with this action.

(5) The Commission certifies that it has reviewed and considered the information contained in: the Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) prepared for the Rice Avenue/U.S. 101 Interchange Project prepared by the City of Oxnard, dated December 19, 2001; Addendum No. 1 to the MND/FONSI prepared by the City of Oxnard, dated March 17, 2010; and the Second Addendum prepared by the Calleguas Municipal Water District, dated March 2013.

(6) The Commission finds that, on the basis of the whole record before it, there is no substantial evidence that the proposal will have a significant effect on the environment and the MND/FONSI and its Addendums reflect the Commission's independent judgment and analysis.

(7) The Commission hereby adopts the lead agency's Findings and Mitigation Measures (Attachment 5 of the staff report).

(8) The Commission directs staff to file a Notice of Determination in accordance with CEQA Guidelines § 15094 and § 15096(i).

(9) This sphere of influence amendment approval shall not become effective until a Certificate of Completion has been recorded for "LAFCo 13-06 City of Oxnard Reorganization – Ventura Boulevard (Parcels A-E)".

This resolution was adopted on September 18, 2013.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	☐	☐	☐	☐
Commissioner Long	☐	☐	☐	☐
Commissioner Ford-McCaffrey	☐	☐	☐	☐
Commissioner Morehouse	☐	☐	☐	☐
Commissioner Parks	☐	☐	☐	☐
Commissioner Parvin	☐	☐	☐	☐
Commissioner Pringle	☐	☐	☐	☐
Alt. Commissioner Bennett	☐	☐	☐	☐
Alt. Commissioner Cunningham	☐	☐	☐	☐
Alt. Commissioner Freeman	☐	☐	☐	☐
Alt. Commissioner Smith	☐	☐	☐	☐

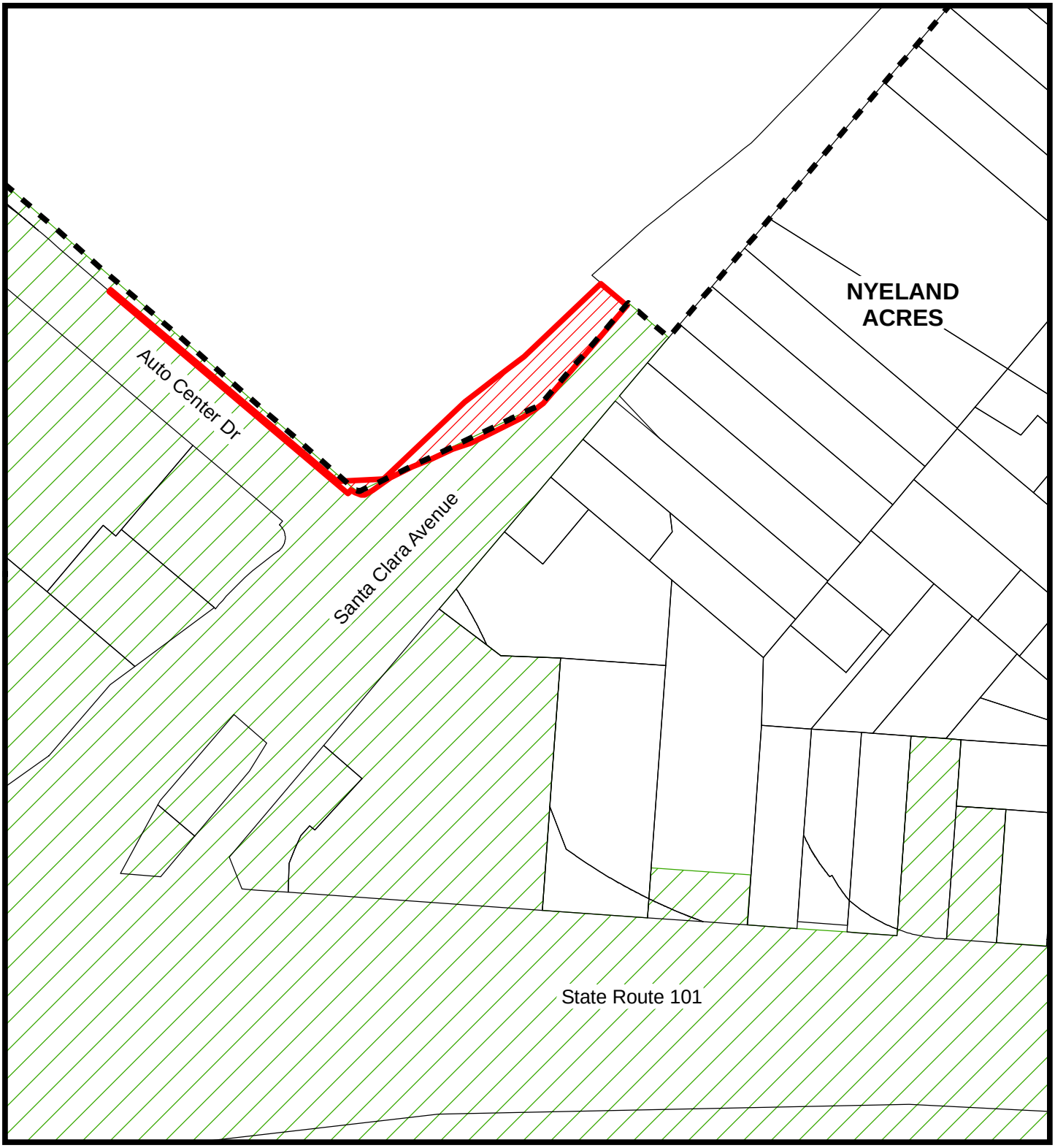
Dated:_____ _____

Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: Calleguas Municipal Water District
Ventura County Surveyor
Ventura County Planning

EXHIBIT A



LAFCo 13-06S2 Calleguas Municipal Water District
Sphere of Influence Amendment
Ventura Boulevard

Legend

- Calleguas Municipal Water District
- Calleguas Municipal Water District Sphereof Influence - Existing
- Area to be Included in Calleguas Municipal Water District Sphere of Influence

LAFCO 13-06

RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE CITY OF OXNARD REORGANIZATION – VENTURA BOULEVARD (PARCELS A-E); ANNEXATION TO THE CITY OF OXNARD AND THE CALLEGUAS MUNICIPAL WATER DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY RESOURCE CONSERVATION DISTRICT, THE VENTURA COUNTY FIRE PROTECTION DISTRICT, AND COUNTY SERVICE AREA NOS. 32 AND 33

WHEREAS, the above-referenced proposal to has been filed with the Executive Officer of the Ventura Local Agency Formation Commission (LAFCo or Commission) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Section 56000 et seq. of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the proposal; and

WHEREAS, the proposal was duly considered on September 18, 2013; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCo Staff Report and recommendation, the environmental determination, spheres of influence and applicable local plans and policies; and

WHEREAS, all landowners within the affected territory have consented to the proposal; and

WHEREAS, proof has been given to the Commission that the affected territory has fewer than 12 registered voters and is considered uninhabited; and

WHEREAS, information satisfactory to the Commission has been presented to show that no subject agency submitted written opposition to the proposal; and

WHEREAS, the Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the City of Oxnard and the Calleguas Municipal Water District, and within the affected territory, and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

(1) The LAFCo Staff Report and recommendation for approval dated September 18, 2013 are adopted.

(2) The Commission finds that the proposal will lead to planned, orderly, and efficient development.

(3) The reorganization is hereby approved, and the boundaries are established as generally set forth in the attached Exhibit A.

(4) The affected territory is uninhabited as defined by Government Code §56046.

(5) The subject proposal is assigned the following distinctive short form designation: **LAFCO 13-06 CITY OF OXNARD REORGANIZATION – VENTURA BOULEVARD (PARCELS A-E).**

(6) The Commission certifies that it has reviewed and considered the information contained in: the Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) prepared for the Rice Avenue/U.S. 101 Interchange Project prepared by the City of Oxnard, dated December 19, 2001; Addendum No. 1 to the MND/FONSI prepared by the City of Oxnard, dated March 17, 2010; and the Second Addendum prepared by the Calleguas Municipal Water District, dated March 2013.

(7) The Commission finds that, on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment and the MND/FONSI and its Addendums reflect the Commission's independent judgment and analysis.

(8) The Commission hereby adopts the lead agency's Findings and Mitigation Measures (Attachment 5 of the staff report).

(9) The Commission directs staff to file a Notice of Determination pursuant to CEQA Guidelines §15094 and §15096(i).

(10) The Commission waives conducting authority proceedings since 1) the territory is uninhabited, 2) all landowners within the proposal area have given written consent to the proposal, and 3) no subject agency has submitted written opposition to the waiver of conducting authority proceedings [Government Code §56662].

(11) **This reorganization shall not be recorded until confirmation has been provided to the LAFCo Executive Officer that the City has offered, and the County has accepted, an easement dedication or transfer of ownership of that area of Santa Clara Avenue right-of-way generally depicted in Attachment 3 of the Staff Report for public road and related purposes.**

(12) **This reorganization shall not be recorded until all LAFCo fees have been paid and until fees necessary for filing with the State Board of Equalization have been submitted to the Executive Officer.**

(13) **This reorganization shall not be recorded until maps and legal descriptions consistent with this approval have been approved by the Ventura County Surveyor.**

This resolution was adopted on September 18, 2013.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	☐	☐	☐	☐
Commissioner Long	☐	☐	☐	☐
Commissioner Ford-McCaffrey	☐	☐	☐	☐
Commissioner Morehouse	☐	☐	☐	☐
Commissioner Parks	☐	☐	☐	☐
Commissioner Parvin	☐	☐	☐	☐
Commissioner Pringle	☐	☐	☐	☐
Alt. Commissioner Bennett	☐	☐	☐	☐
Alt. Commissioner Cunningham	☐	☐	☐	☐
Alt. Commissioner Freeman	☐	☐	☐	☐
Alt. Commissioner Smith	☐	☐	☐	☐

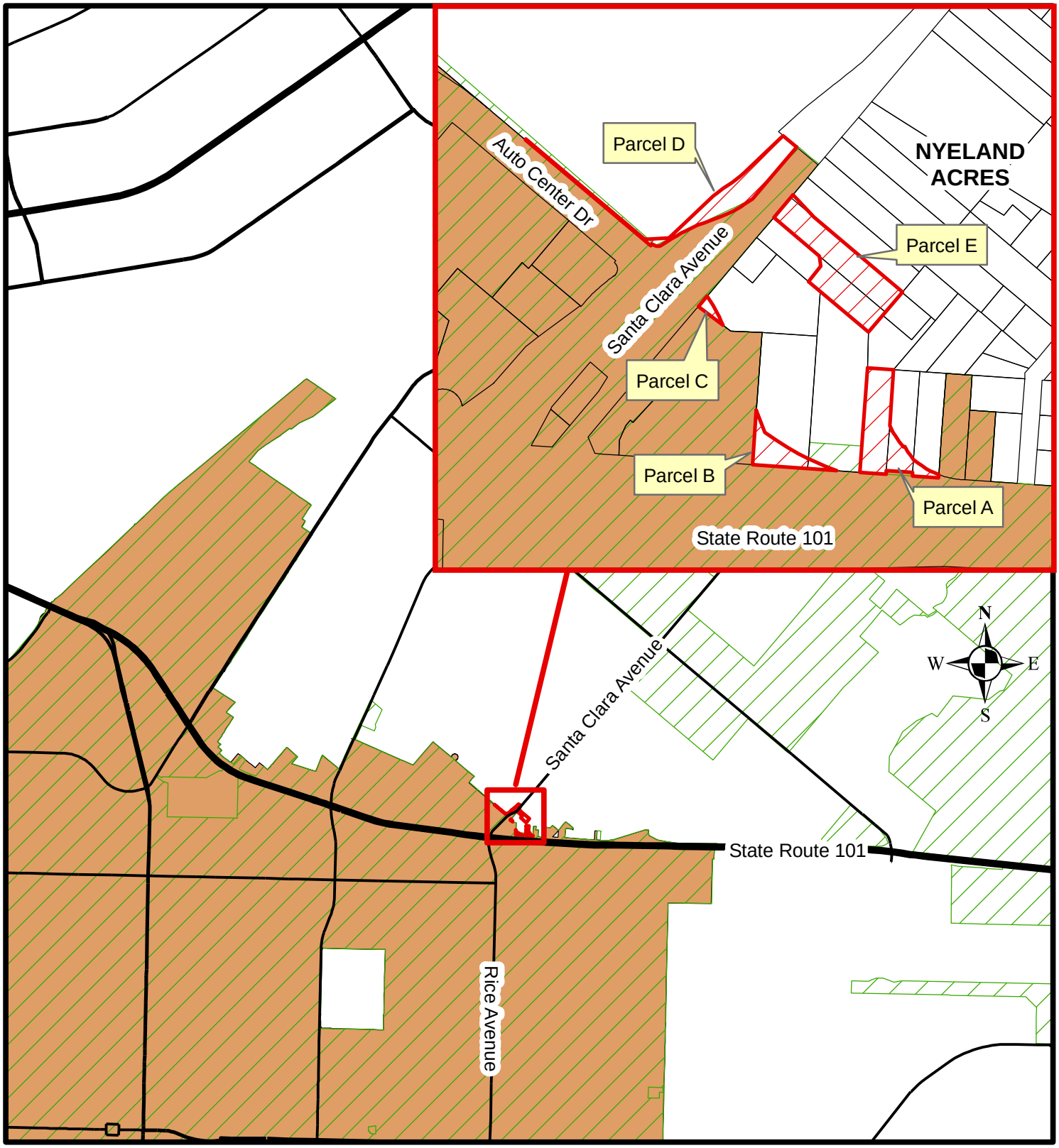
Dated:_____ _____

Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: City of Oxnard
Calleguas Municipal Water District
Ventura County Assessor
Ventura County Auditor
Ventura County Surveyor
Ventura County Planning
Ventura County Public Works
Ventura County Elections-Registrar of Voters
Southern California Gas Co.
Southern California Edison
Ventura County Sheriff – EOC
Ventura County Resource Conservation District
Ventura County Service Area No. 32
Ventura County Fire Protection District

EXHIBIT A



LAFCo 13-06 City of Oxnard Reorganization
Ventura Boulevard (Parcels A-E)

Legend

- 13-06 Proposal Area
- City of Oxnard
- Calleguas Municipal Water District

VENTURA LOCAL AGENCY FORMATION COMMISSION
COUNTY GOVERNMENT CENTER ● HALL OF ADMINISTRATION
800 S. VICTORIA AVENUE ● VENTURA, CA 93009-1850
TEL (805) 654-2576 ● FAX (805) 477-7101
WWW.VENTURA.LAFCO.CA.GOV

Agenda Item 8

September 9, 2013

Lucho Rodriguez, Project Manager
San Buenaventura Public Works Department
501 Poli Street
Ventura, CA 93001

Subject: Draft EIR – Olivas Park Drive Extension

Dear Mr. Rodriguez:

Thank you for providing the Ventura LAFCo with the opportunity to review the Draft EIR (DEIR) for the above-referenced project. Please note that these comments are solely those of the LAFCo staff; the document has not been reviewed by the Commission.

The DEIR identifies LAFCo as a responsible agency and accurately describes the sphere of influence amendment and reorganization that LAFCo must approve in order for one of the affected parcels (Assessor parcel no. 179-0-050-030) to be annexed to the City. The analysis contained in the DEIR is adequate for LAFCo purposes. We do, however, recommend that the description of the LAFCo actions be accompanied by a map that identifies the current and proposed sphere of influence and boundary for the City.

Please feel free to contact me should you have any questions.

Sincerely,

Kai Luoma, AICP
Deputy Executive Officer

c: LAFCo Commissioners
Dave Ward, City of San Buenaventura

DRAFT

VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: September 18, 2013

Agenda Item 9

TO: LAFCo Commissioners

FROM: Kai Luoma, Deputy Executive Officer

SUBJECT: Land Conservation Act (Williamson Act) – Policy Direction

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RECOMMENDATION:

Direct staff as appropriate.

BACKGROUND:

In April 2013, the Commission considered whether to direct staff to develop policies that would apply to LAFCo actions affecting land under a Land Conservation Act (LCA) contract, also known as a Williamson Act contract. After discussion, the Commission directed staff to provide additional information and continued the matter to the September meeting to allow time for commissioners to consult with the staff from their respective agencies. The requested information was provided in a memorandum to the Commission on April 18 (and again on July 31) and is attached to this report (Attachment 1).

Similar to the mission of LAFCo, the LCA seeks to prevent the premature conversion of agricultural lands and open space. In short, under the LCA program landowners receive lower property tax assessments in exchange for agreeing to keep the land in agricultural or open space uses for a minimum of 10 or 20 years (10-year contracts are far more common). The contracts automatically renew each year for the subsequent 10-year (or 20-year) period. In the absence of extraordinary circumstances, the only manner by which a contract may be canceled is through the filing of a notice of non-renewal, which begins a 9-year (or 19-year) period during which property tax assessments incrementally increase. The contract is canceled at the end of this non-renewal period and the landowner no longer receives the benefit of lower property tax assessments. The provisions of the LCA are discussed in more detail in the April staff report (Attachment 2).

COMMISSIONERS AND STAFF

COUNTY:	CITY:	DISTRICT:	PUBLIC:
Kathy Long	Carl Morehouse	Bruce Dandy	Linda Ford-McCaffrey
Linda Parks, Vice Chair	Janice Parvin	Gail Pringle, Chair	
Alternate:	*Alternate:*	*Alternate:*	*Alternate:*
Steve Bennett	Carol Smith	Elaine Freeman	Lou Cunningham
Executive Officer:	**Dep. Exec. Officer**	**Office Mgr/Clerk**	**Legal Counsel**
Kim Uhlich	Kai Luoma	Debbie Schubert	Michael Walker

Also discussed in the April staff report are the various bodies of law that reference the LCA or apply to agency decisions to enter into a LCA contract. These include LAFCo law, the Subdivision Map Act, and California Environmental Quality Act. Various other statutes also apply to the annexation and/or development of LCA-contracted land.

DISCUSSION

Inclusion of LCA-Contracted Land within a Sphere of Influence

LAFCo law generally prohibits the inclusion of LCA-contracted land within a sphere of influence unless the public services the agency provides would benefit the uses that are allowed under the contract. LAFCo may nevertheless approve the inclusion of contracted land within a sphere if the Commission finds either of the following:

1. The change would facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract;
2. The change is not likely to adversely affect the continuation of the contract.

Potential Policy Consideration: LAFCo law does not define "planned, orderly, and efficient patterns of land use." To provide further guidance to staff and the public, the Commission could consider the adoption of factors and/or standards to determine what constitutes "planned, orderly, and efficient patterns of land use."

Changes of Organization Involving LCA-Contracted Land

In part, section 56856.5 of LAFCo law generally prohibits the approval of a change of organization or reorganization that would result in the annexation of LCA-contracted land to a city or special district if that city or special district provides or would provide sewer, non-agricultural water, or street/road services unless such services benefit the (agricultural) uses of land allowed under the contract. LAFCo may nevertheless approve a change of organization or reorganization that would result in the annexation of LCA-contracted land if it finds any of the following:

1. The city or county that would administer the contract after annexation has adopted policies and feasible implementation measures ensuring the continuation of agricultural uses and other uses allowable under the contract on a long-term basis;
2. The change of organization or reorganization "encourages and provides planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns"; or
3. The change of organization or reorganization is "necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns".

When a change of organization includes the annexation of LCA-contracted land to a city, LAFCo must determine whether the city must succeed to the contract or may choose not to. Section 56754 of LAFCo law provides that if a change of organization or reorganization would result in the annexation to a city of land that is subject to a LCA contract, then the Commission shall determine one of the following: That the annexing city shall succeed to the rights, duties, and powers of the county under the contract pursuant to section 51243 of the LCA, or that the city may exercise its option to not succeed to the rights, duties and powers of the county under the contract, pursuant to section 51243.5 of the LCA. In short, a city may exercise its option to not succeed to the rights, duties, and powers of the county under the contract if:

1. The land being annexed was within one mile of the city's boundary when the contract was executed, and
2. The city filed a resolution protesting the execution of the contract with the board of supervisors (if executed before December 8, 1971) or with LAFCo (if executed before 1991).

As far as LAFCo staff is aware, no city within the county meets the criteria necessary to exercise its option to not succeed to a LCA contract, in which case each city which proposes to annex land under a LCA contract must succeed to the contract. Thus, the expectation would be that an annexing city would cancel the contract to accommodate development.

Potential Policy Consideration:

- LAFCo law does not define "planned, well-ordered, and efficient urban development patterns." To provide further guidance to staff and the public, the Commission could consider the adoption of factors and/or standards to determine what constitutes "planned, well-ordered, and efficient urban development patterns."

Changes of Organization Involving LCA-Contracted Land for which a Notice of Non-Renewal has been Served

The above limitations do not apply to territory subject to a LCA contract for which a tentative cancellation has been approved or for which a notice of non-renewal has been served and the annexing agency agrees that no services will be provided that would support land uses not otherwise allowed under the contract. Under such a circumstance, the Commission may approve the annexation of LCA-contracted land without consideration given to the amount of time remaining on the non-renewed contract (up to 9 years).

Potential Policy Consideration: Though the Commission has the authority to approve a change of organization or reorganization that would result in the annexation of LCA-contracted land at any point during the non-renewal period, the Subdivision Map Act generally prohibits the subdivision of LCA-contracted land for non-agricultural purposes if there are more than three years remaining of the non-renewal period (§ 66474.4). Because Commission policies require that, unless exceptional circumstances exist, all discretionary approvals, including subdivisions, must be approved prior to LAFCo consideration of an annexation, the request to annex land under a non-renewed contract may be premature if there are more than three years left of the non-renewal period. To provide further guidance to staff and the public, the Commission could consider a policy identifying a point during the non-renewal period at which the annexation of the land should or should not be considered.

Attachments (1) April 18, 2013 Memorandum and attachments
(2) April 17, 2013 LAFCo Staff Report regarding Land Conservation Act (Williamson Act) – Policy Direction

VENTURA LOCAL AGENCY FORMATION COMMISSION

Attachment 1

MEMORANDUM

DATE: April 18, 2013

TO: LAFCo Commissioners

FROM: Kai Luoma, AICP
Deputy Executive Officer

SUBJECT: Land Conservation Act (Williamson Act) – Requested Information

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At the April 17, 2013 LAFCo meeting, the Commission received a report regarding the possible development of policies pertaining to proposals that involve land within a Land Conservation Act (LCA) contract (Agenda Item 11). The Commission requested the following:

- The findings in LAFCo law that the Commission must make in order to include LCA-contracted land within a sphere of influence
- The findings in LAFCo law that the Commission must make in order to annex LCA-contracted land within a sphere of influence
- The findings that a city or county must make in order to cancel a LCA contract
- LCA contract cancellation fees
- The powerpoint presentation that was given by staff (attached)

This information is provided below.

<u>Inclusion of the LCA-contracted land within a sphere of influence</u>

The section of LAFCo law containing the provisions regarding the inclusion of LCA-contracted land within a sphere of influence are found in Government Code 56426.6, as follows:

> 56426.6. (a) The commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965…if that local government agency provides, or would provide, facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.
>
> (b) (1) Notwithstanding subdivision (a), the commission may nevertheless approve a change for that territory if it finds either of the following:

(A) That the change would facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date.
(B) That the change is not likely to adversely affect the continuation of the contract beyond its current expiration date.
(2) In making a determination pursuant to this subdivision, the commission shall consider all of the following:
(A) The policies and implementation measures adopted by the city or county that would administer the contract both before and after any ultimate annexation, relative to the continuation of agriculture or other uses allowable under the contract.
(B) The infrastructure plans of the annexing agency.
(C) Other factors that the commission deems relevant.
(c) This section shall not apply to any of the following:
(1) Territory that is subject to a contract for which a notice of nonrenewal has been served pursuant to Section 51245.
(2) Territory that is subject to a contract for which a tentative cancellation has been approved pursuant to Section 51282.
(3) Territory for which the governing body of the county or city administering the contract has given its written approval to the change and the landowner consents to the change.

Annexation of LCA-contracted land

The section of LAFCo law containing the provisions regarding the annexation of LCA-contracted land are found in Government Code 56856.5, as follows:

56856.5. (a) The commission shall not approve or conditionally approve a change of organization or reorganization that would result in the annexation to a city or special district of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1), other than a contract entered into pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1, if that city or special district provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract.
(b) This section shall not be construed to preclude the annexation of territory for the purpose of using other facilities or services provided by the agency that benefit land uses allowable under the contract.

(c) Notwithstanding subdivision (a), the commission may nevertheless approve a change of organization or reorganization if it finds any of the following:

(1) The city or county that would administer the contract after annexation has adopted policies and feasible implementation measures applicable to the subject territory ensuring the continuation of agricultural use and other uses allowable under the contract on a long-term basis.

(2) The change of organization or reorganization encourages and provides planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.

(3) The change of organization or reorganization is necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.

(d) This section shall not apply to territory subject to a contract for which either of the following applies:

(1) A notice of nonrenewal has been served pursuant to Section 51245, if the annexing agency agrees that no services will actually be provided by it for use during the remaining life of the contract for land uses or activities not allowed under the contract.

(2) A tentative cancellation has been approved pursuant to Section 51282.

Cancellation of a LCA contract

The provisions of the LCA regarding the cancellation of a LCA contract are found in Government Code Section 51282, as follows:

51282. (a) The landowner may petition the board or council for cancellation of any contract as to all or any part of the subject land. The board or council may grant tentative approval for cancellation of a contract only if it makes one of the following findings:

(1) That the cancellation is consistent with the purposes of this chapter.

(2) That cancellation is in the public interest.

(b) For purposes of paragraph (1) of subdivision (a) cancellation of a contract shall be consistent with the purposes of this chapter only if the board or council makes all of the following findings:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

(4) That cancellation will not result in discontiguous patterns of urban development.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. As used in this subdivision "proximate, noncontracted land" means land not restricted by contract pursuant to this chapter, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land. As used in this subdivision "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to this chapter. Such nonrestricted land may be a single parcel or may be a combination of contiguous or discontiguous parcels.

(c) For purposes of paragraph (2) of subdivision (a) cancellation of a contract shall be in the public interest only if the council or board makes the following findings: (1) that other public concerns substantially outweigh the objectives of this chapter; and (2) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

As used in this subdivision "proximate, noncontracted land" means land not restricted by contract pursuant to this chapter, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land.

As used in this subdivision "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to this chapter. Such nonrestricted land may be a single parcel or may be a combination of contiguous or discontiguous parcels.

(d) For purposes of subdivision (a), the uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

(e) The landowner's petition shall be accompanied by a proposal for a specified alternative use of the land. The proposal for the alternative use shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use, and the provisions and requirements of Section 51283.4 shall be fully applicable thereto. The

> level of specificity required in a proposal for a specified alternate use shall be determined by the board or council as that necessary to permit them to make the findings required.
>
> (f) In approving a cancellation pursuant to this section, the board or council shall not be required to make any findings other than or in addition to those expressly set forth in this section, and, where applicable, in Section 21081 of the Public Resources Code.
>
> (g) A board or council shall not accept or approve a petition for cancellation if the land for which the cancellation is sought is currently subject to the process specified in Section 51250, unless the cancellation is a part of the process specified in Section 51250.

LCA contract cancellation fees

The provisions of the LCA regarding cancellation fees are found in Government Code Section 51283, as follows:

> 51283. (a) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the current fair market value of the land as though it were free of the contractual restriction. The assessor shall certify to the board or council the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the assessor shall send a notice to the landowner and the Department of Conservation indicating the current fair market value of the land as though it were free of the contractual restriction and advise the parties, that upon their request, the assessor shall provide all information relevant to the valuation, excluding third-party information. If any information is confidential or otherwise protected from release, the department and the landowner shall hold it as confidential and return or destroy any protected information upon termination of all actions relating to valuation or cancellation of the contract on the property. The notice shall also advise the landowner and the department of the opportunity to request formal review from the assessor.
>
> (b) Prior to giving tentative approval to the cancellation of any contract, the board or council shall determine and certify to the county auditor the amount of the cancellation fee that the landowner shall pay the county treasurer upon cancellation. That fee shall be an amount equal to 12 1/2 percent of the cancellation valuation of the property.
>
> (c) If it finds that it is in the public interest to do so, the board or council may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return

to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if all of the following occur:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.

(2) The board or council has determined that it is in the best interests of the program to conserve agricultural land use that the payment be either deferred or is not required.

(3) The waiver or extension of time is approved by the Secretary of the Resources Agency. The secretary shall approve a waiver or extension of time if the secretary finds that the granting of the waiver or extension of time by the board or council is consistent
with the policies of this chapter and that the board or council complied with this article. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the board or council, the evidence in the record of the board or council,
and any other evidence the secretary may receive concerning the cancellation, waiver, or extension of time.

(d) The first two million five hundred thirty-six thousand dollars ($2,536,000) of revenue paid to the Controller pursuant to subdivision (e) in the 2004-05 fiscal year, and any other amount as approved in the final Budget Act for each fiscal year thereafter, shall be deposited in the Soil Conservation Fund, which is continued in existence. The money in the fund is available, when appropriated by the Legislature, for the support of all of the following:

(1) The cost of the farmlands mapping and monitoring program of the Department of Conservation pursuant to Section 65570.

(2) The soil conservation program identified in Section 614 of the Public Resources Code.

(3) Program support costs of this chapter as administered by the Department of Conservation.

(4) Program support costs incurred by the Department of Conservation in administering the open-space subvention program (Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2).

(5) The costs to the Department of Conservation for administering Section 51250.

(e) When cancellation fees required by this section are collected, they shall be transmitted by the county treasurer to the Controller and deposited in the General Fund, except as provided in subdivision (d) of this section and subdivision (b) of Section 51203. The funds collected by the county treasurer with respect to each cancellation of a contract shall be transmitted to the Controller within 30 days of the execution of a

certificate of cancellation of contract by the board or council, as specified in subdivision (b) of Section 51283.4.

(f) It is the intent of the Legislature that fees paid to cancel a contract do not constitute taxes but are payments that, when made, provide a private benefit that tends to increase the value of the property.

Powerpoint presentation

The powerpoint presentation for Agenda Item 11, dated April 17, 2013 is attached.

VENTURA LOCAL AGENCY FORMATION COMMISSION

AGENDA ITEM 11

Land Conservation Act Policy Direction

Land Conservation Act (LCA)

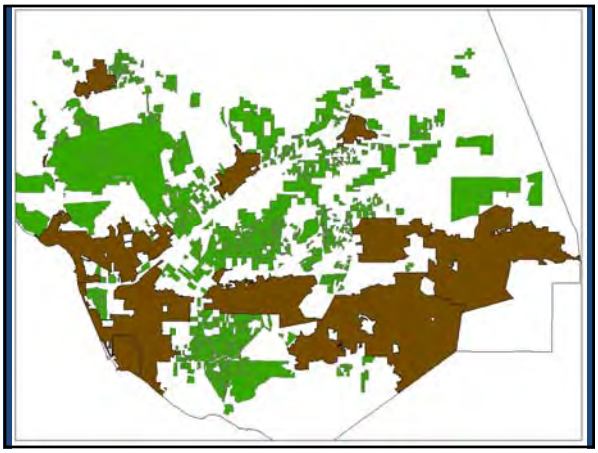
- Established a program to preserve agriculture and open space lands
  - Voluntary contract between a public agency (county or city) and landowner
  - Restricts land to agricultural and open space uses
  - Landowner receives lower property tax assessments - property tax assessment based on farming/open space use NOT on the market value of land
  - Contracts effective a minimum of 10 or 20 years, renew automatically each year

LCA Contract Cancellation

- Notice of non-renewal – preferred method
  - Begins 9 year term (or 19 year term) during which assessment is gradually increased to market value
  - At end of term contract is considered cancelled
- Cancellation
  - Requires presence of extraordinary circumstances
  - Landowners charged cancelation fee
  - Supreme Court – Contracts may not be cancelled merely because development would be more profitable

Local Government Participation

- Local government participation requires adoption of policies consistent with LCA
- County of Ventura has adopted LCA policies
  - Over 1,000 LCA contracts in unincorporated area
  - Over 127,000 acres are under contract
  - Over 90% of contracts are for minimum 10 year period
- Cities of Santa Paula and Camarillo
  - Number of contracts not available to LAFCo staff



LAFCo Law: Inclusion of Land within Sphere

- Generally prohibited unless the public service(s) the agency provides would benefit uses allowed under the contract
- LAFCo may nevertheless approve the inclusion of contracted land in a sphere subject to certain findings:
  - It would lead to planned, orderly, and efficient patterns of land use, or
  - It would not affect the continuation of the contract

LAFCo Law: Inclusion of Land within Sphere

Does not define "planned, orderly, and efficient patterns of land use"

Policy Considerations

For inclusion in a sphere of influence:

- Does the Commission wish to consider factors/standards to determine what constitutes "planned, orderly, and efficient patterns of land use"?
- If so, should standards/factors be more permissive of more restrictive?

LAFCo Law: Annexation/Development of Contracted Land

- Annexation of LCA land to a district
  - Contract remains in full force and effect
  - County remains a party to the contract
- Annexation of LCA land to a city
  - City succeeds County as a party to the contract
  - City empowered to cancel contract
  - Expectation that city would cancel contract

LAFCo Law: Annexation of Contracted Land

Generally prohibited unless the public service(s) the agency provides would benefit uses allowed under the contract

- Annexation to water district for irrigation
- Annexation to drainage district

LAFCo Law: Annexation of Contracted Land

LAFCo may nevertheless approve the annexation of contracted land subject to certain findings

- Local policies ensure long term agricultural use
- Annexation would encourage planned, well-ordered and efficient urban development patterns, or
- Annexation is necessary to provide services to planned, well-ordered and efficient urban development patterns

Does not define "planned, well-ordered and efficient urban development patterns"

Policy Considerations

For annexations:

- Does the Commission wish to consider factors/standards to determine what constitutes "planned, well-ordered and efficient urban development patterns"?
- If so, should standards/factors be more permissive of more restrictive?

LAFCo Law: Annexation of Contracted Land

No limitations on approving annexation of territory subject to a contract if a notice of non-renewal has been filed AND annexing agency agrees that no services to support incompatible uses will be provided for remaining life of contract

If agency does not agree, annexation may be approved subject to findings but no consideration given to amount of time remaining on contract (0-9 years)

Policy Considerations

For land under contract for which a notice of non renewal has been filed:

- Is there a point during the non-renewal period at which annexation of land should or should not be considered?

Discussion/Direction

For inclusion in a sphere of influence:

- Does the Commission wish to consider factors/standards to determine what constitutes "planned, orderly, and efficient patterns of land use"?
- If so, should standards/factors be more permissive of more restrictive?

For annexations:

- Does the Commission wish to consider factors/standards to determine what constitutes "planned, well-ordered and efficient urban development patterns"?
- If so, should standards/factors be more permissive of more restrictive?

For a notice of non renewal:

- Is there a point during the non-renewal period at which annexation of land should or should not be considered?

VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT
Meeting Date: April 17, 2013

TO: LAFCo Commissioners

FROM: Kai Luoma, Deputy Executive Officer

SUBJECT: Land Conservation Act (Williamson Act) – Policy Direction

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RECOMMENDATION:

Direct staff as appropriate.

BACKGROUND:

The California Land Conservation Act of 1965 (LCA) (also known as the Williamson Act) established a program to preserve and protect agricultural and open space lands. The intent of the LCA is consistent with one of the primary purposes of LAFCos, which is to preserve open-space and prime agricultural lands. Under the LCA program local government agencies may enter into a voluntary contract with landowners for the purpose of restricting land to agricultural or related open space uses. In return landowners receive property tax assessments which are lower than normal because they are based on farming and open space uses as opposed to full market value. The contracts are effective for a minimum of either 10 or 20 years and automatically renew each year for the subsequent 10 or 20 year period (ten year contracts are far more common in Ventura County accounting for over 90% of all contracts).

Should a landowner wish to terminate a LCA contract, the legally preferred method in most circumstances is to file a notice of non-renewal. Nonrenewal is a process whereby the property taxes are gradually increased starting the next contract anniversary date and continuing over the remaining term (usually nine years) until they are equivalent to the unrestricted tax rate. If the land is restricted by a 20 year contract, the contract winds down over the remaining 19 years, with the property taxes gradually increasing to the unrestricted tax rate at the end of the nonrenewal period. Under limited circumstances and conditions set forth in Government Code §51280 et seq. where the continued agricultural use of the

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Steve Bennett	Carol Smith	Elaine Freeman	Lou Cunningham
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Kim Uhlich	Kai Luoma	Debbie Schubert	Michael Walker

land is neither necessary nor desirable and the public interest no longer requires that the contract be continued, a landowner may pay a cancellation fee of 12.5 percent (25 percent for a 20 year contract) of the current fair market value of the land and file a petition requesting cancellation of a contract prior to the expiration of the nonrenewal period. However LCA contracts are generally not intended to be cancelled except in extraordinary situations. In a 1981 case, the California Supreme Court concluded that land preservation contracts which forbid the development of agricultural land in exchange for reduced property taxed cannot be cancelled merely because development of the property will be more profitable than continued agricultural use (Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-853).

In order for a local government to participate in the LCA program, it must adopt policies consistent with the provisions of the LCA. The County of Ventura has adopted such policies as part of the County's Land Conservation Act Guidelines. There are over 1,000 LCA contracts in unincorporated Ventura County covering approximately 127,000 acres.

Because the LCA is intended to preserve agricultural and open space lands, there are multiple sections of state law that apply to the annexation and/or development of land under a LCA contract, including, but not limit to:

<u>LAFCo law</u>:

- Generally prohibits the inclusion of LCA-contracted land within the sphere of influence of a local agency that provides urban services, unless the services would benefit uses allowed under the contract. Other exceptions may also apply.
- Generally prohibits LAFCo from approving the annexation of LCA-contracted land to a city or district that provides urban services, unless the services would benefit uses allowed under the contract. Other exceptions may also apply.

<u>LCA:</u>

- Identifies the criteria to be used by LAFCo to determine whether a city shall not succeed to the rights, duties, and power of the county as a party to the contract.
- In order for land to be included in a LCA contract, it must first be within an agricultural preserve as established by the local agency. An agricultural preserve generally limits uses to those that are compatible with agriculture. Pursuant to the LCA, an agricultural preserve shall continue in full effect following annexation, detachment, incorporation, or disincorporation of land within an agricultural preserve.

<u>Subdivision Map Act:</u>

- Generally prohibits the approval of a subdivision of LCA-contracted land to parcels smaller than 10 acres on prime agricultural land and 40 acres on non-prime agricultural land unless, among other criteria, a notice of nonrenewal has been filed and there are no more than three years remaining on the contract.

CEQA

- The establishment of an agricultural preserve and the making/renewing of LCA contracts are exempt from CEQA. However, the cancellation of an agricultural preserve or LCA contract is normally an action subject to the CEQA process.
- A project that results in the cancellation of a LCA contract on 100 acres or more is considered to be a "project of statewide, regional, or areawide significance".

Various other statues also apply to the annexation and/or development of LCA-contracted land.

DISCUSSION

On occasion, LAFCo staff receives inquiries about annexing land under a LCA contract to a city for purposes of development. If LCA-contracted land were to be annexed, the expectation would be that the City, which would become a party to the contract, would cancel it to allow for urban development. Thus, annexation of LCA-contracted land would likely result in the facilitation of contract cancellations and conversion of agricultural land, which the LCA was established to avoid or, at least, delay for 10 years. Examples such as this have raised a number of questions, including:

- Because LCA-contracted land cannot be developed for a minimum of 10 years, should such lands to be included within the sphere of influence of a city or district? If so, under what circumstances?
- Should the Commission consider the adoption of any standards or factors by which to evaluate proposals to annex LCA-contracted when the purpose of the annexation is to accommodate urban development? If so, what specific standards or factors would be appropriate?
- If a notice of non-renewal has been filed on land that is the subject of an annexation proposal, is there a point during the non-renewal period at which annexation of the land should/should not be considered?

Staff believes that the development of local policies to address these and other issues related to the annexation of LCA-contracted land would be helpful to LAFCo, the cities, landowners, and the public. Thus, staff would appreciate comments as to the Commission's interest in establishing specific policy language through which to consider proposals for changes of organization involving LCA-contracted lands.

VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: September 18, 2013

Agenda Item 10

TO: LAFCo Commissioners

FROM: Kim Uhlich, Executive Officer KU

SUBJECT: "California Within Limits: Research Notes for a History of California's Local Boundary Laws" by Peter M. Detwiler

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RECOMMENDATION:

Direct staff as appropriate.

DISCUSSION:

To commemorate the 50th anniversary of the creation of LAFCos, the opening session of the 2013 CALAFCO Conference featured a presentation by Peter Detwiler of his paper titled "California Within Limits: Research Notes for a History of California's Local Boundary Laws" (Attachment). Mr. Detwiler is the former Chief Consultant to the Senate Governance and Finance Committee and also served as a staff member for the San Diego LAFCo. Although he is now retired from his formal career, he continues to share his extensive knowledge of public policy and administration through his teaching work at Sacramento State University and through the UC Davis Extension program.

By request of Commissioner Long and concurrence by Commission Chair Pringle, this paper is being provided for information and discussion. In particular, it is requested that the discussion focus on the six bullet pointed items identified under the section titled "Persistent challenges" on page 5 of the attachment.

Attachment: "California Within Limits: Research Notes for a History of California's Local Boundary Laws"

COMMISSIONERS AND STAFF

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ATTACHMENT

California Within Limits:

Research Notes for a History of California's Local Boundary Laws

Peter M. Detwiler

August 2013

California Within Limits:
Research Notes for a History of California's Local Boundary Laws

One history of California tells the story of its boom-and-bust cycles that accelerate land speculation and then crash into slack periods of economic despair. There is a parallel history which traces how the public sector responds to those market excesses, intervening after the fact and adjusting to new realities. The ways in which state, regional, and local officials react by creating new institutions and new procedures fascinated me during my nearly 40 years in public service. Some day someone should write the history of California's local boundary laws as one explanation of these parallel histories.

While I am not the person to write that sweeping history, I assembled these research notes for the 50th anniversary of the creation of local agency formation commissions (LAFCOs). What follows is my attempt to recognize the political events that led up to the 1963 bill and then to record the key legislative bills, court decisions, popular elections, and administrative actions that followed. Almost by definition, these research notes are incomplete. I have skipped events that others think important and I have highlighted moments that others may later ignore. My purpose, however, is to provoke a discussion about where California's local boundary laws came from and how they took their present shape.

One way to discover themes in public decisions is to look for policy, powers, procedures, and oversight. This approach to analysis helped me in my legislative staff career and I applied it to these notes as well.

- **Policy:** *What are the explicit (and implicit) commitments to public policy?*
- **Powers:** *What are governments' regulatory and fiscal powers?*
- **Procedures:** *How responsive are public agencies and their officials?*
- **Oversight:** *How do we know they did what we wanted them to do?*

Policies. Some statutes contain *explicit* policy statements. Specific findings and declarations of legislative intent are the most obvious ways for legislators to send signals to colleagues, constituents, and judges. A bill may enact a new section that overtly recites findings and declarations. Bill that create major programs often place these recitations immediately after the title of the new statutory division or chapter. For lesser measures, a legislator may relegate these statements to an uncodified section. On some occasions, bills declare that they incorporate recommendations from outside reports, even citing the studies by name.

More often legislative policy is implicit, to be detected and interpreted from the statute's context. The ways that a law arranges procedures, defines terms, limits authority, or raises revenues are clues to the author's intent. When a bill's intent is not plain from its own wording, the courts may look at secondary sources, such as committee bill analyses and reports from interim hearings.

The history of California's local boundary laws shows several deliberate attempts to declare the state's policies for decisions about city and district boundaries.

- The original legislation said that among LAFCO's purposes was discouraging urban sprawl and encouraging orderly formation of local agencies.
- Courts repeatedly call LAFCOs the state's boundary "watchdogs."
- Legislators added the concern for agricultural land and open space.
- The 2000 Hertzberg bill overhauled the statement of legislative intent.
- Later reformers told LAFCOs to consider regional housing needs, environmental justice, and sustainable communities strategies.
- There is an implicit policy preference for city annexations over the incorporation of new cities, shown by the petition thresholds (5% and 25%).

Powers. Responsible and effective public officials need enough --- but not too much --- power to carry out their statutory duties to implement public policies. Policies and powers must match. Government power can be both *regulatory* and *fiscal*. If the Legislature sets ambitious policies, but fails to provide sufficient power, then local officials can't deliver the results that legislators wanted. Conversely if the Legislature doesn't explain its policies, then public officials lack guidance on how to use government powers. But Californians and their legislators distrust powerful governments. Legislators search for balance between providing governmental powers that fulfill legitimate public policies and protecting their constituents' rights.

LAFCOs are quasi-legislative agencies, operating as the Legislature's agents. Using their delegated powers, LAFCOs can do what the Legislature itself could do: bring new cities and special districts into existence and control where and when cities and districts provide public facilities and deliver public services.

State law spells out LAFCOs' powers:

- A detailed list of 18 specific actions.
- Another detailed list of the 22 terms and conditions that LAFCOs can impose on decisions, including "any other matters necessary or incidental."
- The authority to initiate certain types of special district boundary changes.

- The power to plan for future actions, including reorganization plans, municipal service reviews, and spheres of influence.
- Independence from county government control with the appointment of independent executive officers and legal counsels, and shared funding from counties, cities, and special districts.

But it's important to note that state law also limits some of LAFCOs' powers:

- No discretion to deny city annexations within "urban service areas."
- No discretion to deny certain city annexations of unincorporated islands.
- No authority to directly regulate land use, development, or subdivisions.

Procedures. The reformist impulses of the Progressive Era and several waves of Populist movements still echo in California government and politics. Californians insist on fair access to decisions and to their decision-makers. State statutes that regulate procedures include the *Brown Act* (local officials' meetings must be open and public), the *Public Records Act* (ensuring access to government documents), the *Political Reform Act* (requiring officials to disclose their economic interests), and a myriad of statutory requirements for public notice, public hearings, protests, and elections.

Honoring the themes of political transparency and public accountability, the state statutes governing LAFCOs:

- Spell out detailed requirements for petitions, public notice, public hearings.
- Allow disappointed parties to openly appeal LAFCOs' decisions.
- Require LAFCOs to measure public protests before changing boundaries.
- Allow elections on boundary changes if there are significant protests.
- Require disclosure of political spending on petitions and campaigns.

Oversight. Responsive government is accountable government. Initially spawned in righteous enthusiasm, some public programs outlive their usefulness, but continue only because legislators forgot about them. Institutional inertia, changing social and political climates, and automatic budgeting can combine to allow archaic and ineffective programs to persist. One of the politically least attractive --- but potentially most powerful --- legislative duties is to oversee existing programs. Now that term limits (Proposition 140 in 1990) enforce legislative turnover, the legislators who originally authored new laws may not be around to monitor their implementation. Legislative can avoid creating perpetual programs by insisting that new programs contain oversight mechanisms: *regular records, periodic reports, special studies,* and *sunset clauses*.

An intricate web of public oversight web keeps tabs on LAFCOs' performance:

- Early reports by state councils and offices on how LAFCOs operated.
- Repeated legislative oversight hearings on LAFCO powers and performance.
- Statutory mandates for LAFCOs to review and update their municipal service reviews and sphere of influence every five years, "as necessary."
- Court cases, especially appellate decisions, that test LAFCOs' decisions against constitutional principles and protections.

Persistent challenges. A half-century after their creation, LAFCOs continue to frustrate and sometimes confound their critics. Some say that they haven't lived up to their potential to meet their two initial purposes: discourage urban sprawl and encourage orderly local boundaries. A clear-eyed look at the record shows that these controversies remain unsettled:

- **Governance.** Who gets to sit on LAFCO and whom do they really represent? Who speaks for affordable housing, job creation, environmental quality, natural resource protection? Is the mid-1960s formula for representation a political anachronism?

- **Political will.** LAFCOs have plenty of power to draw California's future, one annexation at a time. Why do public agencies still convert so much agricultural land and open space? Why are spheres of influence so big?

- **Proliferation.** LAFCOs were supposed to trim the thicket of local government. Why do ineffective cities and special districts persist? Why won't LAFCOs lead?

- **Islands.** Even with significant delegated powers to clean-up unincorporated islands within cities, too many remain. The Legislature repeatedly renews this authority, but what keeps some LAFCOs from fulfilling their potential?

- **Facilities and services.** Why do some poor neighborhoods lack public facilities and services while greenfield development continues? Why don't more LAFCOs embrace environmental justice?

- **Think regionally, act locally.** Linking regional transportation plans and regional housing needs was a political breakthrough in 2008. Five years later, are LAFCOs ready to implement this regional perspective?

California Within Limits:
Research Notes for a History of California's Local Boundary Laws

1849 Sacramento residents adopt a city charter, even before statehood.

1850 Governor Peter H. Burnett vetoes special incorporation bills for Los Angeles.
Governor Peter H. Burnett vetoes a special incorporation bill for Sacramento; overridden.
Sacramento incorporates as California's first city, February 27, 1850.
Legislature passes both the Cities Act and the Towns Act.
Original 27 counties formed.

1856 California Supreme Court says Towns Act unconstitutional; *People v. Town of Nevada*.
Legislature passes a revised Towns Act.

1872 Legislature enacts the first general annexation law for cities.

1883 Municipal Corporations Act.

1887 Legislature authorizes irrigation districts; Wright Act.

1889 Legislature extends the annexation statutes to charter cities.

1890 Coronado detaches from the City of San Diego & incorporates as a separate city.

1899 Uninhabited Annexation Act.

1907 U.S. Supreme Court says no right to vote on boundary changes; *Hunter v. Pittsburgh*.
Imperial County formed out of San Diego County as California's 58th county.

1909 Consolidation Act (city consolidations).
Legislature authorizes public cemetery districts; SB 524 (Roseberry, 1909).

1913 Annexation of Inhabited Territory Act of 1913 (absorbed into MORGA in 1977).

1915 Legislature authorizes mosquito abatement districts; AB 1565 (Assembly Health & Quarantine Committee, 1915).

1920 Montebello detaches from the City of Monterey Park and incorporates as a separate city.

1923 *California County Boundaries* authored by Owen Coy, California Historical Survey Commission.

1923 Legislature authorizes fire protection districts (revised in 1961 & 1987).

1931 Legislature authorizes recreation districts (revised in 1957 & 2001).

1933 District Investigation Act of 1933 (repealed in 1988).

1939 Uninhabited Annexation Act of 1939 (absorbed into MORGA in 1977).

1951 Legislature creates county boundary commissions (replaced by LAFCOs in 1963).
District Organization Act.
Legislature authorizes community services districts (revised in 1955 & 2005).

1952 *How the Cities Grew* authored by Richard Bigger & James D. Kitchen, Bureau of Governmental Research, UCLA.

1953 County Service Area Law (revised in 2008); AB 1841 (Stanley, 1953).

1954 City of Lakewood incorporates as the first contract city.

1955 Legislature revises the Community Services District Law (revised again in 2005).
Legislature repeals the city classification system.

1957 Recreation and Park District Law (revised in 2001); AB 3968 (Bradley, 1957).

1959 Appellate Court says city can't be in two counties; *County of San Mateo v. City Council*.
Governor Pat Brown appoints Governor's Commission on Metropolitan Area Problems.

1960 *Meeting Metropolitan Problems* published by Governor's Commission on Metropolitan Area Problems.

1961 Fire Protection District Law (revised in 1987).

1963 Legislature creates local agency formation commissions; AB 1662 (Knox, 1963).
Operations of Local Agency Formation Commissions published by the Assembly Interim Committee on Municipal and County Government.

1964 Assembly Committee on Municipal and County Government holds extensive hearings on special districts' boundaries and LAFCOs.

1965 District Reorganization Act consolidates districts' boundary laws; AB 592 (Knox, 1965).
Legislature tombstones the Knox-Nisbet Act.

1966 *Local Agency Formation Commissions* published by Intergovernmental Council on Urban Growth.

1970 Legislature allows special district representation on LAFCOs; AB 1155 (Knox, 1970).
California Environmental Quality Act.

1971 Legislature requires LAFCOs to adopt spheres of influence; AB 2870 (Knox, 1971).
Local Agency Formation Commissions published by the California Council on Inter-governmental Relations.
California Association of Local Agency Formation Commissions (CALAFCO) formed.

1972 California Supreme Court overturns majority landowner protests that block city incorporations; *Curtis v. Board of Supervisors*.

1974 Legislature revises county formation, consolidation, and boundary change procedures; AB 4270, AB 4271, & AB 4271 (Knox, 1974)
Appellate court overturns majority landowner protests that block inhabited city annexations; *Levinsohn v. City of San Rafael.*
Voters pass the Political Reform Act (Proposition 9), imposing conflict-of-interest rules.

1975 California Supreme Court says CEQA applies to LAFCO decisions; *Bozung v. LAFCO*.

1976 *LAFCO Reexamined* published by the Governor's Office of Planning and Research.
Voters reject Canyon County I (Los Angeles County).

1977 Municipal Organization Act (MORGA) consolidates cities' boundary laws; AB 1533 (Knox, 1977).
Attorney General says deadline for LAFCOs to adopt spheres of influence has passed.

1978 *Choices for the Unincorporated Community* authored by Sokolow, et al., Institute for Governmental Affairs, UC Davis.
Appellate court says LAFCO is the Legislature's watchdog over boundaries; *Timberlake Enterprises v. City of Santa Rosa*.
Voters pass Proposition 13, limiting property tax base and rate.
Voters reject Canyon County II (Los Angeles County).
Voters reject South Bay County (Los Angeles County).
Voters reject Peninsula County (Los Angeles County).
Voters reject Los Padres County (Santa Barbara County).

1979 Legislature authorizes geologic hazard abatement districts.

1982 Voters reject Ponderosa County (Fresno County).

1983 Appellate court says that charter cities can't referend LAFCO boundary changes; *Ferrini v. City of San Luis Obispo*.
Appellate court says the deadline has passed for LAFCOs to adopt spheres of influence; *Resource Defense Fund v. LAFCO*.
Legislature sets 1985 as the statutory deadline for LAFCOs to adopt spheres of influence and requires boundary decisions to be consistent with spheres; SB 1319 (Marks, 1983).

1984 Appellate courts uphold island annexation statutes; *Fig Garden Park No. 2 Association v. LAFCO, Schaeffer v. County of Santa Clara, Beck v. County of San Mateo, Citizens*

Against Forced Annexation v. County of Santa Clara.
Voters reject South Lake Tahoe County (El Dorado County).
Over the Line authored by Chris Laugenaur & Peter Detwiler, Senate Local Government Committee.

1985 Cortese-Knox Local Government Reorganization Act consolidates Knox-Nisbet Act, District Reorganization Act, Municipal Organization Act; AB 115 & AB 558 (Cortese, 1985).
Statutory deadline for LAFCOs to adopt spheres of influence.
Legislature liberalizes the statutory procedures to adjust county boundaries.

1987 Fire Protection District Law; SB 515 (Bergeson, 1987).

1988 Voters reject Mojave County (San Bernardino County).
District Investigation Law of 1933 repealed.

1989 Appellate court says LAFCO can redefine reorganizations; *Fallbrook Sanitary District v. San Diego LAFCO.*

1991 *LAFCO Spheres of Influence After 20 Years* published by the Senate Local Government Committee.

1992 California Supreme Court upholds Cortese-Knox Act against equal protection challenge and U.S. Supreme Court declines to review; *Board of Supervisors v. LAFCO.*
Legislature requires revenue neutrality for city incorporations; SB 1559 (Maddy, 1992).

1993 Legislature allows LAFCOs to initiate some special district boundary changes & requires LAFCO approval for extraterritorial services; AB 1335 (Gotch, 1993).

1995 Appellate Court says Cortese-Knox Act doesn't apply to geologic hazard abatement districts, except for dissolutions; *Las Tunas Beach GHAD v. Superior Court.*

1996 *It's Time to Draw the Line* authored by Bill Ihrke, Senate Local Government Committee.

1997 Legislature creates the Commission on Local Governance for the 21st Century.
Implementing AB 1335: Do LAFCOs Need a Nudge to Reorganize Special Districts? published by the Senate Local Government Committee.

2000 *Growth Within Bounds* published by the Commission on Local Governance for the 21st Century.
Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; AB 2838 (Hertzberg, 2000).
San Francisco LAFCO meets for the first time; finally there are 58 LAFCOs.

2001 Recreation and Park District Law; SB 707 (Senate Local Government Committee, 2001).

2002 Legislature bans LAFCOs from annexing Williamson Act land to cities; AB 2370 (Thomson, 2002)
Mosquito Abatement and Vector Control District Law; SB 1588 (Senate Local Government Committee, 2003).
Taking Their Pulse published by the Senate Local Government Committee.
Voters reject detachment of San Fernando Valley and Hollywood from Los Angeles.

2003 Legislature tells LAFCOs to consider regional housing needs; AB 518 (Salinas, 2003).
Public Cemetery District Law; SB 341 (Senate Local Government Committee, 2003).
Office of Planning & Research publishes *Municipal Service Review Guidelines.*
Office of Planning & Research publishes *A Guide to the LAFCO Process for Incorporations.*
It's Time to Draw the Line (2nd edition) authored by Tami Bui & Bill Ihrke, Senate Local Government Committee.

2004 Legislature increases size of unincorporated islands for expedited city annexations from 75 acres to 150 acres; SB 1266 (Torlakson, 2004).
Legislature bans LAFCOs from annexing land in the Delta Protection Commission's primary zone; SB 1607 (Machado, 2004).

2005 Community Services District Law; SB 135 (Kehoe, 2005).

2006 Voters reject Mission County (Santa Barbara County).

2007 Legislature tells LAFCOs to consider environmental justice; SB 162 (Negrete McLeod, 2007).
Statutory deadline for LAFCOs to prepare municipal service reviews; AB 1746 (Assembly Local Government Committee, 2005).

2008 Statutory deadline for LAFCOs to revise spheres of influence AB 1746 (Assembly Local Government Committee, 2005).
County Service Area Law; SB 1458 (Senate Local Government Committee, 2008).

2009 Legislature tells LAFCOs to consider regional transportation plans & sustainable communities strategies; SB 215 (Wiggins, 2009).

2011 Legislature encourages annexation of disadvantaged communities; SB 244 (Wolk, 2011).
Legislature fails to disincorporate the City of Vernon; AB 46 (John A. Pérez, 2011).

2012 Appellate court confirms LAFCOs' power to impose conditions; *Voices for Rural Living v. El Dorado Irrigation District.*
Office of Planning & Research publishes *LAFCOs, General Plans, and City Annexations.*

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Stewart A. Baker, "Reforming California's Annexation Law," research report for the Governor's Office of Planning & Research, May 1975.

Tami Bui & Bill Ihrke, *It's Time to Draw the Line: A Citizen's Guide to LAFCOs (Second Edition),* Sacramento: Senate Local Government Committee, May 2003. http://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/LAFCOGUIDEUPDATE2003.pdf

Commission on Governance for the 21st Century, *Growth Within Bounds*, Sacramento, 2000. http://opr.ca.gov/docs/79515.pdf

Owen C. Coy, *California County Boundaries: A Study of the Division of the State into Counties and the Subsequent Changes in the Boundaries, With Maps*, Berkeley: California Historical Survey Commission, 1923. http://www.cagenweb.com/santaclara/books/California%20county%20boundaries.pdf

Peter M. Detwiler, "Annexation and Boundary Issues," in *California Environmental Law & Land Use Practice* (Chapter 73), Daniel Selmi and Kenneth Manaster, eds., New York: Matthew Bender & Co., 2001.

Peter M. Detwiler, "Creatures of Statute … Children of Trade: The Legal Origins of California Cities," Appendix, *History and Perspective*, Sacramento: California Constitutional Revision Commission, 1996.

Peter M. Detwiler, "Suburban Secession: History & Context," Sacramento: Senate Committee on Housing and Land Use, September 1996.

A Background Note

The early work on these research notes came from an informal research memo, "Milestones In California's Boundary Laws," that I wrote in 2003 while working for the Senate Local Government Committee. I revised and supplemented that work for this version, prepared for the annual CALAFCO conference in August 2013. I encourage readers to forward their corrections, improvements, and additions to me.

- Peter Detwiler
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INFORMATIONAL ITEM

ATTACHED: Letter from Governor Edmund G. Brown

OFFICE OF THE GOVERNOR

August 2, 2013

California Local Agency Formation Commissions

On July 17, 1963, Governor Edmund G. Brown Sr. signed the Knox-Nisbet Act of 1963, creating Local Agency Formation Commissions (LAFCo), in all 58 counties in the State of California.

The essential concepts that are fundamental to LAFCo operations – including independent commissions in each county; representation by county, city, and public members; uniform criteria and procedures for formation and boundary decisions for new cities and special districts; and landowners and voter right to protest LAFCo decisions - all originated in the Knox-Nisbet Act - continue to guide LAFCo deliberations and decision-making today.

State law tasks LAFCos with encouraging orderly growth, promoting the logical formation and determination of local agency boundaries, discouraging urban sprawl, and preserving open space and prime agricultural lands.

On behalf of the state of California, I would like to congratulate all LAFCos on this, their 50th anniversary; and acknowledge the signing of the original Knox-Nisbet Act of 1963 by my father, then Governor Edmund G. Brown Sr.; and honor the vision and courage of LAFCos founding fathers.

Sincerely,

Jerry Brown

EDMUND G. BROWN JR.

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