

STAFF REPORT
Meeting Date: March 24, 2004

Agenda Item 12

TO: LAFCO Commissioners

FROM: Everett Millais, Executive Officer

SUBJECT: Letter to City of San Buenaventura Encouraging the City to Initiate the Annexation of Montalvo Area Islands

RECOMMENDATION:

Authorize the Chair to send a letter to the Mayor of the City of San Buenaventura encouraging the City to initiate the annexation of islands of unincorporated territory in the Montalvo area.

DISCUSSION:

In 2003 the Commission adopted the attached policy relating to the annexation of islands of unincorporated territory. Each of the cities that have unincorporated island areas that qualify have been advised of the policy. Even though the cities were invited to participate in the workshop and meetings prior to the policy being adopted, the policy is now creating controversy and issues with the cities including how it may be implemented. Recent discussions with the City of Simi Valley have indicated that they may pursue special legislation that would prevent LAFCOs from implementing such a policy. As further actions occur, the Commission may want to review the policy itself as a part of a future agenda.

Beginning last fall staff was contacted by representatives of the Ventura Unified School District and a developer about a possible annexation to the City of San Buenaventura. The property involved is, according to the County Assessor, 40 acres in area and is currently used for agriculture. The School District is the owner, but has declared the property surplus and has completed a public process to sell the property. The City and

COMMISSIONERS AND STAFF

COUNTY: Steve Bennett Kathy Long <i>Alternate:</i> Linda Parks	CITY: Evaristo Barajas Don Waunch <i>Alternate:</i> John Zaragoza	SPECIAL DISTRICT: Jack Curtis Dick Richardson <i>Alternate:</i> Ted Grandsen	PUBLIC: Louis Cunningham, Chair <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER: Everett Millais	SENIOR PLANNER: Hollie Brunsky	CLERK: Debbie Schubert	LEGAL COUNSEL: Noel Klebaum

the School District have also entered into agreements about the development of the property. The prospective buyer is now processing various land use entitlements with the City, including the preparation of an environmental impact report, necessary to proceed with annexation and development of the property.

As a part of the initial meetings held to date, staff has advised representatives of the School District, the City and the developer, that the project could be affected by the Commission's island annexation policy. While there is no application for any change of organization or reorganization pending with LAFCO concerning this project at this time, and while staff has not done any detailed analysis about whether or not the project should be conditioned in order to implement the policy, representatives of the City, the School District and the developer, do not want the project potentially conditioned upon the annexation of unincorporated island areas.

In meetings with the City, it was emphasized that the real purpose of the policy was to encourage cities with qualifying unincorporated island areas to take advantage of the expedited annexation process allowed by Government Code Section 56375.3 before the ability of LAFCO to proceed without protest proceedings "sunset" on January 1, 2007. Also, it has been made clear that the City can use this Government Code section to proceed at any time. Thus, one way to avoid having LAFCO even consider applying the policy would be for the City to take separate steps to initiate the annexation of qualifying unincorporated island areas before any proposal for a separate change of organization or reorganization is filed with LAFCO.

In the case of the City of San Buenaventura, there are several qualifying unincorporated island areas in the Montalvo area. Overall, these areas are approximately 55.5 acres in area and consist of approximately 254 parcels. In concept, City staff is supportive of beginning to review the ramifications and processes required to initiate annexation of the qualifying islands of unincorporated territory in the Montalvo area, but has requested that LAFCO take the initiative in bringing this matter up for policy discussion by the City Council. Accordingly, a letter from the Chair of LAFCO to the Mayor of the City has been requested.

While it is recommended that the Chair be authorized to send the attached letter to the Mayor of the City of San Buenaventura encouraging the City to initiate the annexation of the Montalvo area islands of unincorporated territory, the Commission should understand that there are no guarantees the City will follow-up on the request, there is no certainty that the project discussed with the City, the Ventura Unified School District and developer representatives would cause the Commission's policy to be applied, and that there might be future legal reasons to reconsider the policy (e.g. a change in law). Nonetheless, encouraging cities to annex fully developed unincorporated island territories is consistent with State policy to encourage orderly growth and development.

March 25, 2004

Honorable Brian Brennan, Mayor
City of San Buenaventura
P.O. Box 99
Ventura, CA 93002

RE: Annexation of Unincorporated Islands in the Montalvo Area

Dear Mayor Brennan

On behalf of the Ventura LAFCO I have been authorized to send you this letter to encourage the City of San Buenaventura to initiate proceedings to annex unincorporated islands of territory in the Montalvo area. These "islands" are shown on the enclosed map.

The Ventura LAFCO has adopted the enclosed policy relating to the annexation of unincorporated islands. In recent meetings with City staff and representatives of the Ventura Unified School District, LAFCO staff noted that this policy could possibly apply to the annexation of surplus property owned by the School District. It would be more beneficial to all, however, if the City takes the initiative now and not wait to see if LAFCO might apply this policy to a possible future annexation proposal.

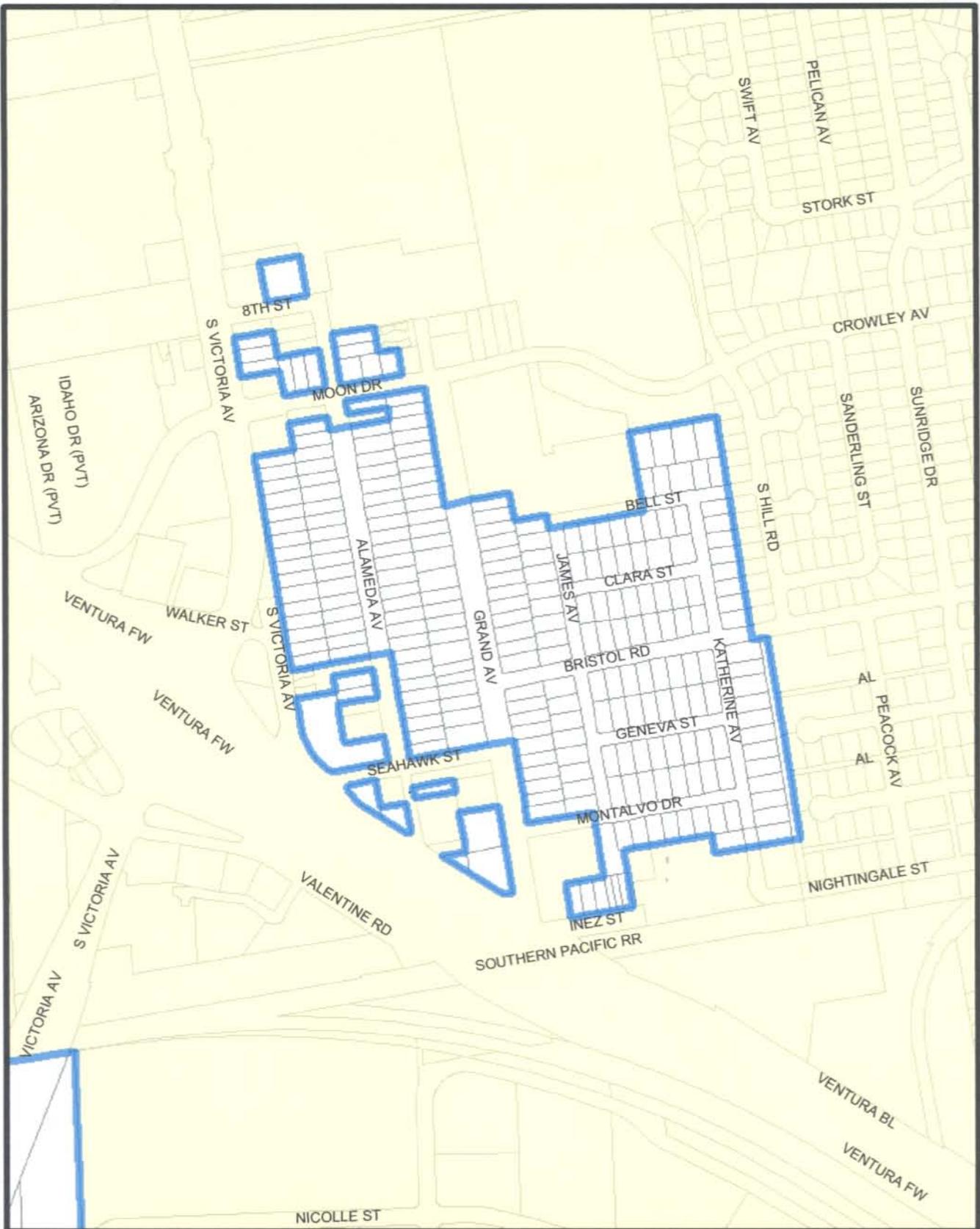
California Government Code §56375.3 provides for an expedited process for annexation island areas such as Montalvo. The City is encouraged to work with the LAFCO staff to take advantage of this expedited process in the near future, certainly before the expedited process provisions "sunset" on January 1, 2007.

Unincorporated island areas, such as those in Montalvo, are inefficient and expensive to serve and cause confusion for residents about services. The Montalvo area already receives numerous services from the City, including water service. In the interest of good government, efficient service provision and orderly growth and development, the City is strongly encouraged to make annexation of the Montalvo area a priority.

The Ventura LAFCO staff will be happy to assist the City with this process as may be requested.

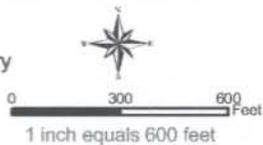
Sincerely,

Chair, Ventura LAFCO



Legend

- City Boundary
- parcel



Ventura LAFCO
City of San Buenaventura
Montalvo Islands (8 Separate Areas)

254 Parcels
 Approx. 55.54 Acres

Prepared by PWA - Mapping Division
 Printed on: 1-23-2003

Warning:
 This map was created by the Ventura County Computer-Aided Mapping System (CAMS), which is designed and operated solely for the convenience of the county and related public agencies. The county does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

**SECTION 3.2.3 ANNEXATION OF UNINCORPORATED ISLAND AREAS BY
CITIES**

(Added 4/16/03)

Any approval of a proposal for a change of organization or reorganization will be conditioned to provide that proceedings will not be completed until and unless a subsequent proposal is filed with LAFCO initiating proceedings for the change of organization or reorganization of all unincorporated island areas that meet the provisions of Government Code Section 56375.3, provided all of the following criteria are applicable:

- i. The approved proposal was initiated by resolution of a city that surrounds or substantially surrounds one or more unincorporated island areas that meet the requirements of Section 56375.3.
 - ii. The territory in the approved proposal consists of one or more areas that are each 40 acres or more in area.
 - iii. The territory in the approved proposal will not be used exclusively for agriculture or open space purposes after the completion of proceedings.
 - iv. The territory in the approved proposal is not owned by a public agency or used for public purposes.
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