



STAFF REPORT

Meeting Date: September 15, 2004

CONSENT

**LAFCO CASE
NAME & NO.**

LAFCO 04-18 Ventura County Waterworks District No. 19
Annexation – Tash

PROPOSAL:

The proposal is to annex property into Ventura County Waterworks District No. 19 for the purpose of providing domestic water service.

SIZE:

Approximately 60.51 acres.

LOCATION:

The proposal area is generally located southerly of property at 1666 Los Angeles Ave., Somis. The area is entirely within the sphere of influence of Ventura County Waterworks District No. 19 and a small portion is in the sphere of influence of the City of Camarillo. The proposal area is in an unincorporated area of Ventura County, mostly in the Las Posas Area of Interest, with the area in the City of Camarillo sphere of influence being in the Camarillo area of interest.

**ASSESSOR'S
PARCEL**

INFORMATION:

Assessor's Parcel No. 155-0-270-065

PROPONENT:

Ventura County Waterworks District No. 19, by Resolution.

NOTICE:

This matter has been noticed as required by law.

COMMISSIONERS AND STAFF

COUNTY:

Kathy Long
Linda Parks
Alternate:
Steve Bennett

CITY:

Evaristo Barajas, Chair
Don Waunch
Alternate:
John Zaragoza

SPECIAL DISTRICT:

Jack Curtis, Vice Chair
Dick Richardson
Alternate:
Ted Grandsen

PUBLIC:

Louis Cunningham
Alternate:
Kenneth M. Hess

EXECUTIVE OFFICER:

Everett Millais

LAFCO ANALYST:

Hollee Brunsky

OFFICE MANAGER/CLERK:

Debbie Schubert

LEGAL COUNSEL:

Leroy Smith

RECOMMENDATIONS:

1. Certify that the Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by Ventura County Waterworks District No. 19 as lead agency, and approve the determination that the proposal is exempt under Sections 15303(a), 15303(d) of the CEQA Guidelines.
2. Adopt the attached resolution (LAFCO 04-18) making determinations and approving the Ventura County Waterworks District No. 19 Annexation - Tash.

GENERAL ANALYSIS:

1. Land Use:

A. Site Information

	Land Use	Zone District Classification	General Plan Designation
Existing	Open space	County: AE – 40ac (agricultural exclusive – 40 acre minimum lot size).	County: Open Space and Open Space – Urban Reserve City: Natural Open Space
Proposed	The construction of one single family home.	No Change.	No Change.

B. Surrounding Land Uses and Zoning and General Plan Designations

	Land Use	Zone District Classification	General Plan Designation
North	Agriculture.	County: AE – 40ac	County: Agriculture
South	Single family residential	County: RE – 1ac (rural exclusive – 1 acre minimum lots)	County: Existing Community - Urban Reserve City: Residential – Low Density.
East	Open space	County: AE – 40ac	City: Open Space
West	Open space	County: OS – 40ac (open space – 40 acre lot minimum)	County: Open Space.

C. Topography, Natural Features and Drainage

The area is part of the Camarillo hills and has average slopes of approximately 8%. Drainage is generally from south to north towards Los Angeles Avenue (Highway 118). There are no unique natural features in the proposal area.

D. Conformity with Plans

The proposal area is entirely within the unincorporated area of the County of Ventura. A small portion of the southerly part of the parcel is also within the City of Camarillo’s area of interest and sphere of influence. The City’s sphere of influence boundary in this area is intended to follow a ridgeline and does not coincide with the property boundary.

The annexation is for the purpose of providing domestic water for the proposed construction of one single-family dwelling. Because no other land use changes are proposed, the annexation is consistent with the County’s General Plan and zoning.

The small portion of the proposal area that is located in the City of Camarillo’s sphere of influence is designated for low-density residential use by the City’s General Plan. Typically areas within a City’s sphere of influence should be annexed to the city based on LAFCO policies and the Guidelines for Orderly Development. In this instance, however, the City’s sphere of influence boundary

does not conform to ownership boundaries or lines of assessment and the property is not contiguous with the City boundaries. Further, the majority of the property is outside the City of Camarillo's sphere of influence and, as discussed below, the entire site is subject to a Land Conservation Act (LCA; also known as Williamson Act) with the County of Ventura. For these reasons, the County General Plan should take precedence for this area.

The entire area is subject to the County of Ventura's SOAR ordinance. The City of Camarillo's CURB line matches the City's sphere of influence in this area. Thus, the small portion of the proposal area that is within the City's sphere of influence is also within the City's CURB boundary. The majority of the territory is outside the City's CURB boundary.

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

A. Agricultural Land and Agriculture

The proposal area is not prime agricultural land, but is zoned for agriculture exclusive uses as the entire area is subject to a Land Conservation Act contract with the County of Ventura (contract no. 51-5.35). Even though the proposal will result in the provision of non-agricultural water to the area, it will only be for one single-family dwelling. Such a use is allowed under the provisions of State law for LCAs, the LCA contract with the County, the County's General Plan and zoning. The proposal will not result in any change to land use.

According to the County of Ventura Planning Department, the agency responsible for the administration of County LCA contracts, the LCA contract including the proposal area was recorded in 1975 and included what is now a separate 22.15 acre parcel to the north of the proposal area (a parcel that is in agricultural production and that is already in the boundaries of Ventura County Waterworks District No. 19). The LCA contract requires that the property be used for agriculture and compatible uses, with specific uses being referenced as "lemon orchards and grazing." County Planning staff noted that the approximately 60 acre proposal area by itself, does not meet current LCA requirements for grazing (an 80 acre minimum site is required to be considered for an LCA involving only grazing), or for agriculture (current requirements are that at least 50% of the site be used for irrigated agriculture).

LCA contracts continue indefinitely unless cancelled based on findings and other requirements of State law, or unless a notice of non-renewal is filed by the property owners. Once a notice of non-renewal is filed the LCA contract remains in effect for 10 years from the date of non-renewal. No notice of non-renewal has been filed for the LACA contract for the proposal area, but according to County

Planning staff there have been inquires by the property owners about seeking cancellation of the LCA contract. At this time, however, there are no actions pending with the County concerning the LCA contract for the proposal area.

Government Code Section 56856.5 generally prevents the annexation of territory covered by a LCA to any city or district that provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads, unless these facilities or services benefit land uses that are allowed under the LCA. As noted, one single family dwelling is consistent with the provisions of the LCA but in this instance it is hard to find that the potential construction of a single family dwelling will benefit the basic uses allowed under the LCA contract. The law does provide, however, that LAFCO can approve such annexations if it finds that, after annexation, the County has adopted policies and feasible implementation measures ensuring the continuation of agricultural uses under the LCA. The County of Ventura does have such policies in place and the provisions of the County SOAR ordinance also provide feasible implementation measures to ensure that the underlying land use designations won't change. Therefore, it is recommended that the Commission make this finding and it is included in the recommended resolution.

B. Open Space

The proposal area is considered open space due to both the existing land use and the County's General Plan designation. Construction of one single family dwelling within the proposal area is allowed by County plans and ordinances, however, and the proposal will not result in any change to the underlying land use.

The proposal area is not located within a greenbelt.

3. Population:

There are no registered voters residing with the proposal area and, thus, for LAFCO purposes the area is considered as uninhabited.

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

Currently, there are no urban services of any type serving the proposal area.

In order for the property owners to build a house on the subject site there must be a potable water source. The only available options are to possibly drill a well or connect to a separate potable water source. In this area the only potable water provider is Ventura County Waterworks District 19. This District retails State water

project water purchased from Calleguas Municipal Water District. The proposal area is already entirely within the boundaries of Calleguas Municipal Water District.

Ventura County Waterworks No. 19 has a domestic water line in Los Angeles Avenue (Highway 119) approximately 1,200 feet from the proposal area and has indicated the District has the capacity to serve the area for one single family dwelling. All costs of service connection and extension of lines will be paid by the property owners. On-going costs of operating and maintaining the District's facilities are paid for by service charges.

Except for the provision of domestic water service, no other service changes will result from this proposal.

5. Boundaries and Lines of Assessment:

The boundaries are definite and certain. There are no conflicts with lines of assessment or ownership.

The County Surveyor is still checking the boundary map and legal description submitted with the proposal. Any approval should be conditioned upon maps and legal descriptions sufficient for filing with the State Board of Equalization being submitted to the Executive Officer prior to recordation and completion of proceedings.

6. Assessed Value, Tax Rates and Indebtedness:

The current assessed land value for the proposal area is \$16,584. This value reflects provisions of the LCA contract.

The proposal area is currently within tax rate area 93001 that has a total tax rate of 1.074797 per \$100 of assessed valuation. The County Assessor has indicated that upon the completion of the proposed annexation, the area will be assigned to tax rate area 93017 that has the same tax rate. Thus, there will be no changes to property taxes resulting from this proposal.

Ventura County Waterworks District No. 19 has no bonded indebtedness.

7. Environmental Impact of the Proposal:

Ventura County Waterworks District No. 19 was lead agency for this proposal under CEQA. The District found the proposal to be Categorically Exempt under Section 15303 (Class 3 – new construction or conversion of small structures), sub-section (a) (construction of one single family residence) and sub-section (d) (water extensions of reasonable length to serve new construction of one single family

residence). It is recommended that the Commission, as a responsible agency, concur with the lead agency's determination and find the proposal Categorically Exempt under the same Class 3 exemptions.

8. Regional Housing Needs

The proposal is for annexation to a special district. Special districts have no direct role in regional housing needs. Regional housing needs are a part of the General Plan Housing Elements of the County and each city. This proposal will have no effect on the fair share of the regional housing needs for the County of Ventura.

9. Landowner and Annexing Agency Consent

Ventura County Waterworks District No. 19 has provided proof that all landowners have given their written consent to this proposal and has requested that the Commission waive all protest proceedings.

ALTERNATIVE ACTIONS AVAILABLE:

- A. If the Commission, following public testimony and the 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 the review of the materials submitted, determines that the boundaries of the proposal area 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 the proposal, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

PREPARED FOR THE COMMISSION BY:

Everett Millais, Executive Officer

Attachments: (1) Vicinity Map (2) LAFCO 04-18 Resolution

LAFCO 04-18

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE VENTURA COUNTY
WATERWORKS DISTRICT NO. 19 ANNEXATION – TASH**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56000 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 required by law; and

WHEREAS, the proposal was duly considered on September 15, 2004, 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 Executive Officer's Staff Report and recommendation, the environmental document or determination, and applicable General and Specific Plans; and

WHEREAS, the affected territory is within the sphere of influence of Ventura County Waterworks District No. 19, and

WHEREAS, the affected territory is part of a Land Conservation Act contract with the County of Ventura, and

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

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the landowners within Ventura County Waterworks District No. 19 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 Local Agency Formation Commission of Ventura County as follows:

- (1) The LAFCO Executive Officer's Staff Report and recommendation for approval of the proposal dated September 15, 2004 is adopted.
- (2) Said annexation is hereby approved as submitted.

- (3) The subject proposal is assigned the following distinctive short form designation: **LAFCO 04-18 VENTURA COUNTY WATERWORKS DISTRICT NO. 19 ANNEXATION – TASH.**
- (4) The boundaries of the affected territory are as generally set forth in Exhibit A attached hereto and made a part hereof.
- (5) This change of organization shall not be recorded until maps and legal descriptions consistent with this approval and suitable for filing with the State Board of Equalization have been submitted to the LAFCO Executive Officer.
- (6) The Commission has reviewed and considered the lead agency's determination that the proposal is categorically exempt under Sections 15301(a) and 15301(d) of the California Environmental Quality Act Guidelines, and finds the proposal to be categorically exempt under Sections 15301(a) and 15301(d).
- (7) The Commission directs staff to file a Notice of Exemption in the same manner as a lead agency under Section 15062 of the CEQA Guidelines.
- (8) The Commission finds that the County of Ventura will continue to be responsible for administering the Land Conservation Act contract for the affected territory after annexation and has adopted policies and feasible implementation measures ensuring the continuation of agricultural use and other uses allowable under the contract on a long-term basis.
- (9) The Commission hereby waives protest proceedings entirely.

This resolution was adopted on September 15, 2004.

AYES:

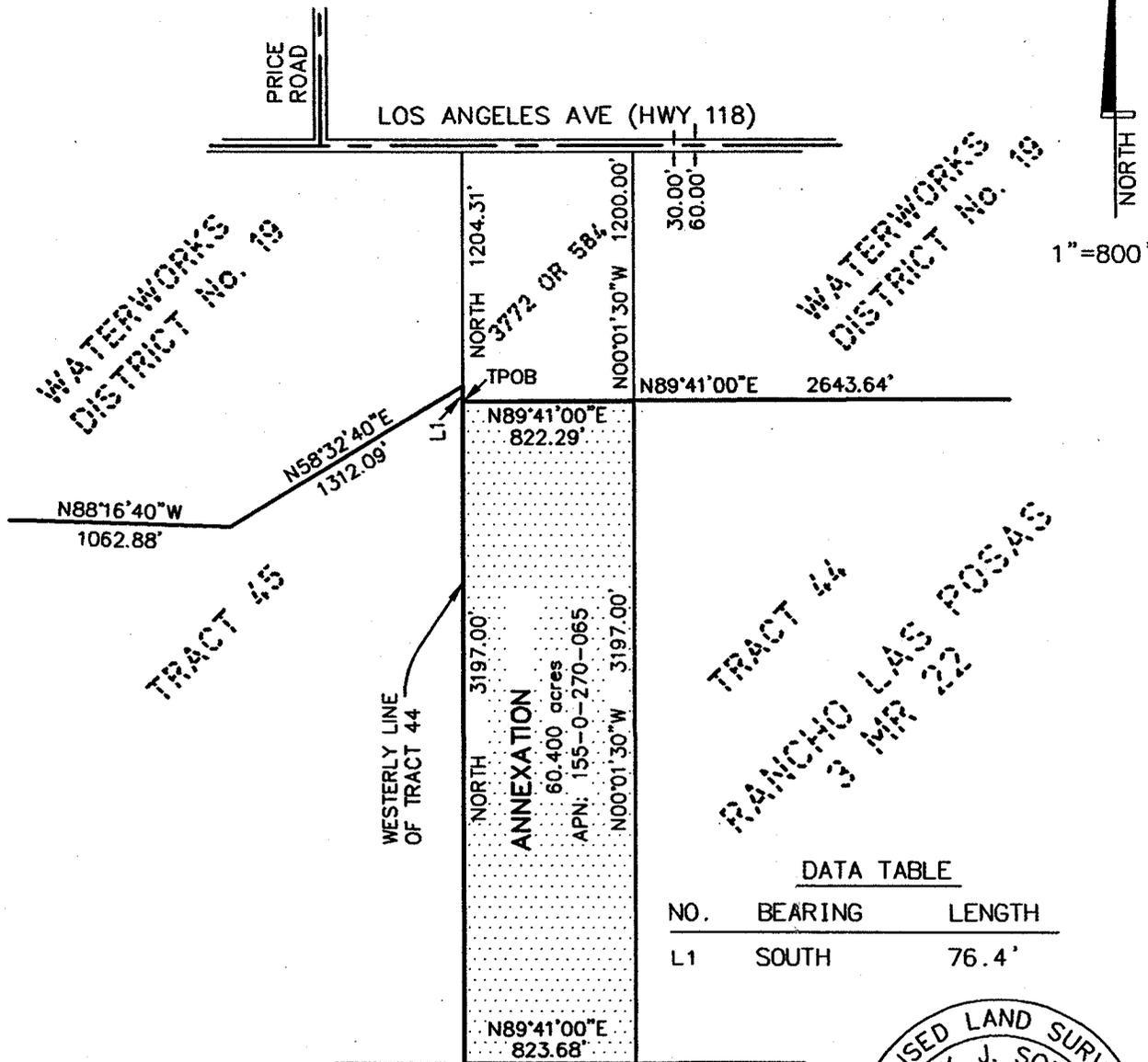
NOES:

ABSTAIN:

Dated: _____
Chair, Ventura Local Agency Formation Commission

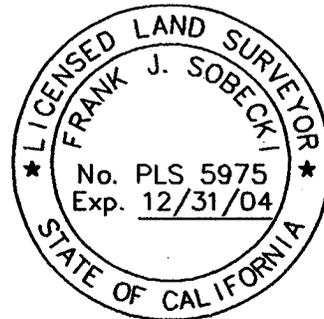
Copies: Ventura County Waterworks District No. 19
City of Camarillo
Ventura County Assessor
Ventura County Auditor
Ventura County Surveyor
Ventura County Planning

THIS EXHIBIT IS TO BE ATTACHED TO THE LEGAL DESCRIPTION



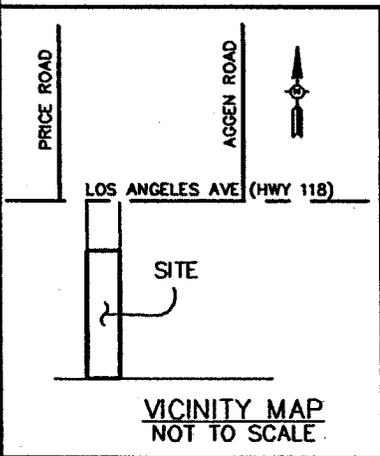
DATA TABLE

NO.	BEARING	LENGTH
L1	SOUTH	76.4'



Frank J. SobECKI

FRANK J. SOBECKI, PLS 5975
DATE SIGNED: 3/10/2004



FJS CONSULTING AND

(805) 501-4075
fjs@fjslandconsulting.com

FJS Land Consulting
594 Stoney Peak Ct.
Simi Valley, CA 93065

Fax (805) 583-3710

COUNTY OF VENTURA
STATE OF CALIFORNIA
WATERWORKS DISTRICT No. 19

WITHIN A PORTION OF TRACT 44
RANCHO LAS POSAS - 3 MR 22
ANNEXATION TO WATERWORKS DISTRICT No. 19

**ANNEXATION
TO
WATERWORKS DISTRICT No. 19**

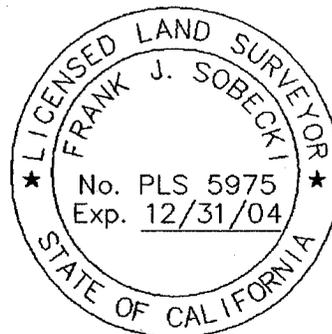
THAT PORTION OF TRACT 44, RANCHO LAS POSAS, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 3, PAGE 22 OF MAPS, OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY TERMINUS OF 108th COURSE SHOWN AS NORTH 89°41'00" EAST 2643.64 FEET PER LAFCO RESOLUTION No. 80-41 RECORDED IN BOOK 5775, PAGE 119 OF OFFICIAL RECORDS, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**; THENCE,

- 1ST CONTINUING ALONG SAID LINE NORTH 89°41'00" EAST 822.29 FEET; THENCE,
- 2nd SOUTH 0°01'30" EAST 3197.00 FEET; THENCE,
- 3rd SOUTH 89°41'00" WEST 823.68 FEET TO THE WESTERLY LINE OF SAID TRACT 44; THENCE,
- 4th NORTH 3197.00 FEET TO THE **TRUE POINT OF BEGINNING**.

SUBJECT TO: ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.



FRANK J. SOBECKI
PLS 5975

3/10/2004