



**STAFF REPORT**

Meeting Date: March 16 2005

**LAFCO CASE**

**NAME & NO:** LAFCO 04-26 Ventura County Service Area No. 14 Annexation – Lake Sherwood

**PROPOSAL:** To annex all territory in the Lake Sherwood Community Services District, a portion of Potrero Road and six properties adjacent to Potrero Road into Ventura County Service Area No. 14 for the purpose of public street light operation and maintenance

**SIZE:** As proposed: approximately 2029.33 acres  
As recommended: approximately 2119.04 acres

**LOCATION:** The proposal area involves the unincorporated community of Lake Sherwood and adjacent areas along Potrero Road. The proposal area is in the sphere of influence of the Ventura County Service Area No. 14.

**PROPONENT:** Ventura County Board of Supervisors by resolution.

**NOTICE:** This matter has been noticed as a PUBLIC HEARING as prescribed by law.

**PARCEL AND OWNERSHIP INFORMATION:** There are 611 Assessor Parcels in the area as proposed and 823 Assessor Parcels in the area as recommended. A complete list, including property owner information is on file and available for public review at the Ventura LAFCO office.

**COMMISSIONERS AND STAFF**

**COUNTY:**  
Linda Parks, Vice Chair  
Kathy Long  
*Alternate:*  
Steve Bennett

**CITY:**  
Don Waunch  
John Zaragoza  
*Alternate:*  
Janice Parvin

**SPECIAL DISTRICT:**  
Dick Richardson, Chair  
Ted Grandsen  
*Alternate:*  
George Lange

**PUBLIC:**  
Kenneth M. Hess  
*Alternate:*  
Louis Cunningham

**EXECUTIVE OFFICER:**  
Everett Millais

**LAFCO ANALYST:**  
Kim Uhlich

**OFFICE MANAGER/CLERK:**  
Debbie Schubert

**LEGAL COUNSEL:**  
Leroy Smith

## **RECOMMENDATIONS**

- A. Certify that the Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by Ventura County Service Area No. 14 as lead agency, dated January 13, 2005, and determine that the change of organization is exempt under Section 15319(a) of the CEQA Guidelines.
- B. As lead agency determine that the addition of the five exclusion areas that are recommended to be included as a part of the annexation, as depicted on the attached vicinity map titled "Recommended Annexation Area," are exempt under Section 15319(a) of the CEQA Guidelines.
- C. Adopt the attached resolution (LAFCO 04-26) making determinations and approving the Ventura County Service Area No. 14 Annexation – Lake Sherwood.

## **GENERAL ANALYSIS**

### **1. Land Use**

#### **Site Information**

The Lake Sherwood community consists of a master planned development and adjoining pre-existing development. There will be no change to any land uses, or to the County's General Plan or zoning, resulting from this proposal.

#### **Surrounding Land Uses and Zoning and General Plan Designations**

This proposal will have no effect on surrounding land uses, zoning or General Plan designations.

#### **Topography, Natural Features and Drainage**

The proposal area consists of rolling terrain and includes a golf course and a man-made lake.

#### **Conformity with Plans**

The proposal area is in the Sphere of Influence of Ventura County Service Area No. 14. It is located in the unincorporated area of Ventura County. The existing development conforms with the County's General Plan and zoning.

The proposal area is not affected by the County's SOAR ordinance.

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

### Agricultural Land and Agriculture

The proposal area is not used for agricultural purposes and is not considered prime agricultural land. There are no agricultural uses on any adjoining properties.

The proposal area is not subject to a Land Conservation Act contract or a Farmland Security Zone agreement, and is not located within a greenbelt.

### Open Space

A number of parcels in the proposal area are designated as open space on the County General Plan, including Lake Sherwood itself, the larger undeveloped lots in the Lake Sherwood Community Services District, the larger parcels adjacent to Potrero Road, and even the County Fire Station parcel on Lake Sherwood Drive. However, the proposal will have no impact on open space lands.

## **3. Population**

The proposal area is substantially developed and contains approximately 697 registered voters. As such, the proposal area is inhabited and protest proceedings will be necessary under the provisions of LAFCO law.

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

As a part of the original conditions of approval for the Lake Sherwood development, Sherwood Development Company, L.P., the developer, was required to install 54 street lights along Potrero Road between Lake Sherwood Drive and Trenwood Drive. The street lights are located outside the boundaries of the Lake Sherwood Community Services District and are for the benefit of the general public using Potrero Road. Since installation the developer has paid for the associated energy charges for these street lights, but is now wanting the County to accept all public improvements installed as a part of the Lake Sherwood Development. This is a typical process when all development conditions have been met and public improvements have been satisfactorily installed.

Ventura County Service Area (CSA) No. 14 provides street lighting services on public roads in various unincorporated areas throughout Ventura County. The County estimates that the energy charges attributable to the 54 Potrero Road street lights will be approximately \$10,000 per year. CSA No. 14 receives a share of the 1% property tax paid by all properties within the District prior to 1976 (effective date of Proposition 13). The County indicates that this property tax funding is more than sufficient to cover the estimated increase in energy costs that would result upon annexation, both now and for the foreseeable future. As a result there will be no transfer of property tax, no increase in taxes, and no new assessments due to this annexation proposal. In the future, if the property tax revenues that accrue to CSA No. 14 prove not to be sufficient to fund the energy costs of the street lights within the district, the County would have to seek voter approval of new assessments consistent with proposition 218.

## **5. Boundaries and Lines of Assessment**

The maps and legal descriptions submitted by the County with the application for this proposal were prepared based on the existing boundaries of the Lake Sherwood Community Services District. When that District was formed five separate areas that had pre-existing development were excluded. Thus, the maps and legal descriptions filed with the application for this proposal also show these same areas being excluded from the annexation to CSA No. 14. The areas involved are depicted on the attached vicinity map titled "Proposed Annexation Area."

As a part of the review of the maps and legal descriptions filed for this proposal the County Assessor noted that the proposed boundaries conflict with lines of assessment and ownership. Both the County Assessor and the County Surveyor have indicated that since the Lake Sherwood Community Services District was formed and the maps and legal descriptions recorded for that District, the County has allowed multiple tract and parcel maps, and lot line adjustments, to be recorded that differ from the Lake Sherwood Community Service District boundaries. Thus, the boundaries of the Lake Sherwood Community Services District no longer coincide with lot lines. This has resulted in the County Assessor having to assign multiple parcel numbers to single lots and to property owners receiving multiple tax bills for portions of the same legal lot. The County Assessor has requested that LAFCO not compound this problem by establishing the boundary of CSA No. 14, a new district boundary, based on the on the boundary of the Lake Sherwood Community Services District. This problem relates primarily to the five areas originally excluded from the boundary of the Lake Sherwood Community Services District. There are a total of 212 Assessor Parcels in these five areas.

After reviewing this issue with County staff, it is recommended that LAFCO approve expanded boundaries for this annexation that include the five areas excluded from the Lake Sherwood Community Services District (212 Assessor Parcels) and require new maps and legal descriptions to be prepared prior to completion of any proceedings. Such an action would also form the basis for notices to property owners and registered voters for the subsequent protest proceedings that must be held for this proposal.

Discussions with County staff also included the possibility of including the large (572.4 acre) property north of Potrero Road between Lake Sherwood Drive and Trenwood Drive. This area is not being recommended to be included, however, as it is designated Open Space on the County General Plan and is really not part of the broader Lake Sherwood community.

The area now being recommended for annexation to CSA No. 14 is depicted on the attached vicinity map titled "Recommended Annexation Area." This recommendation will have no effect on the existing boundaries of the Lake Sherwood Community Services District. A clean-up of the boundaries for that District will require separate, subsequent actions by the County Board of Supervisors and a separate, subsequent application and notice process with LAFCO.

## **6. Assessed Value, Tax Rates and Indebtedness**

This proposal will not have any effect on assessed values. As noted, there will be no change in property taxes and no assessments in the future without a vote consistent with the provisions of proposition 218.

The County Assessor has indicated that the proposal area now takes in multiple tax rate areas. Upon completion of annexation proceedings the County Assessor indicates that three new tax rate areas will be assigned.

## **7. Environmental Impact of the Proposal**

The County of Ventura as the governing entity for CSA No. 14 is the lead agency for this proposal and found the proposal to be categorically exempt under Section 15319(a) of the California Environmental Quality Act Guidelines. As the annexation is to provide a means to operate and maintain existing street lights adjacent to a public road, a categorical exemption is appropriate for this proposal.

As discussed in Section 5 of this report, additional areas are being recommended to be included with this annexation. The areas being recommended to be included are the 5 areas that are totally surrounded by the existing Lake

Sherwood Community Services District, but that were originally excluded from the Community Services District. There are 212 Assessor parcels that are being recommended to be included. Since the County's Categorical Exemption did not address the addition of these areas, it is recommended that LAFCO serve as lead agency and determine that the addition of the five exclusion areas that are recommended to be included as a part of the annexation, as depicted on the attached vicinity map titled "Recommended Annexation Area," are exempt under Section 15319(a) of the CEQA Guidelines.

## **8. Regional Housing Needs**

The 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**

None of the affected property owners have consented to this proposal. While LAFCO staff understands that the Lake Sherwood Homeowners Association has approved the annexation in concept, nothing relating to any such approval was submitted with the application.

Because 100% of the property owners involved have not consented and because there are more than 12 registered voters reside in the area, LAFCO must conduct protest proceedings. Thus, based on the boundaries established and the terms and conditions set as a part of any approval, all property owners and all registered voters within the affected area will receive a notice describing the proposal and how protests may be filed. Authority to conduct the protest proceeding has been delegated to the LAFCO Executive Officer. The Executive Officer will schedule and notice protest proceedings as required by law. Depending on the number of registered voter protests and/or the value of landowner protests, the reorganization and annexation will either be finalized or will be brought back to the Commission for ordering an election or termination.

### **ALTERNATIVE ACTIONS AVAILABLE:**

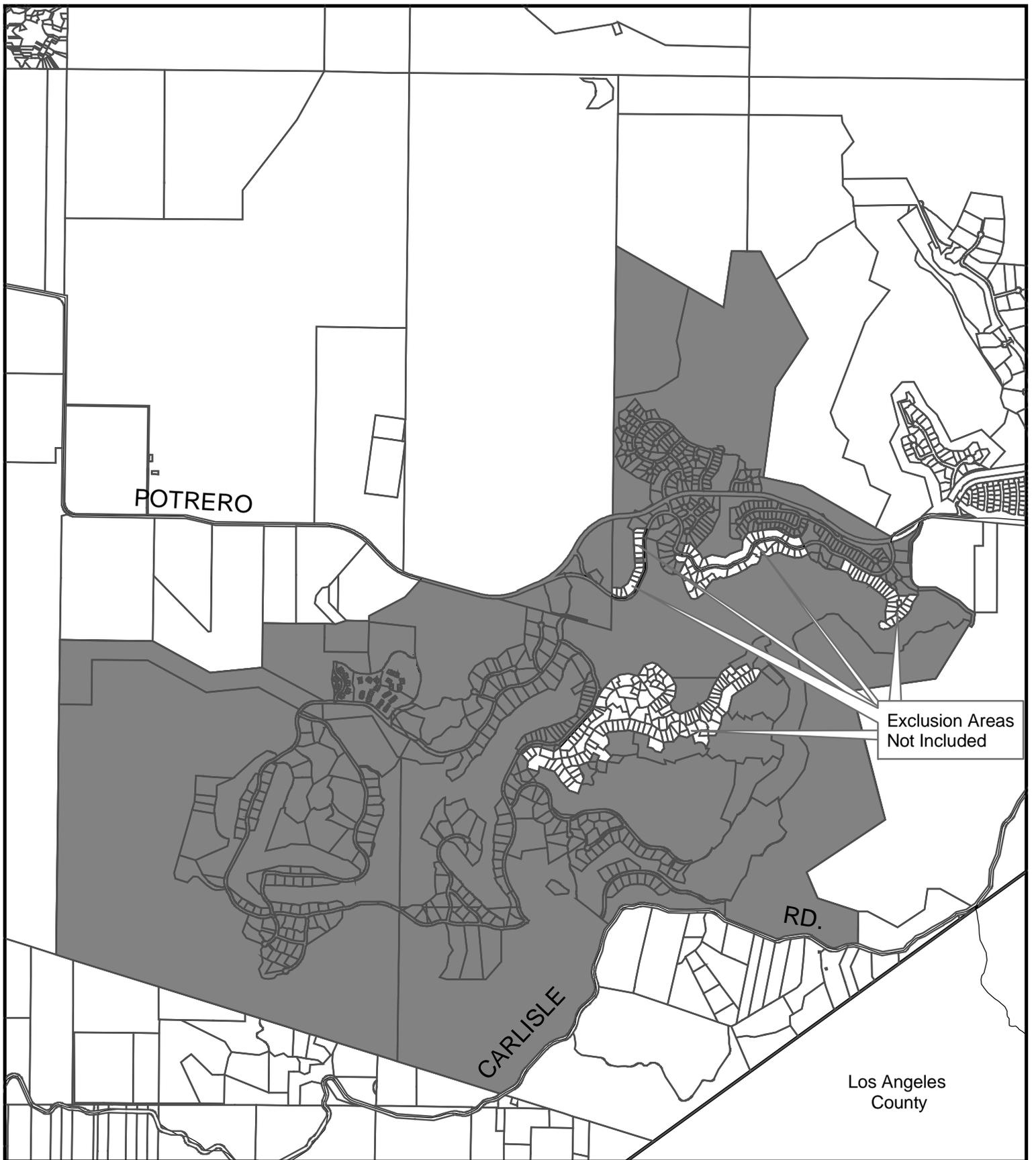
- A. If the Commission, following public testimony and review of the materials submitted, determines that further information is necessary, a motion to continue the proposal should state specifically the type of information desired and specify a date certain for further consideration.
- B. The Commission could decide to establish a boundary different from either the one proposed as a part of the application submitted or the one being

recommended. One such option considered by staff would limit the annexation area to simply those properties adjoining Potrero Road and not include any of the properties in the Lake Sherwood Community Service District. This would mean that if in the future the County needed to request some form of special assessment for CSA No. 14, the property owners in the Community Services District (and the excluded areas) would not be affected and would not be eligible to vote. This option is not being recommended as the County does not anticipate having to seek voter approval of any special assessments for CSA No. 14 in the foreseeable future. Further, elsewhere in the County the boundaries established for CSA No. 14 have typically included the entire unincorporated community affected (e.g. Piru, Nyeland Acres, etc.).

- C. If the Commission, following public testimony and review of materials submitted, wishes to deny or modify this proposal, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

BY: \_\_\_\_\_  
Everett Millais, Executive Officer

Attachments: (1) Attachment 1 – List of Assessor Parcels and property owners  
(2) Vicinity Map – Proposed Annexation  
(3) Vicinity Map – Recommended Annexation  
(4) LAFCO 04-26 Resolution

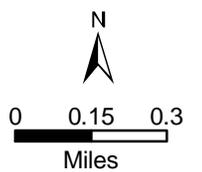


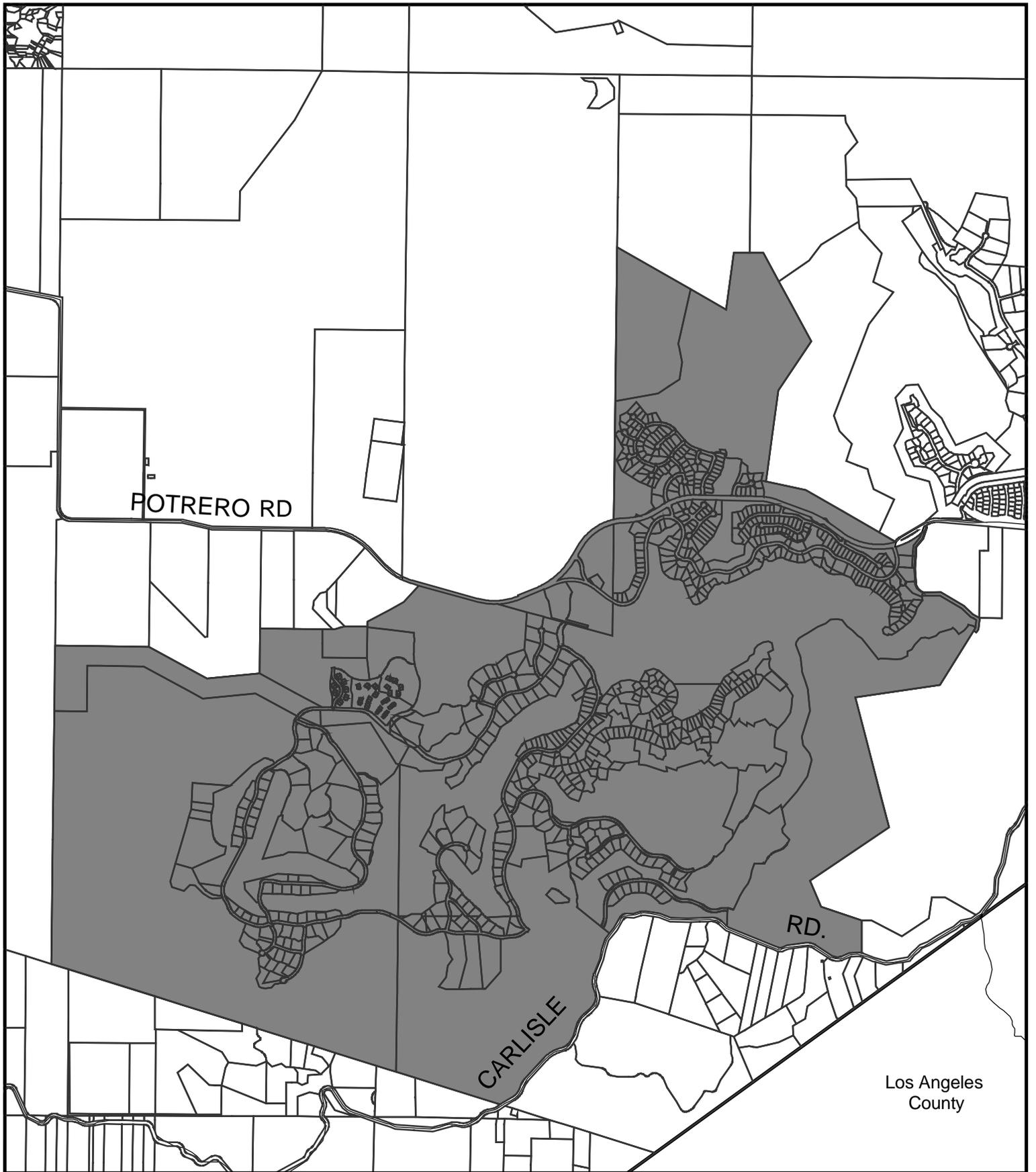
**Legend**

-  Proposed Annexation
-  Parcel Lines

**Ventura LAFCO Vicinity Map**

LAFCO 04-26 Ventura County Service Area No. 14  
 Annexation - Lake Sherwood  
 Proposed Annexation Area



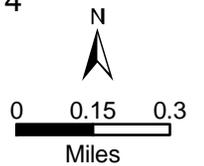


Legend

 Parcel Lines

 Recommended Annexation

**Ventura LAFCO Vicinity Map**  
LAFCO 04-26 Ventura County Service Area No. 14  
Annexation - Lake Sherwood  
Recommended Annexation Area



**LAFCO 04-26**

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING DETERMINATIONS  
AND APPROVING THE VENTURA COUNTY SERVICE  
AREA NO. 14 ANNEXATION – LAKE SHERWOOD**

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 of the proposal as required by law; and

WHEREAS, the proposal was duly considered on March 16, 2005; 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, Sphere of Influence and applicable General and Specific Plans; and

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

WHEREAS, not all property owners have consented to the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within Ventura County Service Area No. 14 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 March 16, 2005 is adopted.
- (2) The annexation to Ventura County Service Area No. 14, with boundaries as generally set forth in the attached Exhibit A, is hereby approved subject to conducting authority proceedings as prescribed in Government Code Sections 57000 to 57090.
- (3) Said territory is found to be inhabited.

- (4) The subject proposal is assigned the following distinctive short form designation: **LAFCO 04-26 VENTURA COUNTY SERVICE AREA NO. 14 ANNEXATION – LAKE SHERWOOD.**
- (5) The Commission has reviewed and considered the lead agency's determination that the annexation is categorically exempt under Section 15319(a) of the California Environmental Quality Act Guidelines, and finds the reorganization to be categorically exempt.  
In addition, the Commission as lead agency finds that the annexation of the 212 Assessor parcels that are not a part of the Lake Sherwood community Services District is categorically exempt under Section 15301 (existing facilities) and Section 15319(a) (annexation of existing facilities) of the California Environmental Quality Act Guidelines.
- (6) The Commission directs staff to file a Notice of Exemption in the same manner as a lead agency, under Section 15062 of the California Environmental Quality Act Guidelines.
- (8) **This annexation 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.**
- (9) **This annexation 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.**
- (10) The Executive Officer is hereby directed to conduct protest proceedings in accordance with Government Code Section 57050.
- (11) The Commission hereby delegates to the Executive Officer the authority to determine the amount of the protest pursuant to Government Code Section 57075(a).

This resolution was adopted on March 16, 2005.

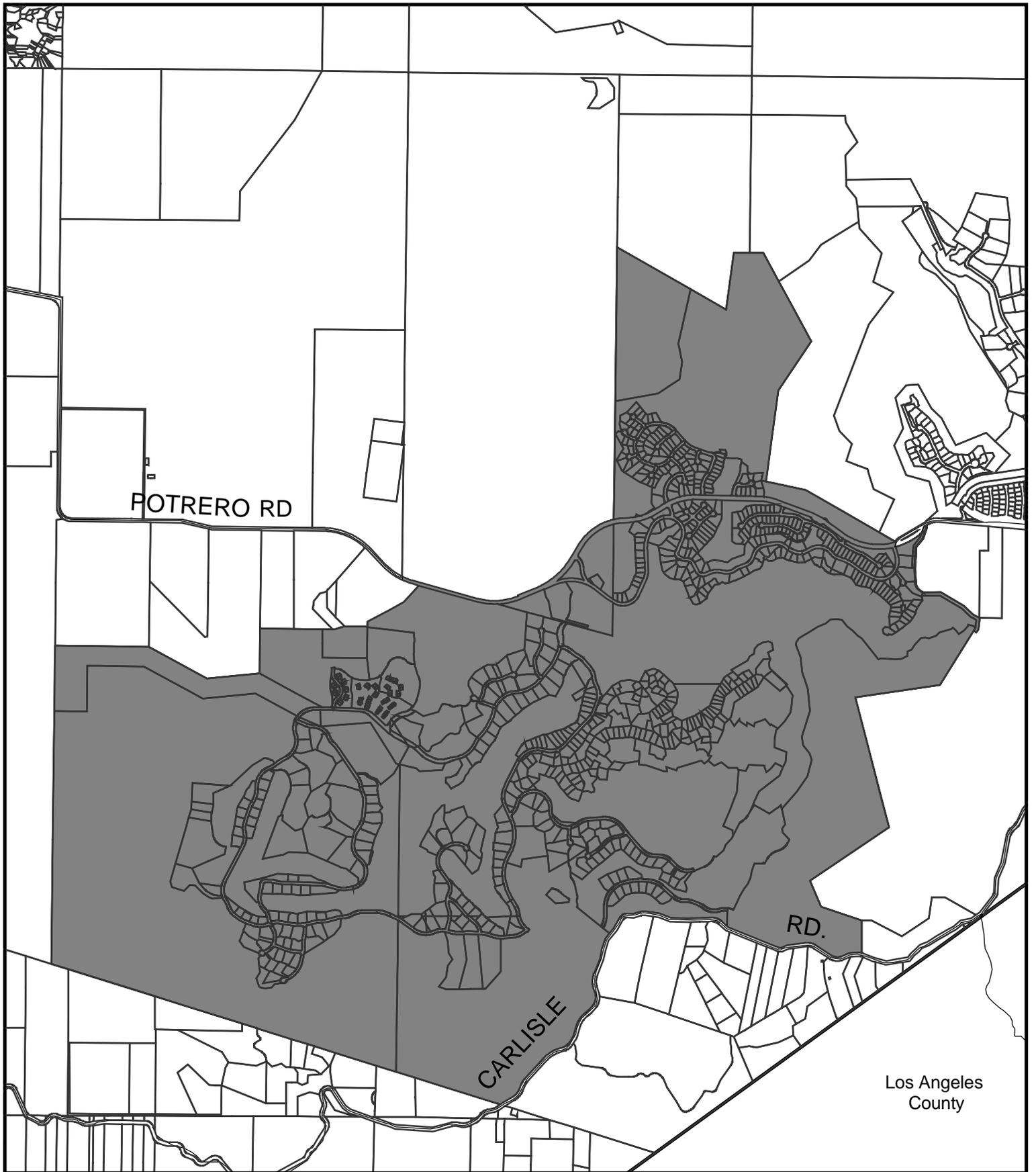
AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_  
Chair, Ventura Local Agency Formation Commission

Copies: Ventura County Service Area No. 14  
Lake Sherwood Community Services District  
Ventura County Assessor  
Ventura County Auditor  
Ventura County Surveyor  
Ventura County Planning  
Ventura County Board of Supervisors



Legend

 Parcel Lines

 Recommended Annexation

**Ventura LAFCO Vicinity Map**  
LAFCO 04-26 Ventura County Service Area No. 14  
Annexation - Lake Sherwood  
Recommended Annexation Area

