

**STAFF REPORT**

Meeting Date: March 16, 2005

**LAFCO CASE**

**NAME & NO:** LAFCO 05-01 City of San Buenaventura Reorganization – Hails

**PROPOSAL:** LAFCO 05-01 City of San Buenaventura Reorganization - Hails; The proposal is to annex area to the City of San Buenaventura to provide urban services for new development, and to detach the same area from the Ventura County Fire Protection District and the Ventura County Resource Conservation District.

**SIZE:** Approximately 39.6 acres

**LOCATION:** The proposal area, consisting of one Assessor parcel, is located east of Kimball Road, south of Henderson Road and west of Montgomery Avenue and north of Thille Street in the Ventura Area of Interest. The proposal area is in the sphere of influence of the Ventura County Resource Conservation District, Ventura County Fire Protection District, United Water Conservation District, and the sphere of influence of the City of San Buenaventura in the San Buenaventura area of interest.

**PROPONENT:** City of San Buenaventura by resolution.

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

**ASSESSOR’S PARCEL INFORMATION:** 087-0-040-205

**COMMISSIONERS AND STAFF**

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**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 Hails School Site Residential Project EIR (State Clearinghouse No. 2003091047) prepared by the City of San Buenaventura as lead agency, dated June 2004, and adopt the lead agency’s Findings, Mitigation Measures, Mitigation Monitoring Program and Statement of Overriding Considerations for the Reorganization proposal.
  
- B. Adopt the attached resolution (LAFCO 05-01) making determinations and approving the City of San Buenaventura Reorganization – Hails.

**GENERAL ANALYSIS**

**1. Land Use**

Site Information

	<b>Land Use</b>	<b>Zone District Classification</b>	<b>General Plan Designation</b>
<b>Existing</b>	Citrus Orchard	<b>County:</b> AE-40Ac (Agricultural Exclusive, 40 Acre minimum)  <b>City:</b> NA	<b>County:</b> Agricultural –Urban Reserve  <b>City:</b> PR-8 (Planned Residential 8 Units/Acre average)
<b>Proposed</b>	The City of San Buenaventura has approved a comprehensive plan amendment, granted housing unit allocations, and approved a pre-zone request for a development consisting of 240 for-sale dwelling units (176 single family units and 64 town homes), and a linear park.	<b>County:</b> No change; upon annexation County zoning will not be applicable.  <b>City:</b> Pre-Zoned to RPD-6U (Residential Planned Development, 6 Units/Acre minimum)	<b>County:</b> No change; upon annexation County General Plan designations will not be applicable.  <b>City:</b> PR-8 (Planned Residential 8 Units/Acre average)

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

The proposal area is an unincorporated island, therefore County zoning and general plan designations do not apply to surrounding properties. Surrounding uses to the east, south and west of the proposal area (a frontage road and the 126 Freeway is located along the north side) are single family developments and the City's zoning, land use and general plan designations reflect the Single-Family nature of this area. Therefore, the zoning, land use and general plan designations for the proposal area would be consistent with those of the surrounding land uses.

### Topography, Natural Features and Drainage

The proposal area is relatively flat and is planted with lemon trees. Drainage occurs in a southerly direction toward the Telephone Road storm drain tie-in and eventually flows into the Santa Clara River. There are no significant natural features on the parcel or on surrounding lots.

### Conformity with Plans

The proposal area is within the Sphere of Influence of the City of San Buenaventura and the United Water Conservation District. Under LAFCO policies the City's General Plan takes precedence. Prior to initiating a reorganization request, the City approved a Comprehensive Plan amendment to designate the subject parcel as Planned Residential and pre-zoned the site for residential planned development. The proposed single-family residential use of the project area is therefore consistent with the City's Comprehensive Plan.

The Ventura County General Plan land use designation for the site is Agricultural-Urban Reserve. As such, the site would be subject to the County SOAR Ordinance as long as it remains under County jurisdiction.

Upon annexation, the proposal area would not be subject to either the City of San Buenaventura SOAR ordinance or the Ventura Hillside Voter Participation Ordinance. The City SOAR ordinance would not apply because the site is designated Planned Residential in the City's Comprehensive Plan. The Ventura Hillside Voter Participation Ordinance allows for City voters to participate in the review of certain development projects proposed within designated areas of the City as indicated on the Hillside Voter Participation Area (HVPA) map. Based on the HVPA map, the proposal area is not located within the HVPA and is therefore not subject to the Ventura Hillside Voter Participation Ordinance.

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

### *Agricultural Land and Agriculture*

According to the EIR, the proposal area has been under agricultural use since at least the 1940s and is designated as Farmland of Statewide Importance by the Important Farmlands Inventory system.

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

The loss of agriculture was addressed in the City of San Buenaventura Hails School Site Residential Project Environmental Impact Report (EIR) for the proposal, dated June 2004. The City adopted a Statement of Overriding Considerations for the significant unavoidable environmental impacts relating to the loss of approximately 40 acres of Farmland of Statewide Importance in the proposal area. (Attachment 3)

The project area has been owned by the Ventura Unified School District (VUSD) for a number of years in anticipation of building a high school. In recognition of this fact, both the City and the County designated the site as “Institutional” and “Urban Reserve” overlay in their respective land use plans for the project area in anticipation of eventual annexation and development of the area. The VUSD has since abandoned this plan and marketed the parcel to a private developer as surplus land.

The EIR concluded that there were no other vacant or non-agricultural alternative sites within the existing City boundaries that were readily available, economically feasible and of sufficient size to meet the project objectives for a large residential development.

The proposal area is an island surrounded on all sides by the City of San Buenaventura and existing urbanized development. Because the site is completely surrounded by non-agricultural uses, conversion of the site to a non-agricultural use is not expected to have an adverse effect on any remaining agricultural operations or otherwise lead to the conversion of additional agricultural lands.

Comments on the Draft EIR from the Office of the Agricultural Commissioner stated that their office has received complaints from residents who live near the proposal site regarding odors and pesticide-related health concerns. As such,

leaving the site in its current agricultural use would perpetuate existing agricultural-urban interface conflicts.

### Open Space

The proposal area is not considered open space pursuant to Government Code Sections 56059 and 65560.

### **3. Population**

According to the County of Ventura Registrar of Voters, there are no registered voters in 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 proposal involves the annexation of one parcel into the City of San Buenaventura and the detachment of the parcel from the Ventura County Resource Conservation District and the Ventura County Fire Protection District.

The City represents that it can extend and/or provide the full range of municipal services, including fire and police protection, sanitation collection/treatment, drainage, street maintenance and other services upon annexation.

The City also represents that it has sufficient water supply to serve the project area.

Streets will be extended as a part of future development and will be financed by the project developer. Upon annexation and as part of the development of the proposed residential project, the developer will be extending an existing linear parkway and bike path. The developer will also be constructing a private park as part of the development. City utility services will be paid for through connection fees and user charges. Other City services will be funded through a combination of tax, fee, grant and other revenues.

The proposal area is within the boundaries of the Ventura Unified School District (VUSD). According to the Application for Reorganization, the VUSD has adequate classroom space to absorb the projected increase in high school enrollment, but it does not have sufficient capacity to accommodate the projected increase in elementary school students. According to the EIR, the payment of all required school impact fees by the developer will fully mitigate these impacts.

According to information contained in a City staff report for the pre-zone and initiation of annexation, the VUSD intends to allocate \$3,000,000 from the sale of the proposal area to the City of San Buenaventura to be used for construction of a new public swimming facility in the Westside area.

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

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

The maps and legal descriptions for this proposal received from the proponent have been checked by the County Surveyor and have 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.

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

For property tax purposes, the property is now in tax rate area 91003. This tax rate area has a tax rate of \$1.077314 per \$100 of assessed valuation. Upon completion of proceedings, the parcel will be assigned to a new tax rate area 05125 with a tax rate of \$1.053600 per \$100 of assessed valuation. Thus, the proposal will result in a reduction in property taxes.

The parcel is owned by the Ventura Unified School District and thus has no assessed land value per the 2004-2005 tax roll.

The City has indicated that the area will not be subject to any City bonded indebtedness upon annexation. At this time, there are no known special taxes or assessments that would apply.

A joint resolution between the County of Ventura and the City of San Buenaventura (Resolution No. 80-158) provides for an exchange of property tax revenues for transfers of service responsibilities resulting from boundary changes. This resolution stipulates that beginning in the fiscal year the area becomes annexed the County will transfer 13.74 percent of the property tax revenues received by the County from the annexed area to the City. The resolution further requires that the County transfer 100 percent of the property taxes allocated to the County Fire Protection District from the annexed area.

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

The City of San Buenaventura is the lead agency for this proposal under CEQA and certified a Final EIR (State Clearinghouse No. 2003091047) on July 12, 2004. This document was previously distributed to the Commission.

The City adopted the EIR mitigation measures and the mitigation monitoring plan that addressed the following significant environmental impacts: agricultural resources (conversion of Farmland of Statewide Importance to non-agricultural use); air quality (construction- and operation- related air pollutant emissions); noise (noise impacts from construction activities and adjacent roadways); and transportation/circulation (bicycle crossing safety). The City also approved a statement of overriding considerations for the significant, immitigable impacts relating to the loss of Farmland of Statewide Importance (Attachment 3). It is recommended that the Commission adopt the City's mitigation measures, the monitoring program and the statement of overriding considerations as part of the proposal.

## **8. Regional Housing Needs**

According to the California Housing and Community Development Department the City of San Buenaventura adopted an updated General Plan Housing Element on April 20, 2004 and completed State review for compliance on July 30, 2004. The proposal is for a reorganization to allow development of 240 market-rate dwelling units (176 single family units and 64 town homes). As such, the proposal will increase the overall housing supply and therefore assist the City in meeting their fair share of regional housing needs. However, based on information provided by the City, none of the proposed dwelling units will contribute toward the affordable housing stock.

## **9. Landowner and Annexing Agency Consent**

The City represents that the Ventura Unified School District has given their consent to annex.

## **SPECIAL ANALYSIS**

The following LAFCO policy relates to annexation of unincorporated island areas by cities:

“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.”

(Section 3.2.3 of the Ventura LAFCO Commissioner’s Handbook)

The size of the proposal area is approximately 39.643 acres and is therefore below the 40-acre threshold indicated in Section ii, above. However, because the size of the proposal area could be considered essentially equivalent to 40 acres in rounded terms, the Commission could choose to apply the island annexation policy.

In anticipation of the Commission’s decision regarding the island annexation policy, the City has included language in Resolution No. 2004-07 that states: “While the City Council believes that the Hails site is exempt from the LAFCO island annexation policy, they understand that County islands should be eventually annexed and will study this issue with the idea of taking future action at the appropriate time”.

Should the Commission impose this policy and approve the reorganization proposal, a condition would be imposed that would postpone recordation of a certificate of completion until the City files a subsequent proposal with LAFCO to initiate a reorganization of the Montalvo Area Islands (Attachment 4), which meet the definitions within Government Code Section 56375.3 and would therefore be subject to the island annexation policy. It is suggested that the condition be worded as such:

This reorganization shall not be recorded until the City of San Buenaventura files a proposal with the Executive Officer initiating annexation of the Montalvo Area Islands pursuant to Government Code Section 56375.3.

If the Commission does not choose to apply the island annexation policy in this case, but chooses to approve the reorganization proposal, the City and the developer will proceed forward in the entitlement process necessary to develop the Hails site and the Montalvo area will remain as unincorporated islands.

**ALTERNATIVE ACTIONS AVAILABLE:**

- A. If the Commission, following public testimony and review of the materials submitted, wishes to impose the island annexation policy as stated in Section 3.2.3 of the LAFCO Commissioner's Handbook, a motion to approve the Recommendations found on Page 1 of the Staff Report should be conditioned such that the reorganization shall not be recorded until the City of San Buenaventura files a proposal with the Executive Officer initiating annexation of the Montalvo Area Islands pursuant to Government Code Section 56375.3.
- B. 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.
- 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) Vicinity Map  
(2) LAFCO 05-01 Resolution  
(3) City of San Buenaventura Resolution No. 2004-037 (EIR Certification)  
(4) Montalvo Area Islands Map

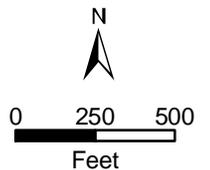


**Legend**

-  Annexation Boundary
-  City Boundary
-  Parcel Lines

**Ventura LAFCO Vicinity Map**

LAFCO 05-01 City of San Buenaventura  
Reorganization - Hails



**LAFCO 05-01**

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING DETERMINATIONS  
AND APPROVING THE CITY OF SAN BUENAVENTURA  
REORGANIZATION – HAILS; ANNEXATION TO THE CITY  
OF SAN BUENAVENTURA, DETACHMENT FROM THE  
VENTURA COUNTY RESOURCE CONSERVATION  
DISTRICT AND THE VENTURA COUNTY FIRE  
PROTECTION DISTRICT**

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 consideration by the Commission on the proposal;

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 and determination, and applicable local plans and policies; and

WHEREAS, proof has been given to the Commission that the affected territory is considered uninhabited pursuant to Government Code §56046; and

WHEREAS, proof has been given to the Commission that all property owners in the affected territory have consented to the proposal; and

WHEREAS, information satisfactory to the Commission has been presented that all agencies having land detached within the affected territory have given their written consent for the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission 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 Reorganization, consisting of an annexation to the City of San Buenaventura and a detachment from the Ventura County Resource Conservation District and Ventura County Fire Protection District, is hereby approved and the boundaries are established generally as set forth in the attached Exhibit A.
- (3) The territory is uninhabited as defined by Government Code §56046.
- (4) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 05-01 – CITY OF SAN BUENAVENTURA  
REORGANIZATION – HAILS**

- (5) The Commission has reviewed and considered the information contained in the Environmental Impact Report prepared by the City of San Buenaventura as lead agency, and adopts the lead agency's Findings, Mitigation Measures, Statement of Overriding Considerations and Mitigation Monitoring Program. [CEQA Guidelines §15090, §15091, §15093, and §15096(h)].
- (6) The Commission determines that there are not any feasible alternative mitigation measures or feasible new mitigation measures, within the powers and authorities of LAFCO, which would substantially lessen or avoid any significant effect on the environment. [CEQA Guidelines §15096(g)]
- (7) The Commission directs staff to file a Notice of Determination in the same manner as a lead agency under CEQA Guidelines §15094 and §15096(i).
- (8) The Commission determines that the project is in compliance with Government Code § 56741 as the territory to be annexed is located within one county and is contiguous with the boundaries of the City of San Buenaventura.
- (9) The Commission waives conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings [Government Code §56663].

- (10) This reorganization shall not be recorded until all LAFCO fees have been paid, until fees necessary for filing with the State Board of Equalization have been submitted to the Executive Officer, and until the Ventura County Assessor provides the Executive Officer with information that all fees have been paid as required by the County of Ventura resolution establishing an assessor's fee for LAFCO filings.

This resolution was adopted on March 16, 2005.

AYES:

NOES:

ABSTAINS:

Dated: 3/16/05

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

Attachment: Exhibit A

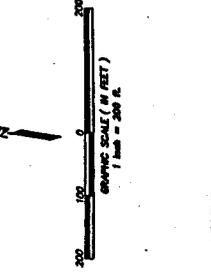
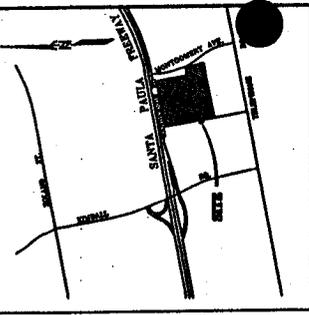
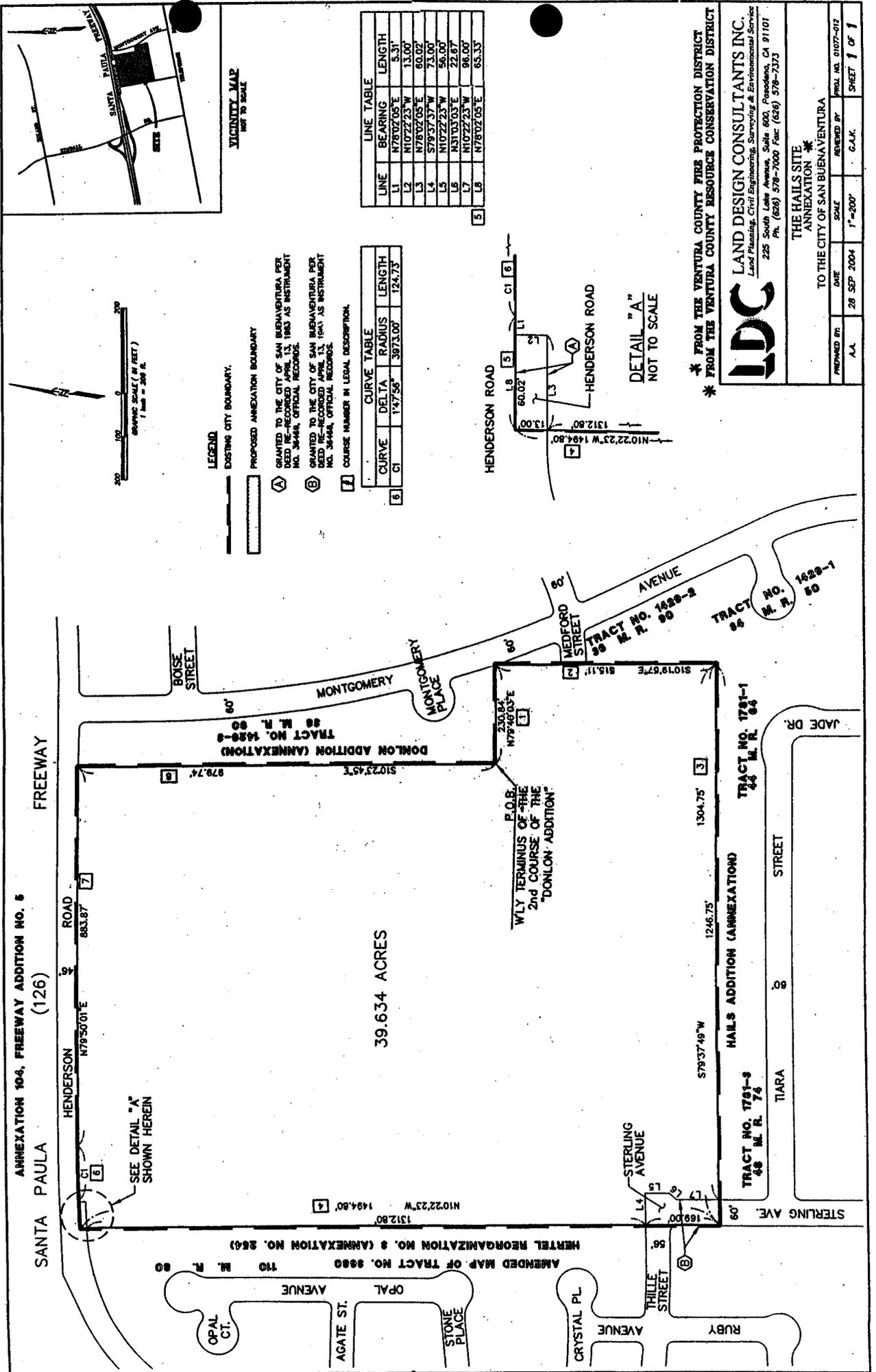
Copies: City of San Buenaventura  
Ventura Co. Watershed Protection District  
Ventura Co. Fire Protection District  
Ventura Co. Resource Conservation District  
Ventura Co. Assessor  
Ventura Co. Auditor  
Ventura Co. Surveyor  
Ventura Co. Planning  
United Water Conservation District  
Ventura Unified School District  
Paul Dashevsky, The Olson Company

The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

Certified by: *Zell Rowland*  
 Date: 3-7-05

05-01

Exhibit A

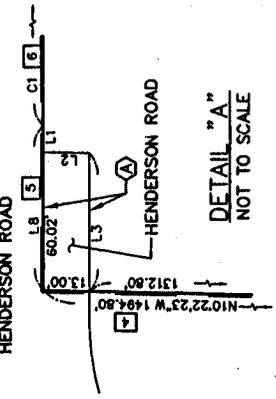


LEGEND  
 --- EXISTING CITY BOUNDARY  
 --- PROPOSED ANNEXATION BOUNDARY

- (A) GRANTED TO THE CITY OF SAN BUENAVENTURA PER DEED RE-RECORDED APRIL 13, 1983 AS INSTRUMENT NO. 34-468, OFFICIAL RECORDS.
- (B) GRANTED TO THE CITY OF SAN BUENAVENTURA PER DEED RE-RECORDED APRIL 13, 1983 AS INSTRUMENT NO. 34-468, OFFICIAL RECORDS.
- (1) COURSE NUMBER IN LEGAL DESCRIPTION.

CURVE	DELTA	RADIUS	LENGTH
C1	1°47'56"	3973.00'	124.73'

LINE	BEARING	LENGTH
L1	N78°02'05"E	5.31'
L2	N107°22'33"W	13.00'
L3	N78°02'05"E	60.02'
L4	S79°37'49"W	73.00'
L5	N107°22'33"W	56.00'
L6	N31°03'03"E	22.87'
L7	N107°22'33"W	98.00'
L8	N78°02'05"E	65.33'



\* FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT  
 \* FROM THE VENTURA COUNTY RESOURCE CONSERVATION DISTRICT

**IDC**  
 LAND DESIGN CONSULTANTS INC.  
 Land Planning, Civil Engineering, Surveying & Environmental Services  
 225 South Lake Avenue, Suite 600, Pasadena, CA 91101  
 Ph. (626) 578-7000 Fax. (626) 578-7333

THE HAILES SITE  
 ANNEXATION  
 TO THE CITY OF SAN BUENAVENTURA

PREPARED BY: J.A. DATE: 28 SEP 2004 SCALE: 1"=200' REVIEWED BY: J.A. SHEET NO. 0107-012 SHEET 1 of 1

39.634 ACRES

SEE DETAIL "A" SHOWN HEREIN

P.O.B. WLY TERMINUS OF THE 2nd COURSE OF THE "DONLON-ADDITION"

AMENDED MAP OF TRACT NO. 9880  
 HERTEL REORGANIZATION NO. 8 (ANNEXATION NO. 264)

HAILES ADDITION (ANNEXATION)

TRACT NO. 1781-3  
 48 M. R. 74

TRACT NO. 1781-1  
 44 M. R. 84

TRACT NO. 1429-1  
 84 M. R. 80

TRACT NO. 1429-2  
 38 M. R. 80

DONLON ADDITION (ANNEXATION)  
 88 M. R. 80

TRACT NO. 1429-8  
 88 M. R. 80

ANNEXATION 104, FREEWAY ADDITION NO. 5

(126)

SANTA PAULA

HENDERSON ROAD

FREEWAY

BOISE STREET

MONTGOMERY AVENUE

MONTGOMERY PLACE

MEDFORD STREET

STERLING AVENUE

THILLE STREET

CRYSTAL PL AVENUE

RUBY AVENUE

TIARA STREET

JADE DR

CITY OF SAN BUENAVENTURA REORGANIZATION

**THE HAILS SITE**

ANNEXATION TO THE CITY OF SAN BUENAVENTURA  
DETACHMENT FROM THE VENTURA COUNTY RESOURCE CONSERVATION DISTRICT;  
DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT

THOSE PORTIONS OF PARCELS "B" AND "T", NICHOLL'S SUBDIVISION OF RANCHO SANTA PAULA Y SATICOY, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3 PAGE 41 OF MISCELLANEOUS RECORDS (MAPS), IN THE OFFICE OF THE RECORDER OF SAID COUNTY; DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 108 OF TRACT NO. 1429-3, 38 M.R. 90, BEING THE WESTERLY TERMINUS OF THE 2<sup>ND</sup> COURSE OF THE "DONLON ADDITION" TO THE CITY OF SAN BUENAVENTURA AS FILED WITH THE SECRETARY OF STATE ON THE 16<sup>TH</sup> DAY OF APRIL, 1962;

- 1) THENCE ALONG THE EXISTING BOUNDARY OF THE CITY,  
NORTH 79°40'03" EAST 230.84 FEET TO AN ANGLE POINT IN SAID BOUNDARY OF THE CITY;
- 2) THENCE CONTINUING ALONG THE EXISTING BOUNDARY OF THE CITY,  
SOUTH 10°19'57" EAST 515.11 FEET TO AN ANGLE POINT IN SAID BOUNDARY OF THE CITY,  
BEING THE EASTERLY TERMINUS OF THE 1<sup>ST</sup> COURSE OF THE "HAILS ADDITION" TO THE  
CITY;
- 3) THENCE CONTINUING ALONG THE EXISTING BOUNDARY OF THE CITY,  
SOUTH 79°37'49" WEST 1304.75 FEET TO AN ANGLE POINT IN SAID BOUNDARY OF THE CITY,
- 4) THENCE CONTINUING ALONG THE EXISTING BOUNDARY OF THE CITY, BEING ALONG  
THE 10<sup>TH</sup> COURSE OF PARCEL A OF THE "HERTEL REORGANIZATION NO. 3" TO THE CITY,  
NORTH 10°22'23" WEST 1494.80 FEET TO AN ANGLE POINT IN SAID BOUNDARY OF THE CITY;
- 5) THENCE CONTINUING ALONG THE EXISTING BOUNDARY OF THE CITY, BEING ALONG  
THE 5<sup>TH</sup> COURSE OF THE "ANNEXATION 104, FREEWAY ADDITION NO. 5" TO THE CITY,  
NORTH 78°02'05" EAST 65.33 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE  
SOUTHERLY AND HAVING A RADIUS OF 3973.00 FEET;
- 6) THENCE CONTINUING ALONG THE EXISTING BOUNDARY OF THE CITY AND EASTERLY  
ALONG SAID CURVE,  
THROUGH A CENTRAL ANGLE OF 1°47'56" AND AN ARC DISTANCE OF 124.73 FEET;
- 7) THENCE CONTINUING ALONG THE EXISTING BOUNDARY OF THE CITY,  
NORTH 79°50'01" EAST 883.87 FEET TO AN ANGLE POINT IN SAID BOUNDARY OF THE CITY;
- 8) THENCE CONTINUING ALONG SAID BOUNDARY OF THE CITY, BEING ALONG THE 3<sup>RD</sup>  
COURSE OF THE "DONLON ADDITION" TO THE CITY,  
SOUTH 10°23'45" EAST 979.74 FEET TO THE POINT OF BEGINNING.

AREA = 39.634 ACRES

The Ventura County Surveyor's office of the Public  
Works Agency certifies this map and legal description to  
be definite and certain.

Certified by:



Date:

3-7-05

## Attachment 3

### CITY COUNCIL RESOLUTION NO. 2004-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA CERTIFYING THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT, ADOPTING A MITIGATION MONITORING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

#### CASE NO. EIR-2404

BE IT RESOLVED by the City Council of the City of San Buenaventura as follows:

**SECTION 1:** In accordance with Chapter 2R.450 of the San Buenaventura Municipal Code, the City Council hereby certifies that the Final Environmental Impact Report (FEIR) submitted for Case No. EIR-2404 is accurate, objective, complete, and in compliance with the California Environmental Quality Act (CEQA), Guidelines for Implementation of CEQA (CEQA Guidelines) and Procedures of the State of California and the City of San Buenaventura, and represents the independent judgment of the City.

**SECTION 2:** The FEIR, having been presented to the City Council, and all procedures having been duly followed as required by law, the City Council hereby certifies that it has reviewed and considered the information contained therein in conjunction with its deliberations regarding Case No. EIR-2404, in accordance with the CEQA Guidelines and the Procedures of the State of California and the City of San Buenaventura.

**SECTION 3:** Based upon the FEIR, the mitigation measures contained in the Mitigation Reporting and Monitoring Program set forth in Section 5 below and Appendix "H" in the FEIR incorporated herein by this reference will avoid or lessen to an insignificant level, potentially significant environmental impacts associated with the proposed project.

**SECTION 4:** Pursuant to Section 15093 of CEQA, the City Council hereby adopts a Statement of Overriding Consideration that although the proposed project will result in the unavoidable loss of farmland of statewide importance, no measures are available to mitigate this loss to a less than significant impact and both the City's Comprehensive Plan and the County of Ventura General Plan anticipate eventual conversion of the site to a non-agricultural use.

- A. The City Council has considered the economic, legal, social, technological, or other benefits of the proposed project against the significant unavoidable impact due to the loss of farmland of statewide importance and determined that the public benefits of the project outweigh this unavoidable adverse environmental effect, and that this effect is considered acceptable in this instance. The public benefits of the proposed project are two fold: (1) the project will add a mix of residential housing types to the housing stock of the City; and (2) the conversion of agricultural land in this case will eliminate existing conflicts between the agricultural operation and adjacent residences. No feasible mitigation measures or alternatives are available to the City to completely avoid this significant impact.

**SECTION 5:** Pursuant to Section 21081 of CEQA and CEQA Guidelines Section 15091 and 15093, the City Council hereby makes the following findings for each of the potentially significant environmental effects of the proposed Comprehensive Plan Amendment:

A. Air Quality

1. Potential Impact – All of the proposed project scenarios have the potential to result in long-term stationary and mobile emissions that would exceed Ventura County APCD standards. This is considered a Class II, *significant but mitigable* impact.
2. To partially mitigate long-term impacts from mobile emissions the project applicant is required to comply with the following measures to mitigate potential short-term and long-term air quality impacts:

**AQ-1(a) Dust Control Measures.** The following shall be implemented during grading and construction to control dust.

1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities: a) All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114; and, b) All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall

include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, it shall be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
5. Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
6. During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to affect adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off-site or on-site.
7. Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
8. Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.
9. Dust control requirements shall be shown on all grading plans.
10. Neighboring properties with visible construction-generated soil or dust shall be cleaned at the contractor's expense, at the appropriate phase of the project, as determined by the on-site monitor, hired by the City and paid by the developer.
11. 72 hours prior to the start of grading operations, property owners abutting the development shall be provided phone numbers for the job superintendent, a monitor paid by the developer and approved by the City, and the City Construction Inspector. During grading operations involving more than two pieces of earthmoving equipment, the monitor shall be on-site full-time. During all other grading operations, the monitor shall conduct site visits each AM and PM and during periods of heavy winds. At any time during grading operations, the monitor and the City Construction Inspector shall have the authority to stop all work when airborne dust from the grading operations can be readily seen beyond the property line.

Prior to the start of general construction activities, the phone number of the job superintendent or his designee, and the City Building Inspector shall be provided to every property owner abutting the development. The job superintendent shall ensure that neighborhood concerns are addressed in a satisfactory manner.

**AQ-1(b) Construction Equipment Controls.** The following shall be implemented during construction to minimize emissions of ozone precursors.

1. Construction contractors shall minimize equipment idling time throughout construction. Engines shall be turned off if idling would be for more than five minutes.
2. Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.
3. The number of pieces of equipment operating simultaneously shall be minimized.
4. Construction contractors shall use alternatively fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.
5. The engine size of construction equipment shall be the minimum practical size.
6. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) shall be utilized wherever feasible.

**AQ-1(c) Low VOC Coatings.** Construction contractors shall use low-volatile organic compound (VOC) architectural coatings in construction.

**AQ-2 TDM Fund.** The applicant shall provide a contribution of \$43,322 to the City's Transportation Demand Management fund as directed by the City of San Buenaventura. Payment of fees shall occur prior to issuance of a building permit. Specific mitigation measures that could be undertaken using the TDM fund could include, but are not limited to, enhanced public transit service, vanpool programs/subsidies, rideshare assistance programs, clean fuel programs, improved pedestrian and bicycle facilities, and park-and-ride facilities.

3. Finding – Based on the discussion and incorporation of the above mitigation measures, no significant residual impacts relating to air quality were identified for any of the project scenarios.

B. Noise

1. Potential Impact – Project construction noise would intermittently generate high noise levels on and adjacent to the site, and ambient traffic noise from SR 126 and Henderson Road would exceed the City's 65 dBA CNEL exterior noise threshold. This may affect sensitive receptors near the project site and are considered a Class II, significant but mitigable impact.
2. Mitigation Measures – The following mitigation measures are recommended:
  1. **N-1(a) Construction Timing.** Noise-generating construction activity shall be restricted to between the hours of 7:30 AM and 5 PM.
  2. **N-1(b) Diesel Equipment Specifications.** All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
  3. **N-1(c) Electrical Power.** Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
  4. **N-3(a) Interior Noise Reduction.** The following noise attenuation features or their equivalent shall be incorporated into residences along the northern property line to achieve an interior noise level of 45 dBA CNEL or less:
    - a. Installation of air conditioning or a mechanical ventilation system so windows and doors may remain closed.
    - b. Use of double-paned glass in windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications)
    - c. Use of solid-core exterior doors with perimeter weather stripping and threshold seals
    - d. Roof or attic vents either facing away from the noise source or baffled
    - e. Restricting buildings to one story in areas where unmitigated exterior noise levels exceed 65 dBA CNEL

Prior to issuance of occupancy permits, interior noise measurements shall be conducted in the most affected units (those closest to SR 126) in order to demonstrate that interior noise levels are below 45 dBA CNEL (24-hour reading) with windows and doors closed.

In the event that the study identifies existing and/or potential future interior noise levels that exceed significance thresholds, the study shall also include a contingency plan recommending feasible additional

measures to reduce noise levels below threshold. The applicant shall, prior to the occupancy of all impacted units, obtain Planning Manager approval of said contingency plan and implement it to reduce noise levels below threshold. Such contingency plan may include, without limitation, the modification of constructed residences with construction materials/methods resulting in noise reduction below the threshold of significance.

5. **N-3(b) Increased Sound Barrier Height.** The sound barrier proposed for the northern end of the site along the south side of the proposed linear park extension shall be increased to 8 feet in height. The sound barrier shall include design elements that break up the appearance of a monolithic wall and shall be landscaped with climbing vines or other similar plants. The final grading plan shall be reviewed to ensure that the sound barrier is of a height sufficient to intercept the truck line of sight on State Route 126. Adequate wall height and placement shall be determined by the Planning Manager in consideration of the following parameters: (1) minimum CMU wall height of eight feet; (2) proposed building pad elevations in relation to State Highway 126 travel lanes; (3) distance between rear yard areas and State Highway 126 travel lanes; and (4) vertical distance between CMU wall height and lowest roof eave and window.

The grading permit application shall, at a minimum, include a record drawing(s) illustrating: (1) building placement; (2) proposed pad elevation; (3) State Highway 126 travel lane elevation; (4) cross section for each subject lot showing building pad elevation, wall height/elevation and State Highway 126 elevation.

3. Finding – Based on the discussion and incorporation of the above mitigation measures, no significant residual impacts relating to noise were identified for any of the project scenarios.

#### C. Transportation/Circulation

1. Potential Impact – The proposed project would provide adequate site access and would generally accommodate bicycle, pedestrian, and transit use. Impacts relating to site access are considered Class II, less than significant. However, the bike lane crossing at Henderson would extend into the triangular median at the project's entrance at Henderson Road
2. Mitigation Measures – The following mitigation measure is recommended:  
**T-4 Bike Crossing Improvements.** The bike lane crossing at the driveway should be located further south (closer to the property line) and

Stop or Yield signs should be added for the bike lane approaches to make the crossing safer for bicyclists.

3. Finding – Based on the discussion and incorporation of the above mitigation measures, no significant residual impacts relating to transportation/circulation were identified for any of the project scenarios.

**SECTION 6:** Section 21002 of CEQA and CEQA Guidelines Section 15126 (f) requires that an Environmental Impact Report evaluate, and the decision making body consider, a reasonable range of alternatives to a project. Final EIR-2404 has evaluated the following alternatives to the proposed Olsen-Hail's Site Residential Development Project that would lessen any significant environmental effects of the project.

- A. Alternative 1. No Project. This option assumes that the project is not constructed, and that the site remains in its current undeveloped state, with continued agricultural activities. This alternative would have no environmental impacts and is considered the overall environmentally superior alternative.

Because no development would occur under this alternative, there would be no change in on-site environmental conditions. Thus, the project's unavoidable significant impacts due to conversion of agricultural land to non-agricultural use would be avoided, as would the project's significant but mitigable impact to air quality, noise, and transportation. Although all identified project impacts can be reduced to a less than significant level, the no project alternative's impact would be lower for each of these issues. Overall, its environmental impact would be lower than that of any project scenario.

It should be noted, however, that implementation of the no project alternative would not preclude the future development of the site in accordance with the County General Plan or the City Comprehensive Plan. Leaving the site in its current agricultural use would continue the existing conflicts between the agricultural operation and adjacent residences. In addition, because the site is designated for residential development under the City's Comprehensive Plan, selection of the no project at this time would not necessarily preclude future development of the site.

- B. Alternative 2. Reduced Project Alternative. This alternative involves the development of an approximately 40% smaller residential project than what is proposed. This alternative would contain 140 residential units, comprised of 100 single-family dwellings and 40 townhomes, compared to the 240 units that are proposed. Because this alternative would develop the entire 40-acre

site with a lesser number of units, average lot sizes would be greater under this alternative.

The reduced project would convert the entire 40-acre site from an agricultural use to a non-agricultural use. As with the proposed project, no mitigation is available to reduce this impact.

The reduced project would result in an anticipated 40% less weekday traffic than the proposed project. Consequently, air pollutant emissions and traffic-related noise would be less than the proposed project. However, the air pollutant emissions for the proposed project does not exceed the Ventura County APCD thresholds for ROG and NOx and no mitigation is necessary. The reduced traffic-related noise would not likely be audibly different than under the proposed project. Compared to the proposed project, this alternative would be the environmentally superior alternative other than no project. However, it should be noted that, by accommodating fewer residences on-site, this alternative might increase pressure for additional residential development elsewhere in the area.

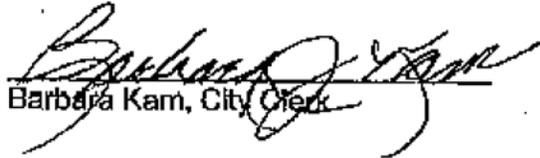
- C. Alternative 3. County General Plan Buildout. This alternative involves the development of the entire 40-acre site following the current "Agricultural - Urban Reserve" designation of the existing Ventura County General Plan. Total on-site development under this scenario would be one single-family unit, with the majority of the property maintained as agriculture. Although this alternative would be environmentally similar to the proposed project, with the adoption of the recommended mitigation measures, leaving the site in its current agricultural use would continue existing conflicts between the agricultural operation and adjacent residences that would not occur if the proposed project were to be implemented.
- D. Alternative 4. City Comprehensive Plan Buildout. This alternative involves the development of the entire 40-acre site in accordance with the current City Comprehensive Plan "Institutional" land use designation. As the site is currently owned by the Ventura Unified School District, it is assumed that the site would be developed as a school. As with the proposed project, this alternative would convert the entire 40-acre site to a non-agricultural use, and no mitigation is available to reduce agricultural impacts to a less than significant level.

This alternative would generate an estimated 2,080 daily vehicle trips, which is about the same as the projected traffic associated with the proposed project. Therefore, air quality and traffic-related noise impacts would be similar to those of the proposed project. All mitigation measures recommended for the proposed project would apply. However, this

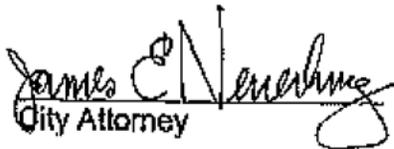
alternative could result in new daytime noise issues and an increase in peak AM and PM traffic related to the school use.

This alternative would be generally inferior to the proposed project because of the anticipated new daytime noise and traffic issues. Although these issues would not be expected to exceed any adopted standard, the use of appropriate design and construction techniques could mitigate these issues.

**PASSED AND ADOPTED** this 12th day of July, 2004.

  
Barbara Kam, City Clerk

APPROVED AS TO FORM

  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF VENTURA         ) ss  
CITY OF SAN BUENAVENTURA    )

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was duly passed and adopted by the City Council of the City of San Buenaventura at a regular meeting thereof held on the 12<sup>th</sup> day of July, by the following vote:

AYES:           Councilmembers Smith, Weir, Fulton, Andrews,  
                  Monahan, Morehouse, and Brennan.

NOES:           None.

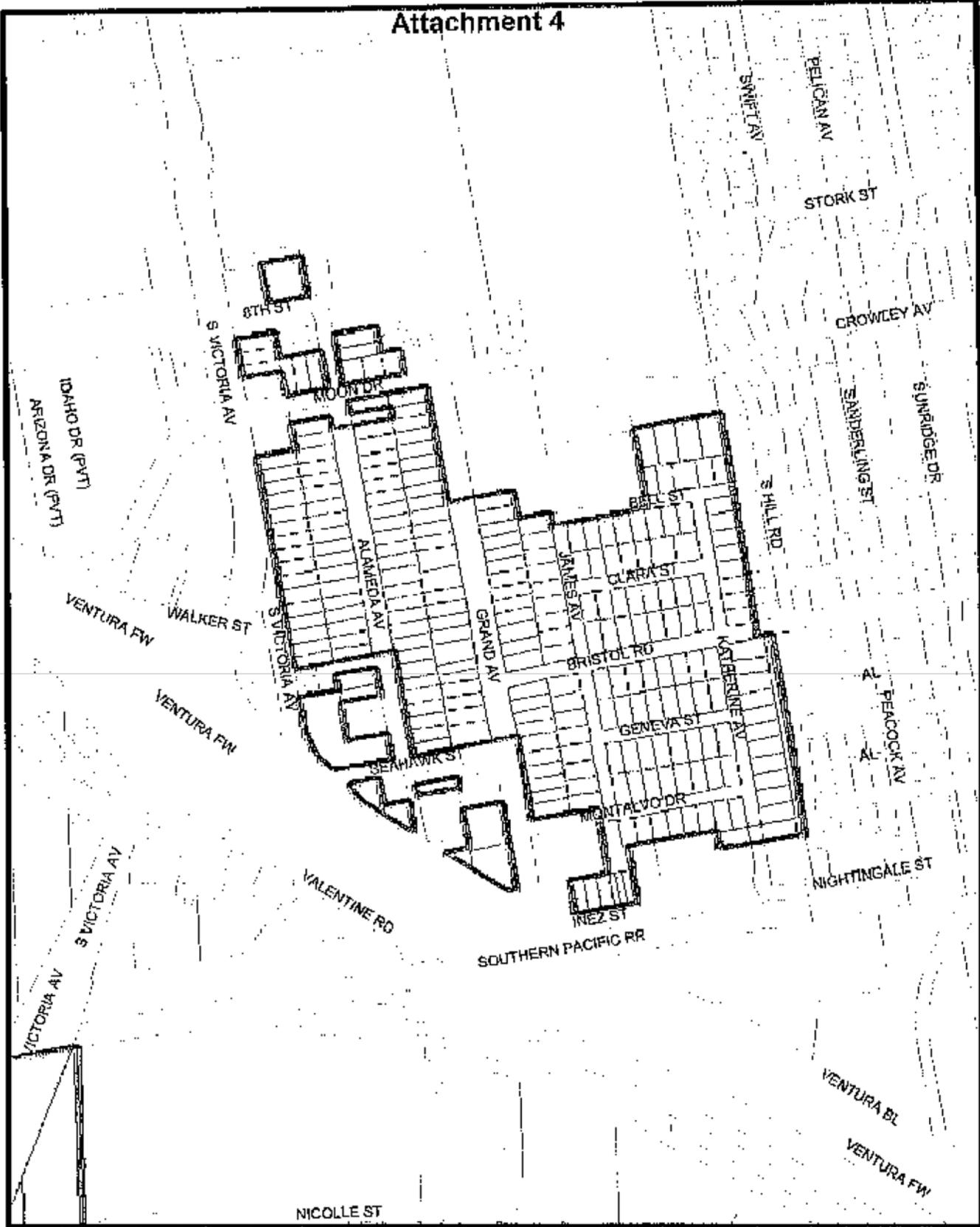
ABSENT:        None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura this 13<sup>th</sup> day of July, 2004.

  
Barbara J. Kam, City Clerk



# Attachment 4



## Legend

-  City Boundary
-  parcel



0 200 400 Feet  
1 inch equals 600 feet

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

254 Parcels  
Approx. 55.54 Acres

Prepared by PWA - Mapping Division  
Printed on: 1-23-2009

Warning:  
This map was created by the Ventura County Computer-Aided Mapping System (CAMS), which is designed and intended solely for the convenience of the County and related public agencies. The computerized map does not warrant the accuracy of this map and no liability is assumed for any errors or omissions. No warranty is made for any physical injury or damage to any person or property.