



**STAFF REPORT**

Meeting Date: March 16 2005

**LAFCO CASE**

**NAME & NO:** LAFCO 05-02 Ojai Valley Sanitary District Annexation – Rennacker

**PROPOSAL:** To annex property located at 1797 N. Foothill Road into the Ojai Valley Sanitary District for the purpose of providing sanitary sewer service.

**SIZE:** 1.09 acres

**LOCATION:** The proposal area, consisting of two Assessor Parcels with a street address of 1797 N. Foothill Road, is located at the end of a private drive that extends northerly from the intersection of Foothill Road and Farnham Road. The proposal area is in the sphere of influence of the Ojai Valley Sanitary District and the sphere of influence of the City of Ojai in the Ojai Area of interest

**PROPONENT:** Ojai Valley Sanitary District by resolution.

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

**PARCEL AND OWNERSHIP INFORMATION:**

Assessor Parcel	Property Address	Property Owner
010-0-210-210	1797 N. Foothill Road	Lee Rennacker & Karen McMahon
010-0-210-230	1797 N. Foothill Road	Lee Rennacker & Karen McMahon

**RECOMMENDATIONS**

- A. Certify that the Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by the Ojai Valley Sanitary

**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

District as lead agency, dated March 4, 2005, and determine that the change of organization is exempt under Section 15319(b) of the CEQA Guidelines.

- B. Adopt the attached resolution (LAFCO 05-02) making determinations and approving the Ojai Valley Sanitary District Annexation – Rennacker.

**GENERAL ANALYSIS**

**1. Land Use**

Site Information

	<b>Land Use</b>	<b>Zone District Classification</b>	<b>General Plan Designation</b>
<b>Existing</b>	Vacant	<b>County:</b> R-E-2Ac (Rural Exclusive- 2 acre lots. minimum)	<b>County:</b> Rural Residential 2-5 acre minimum lots (Ojai Valley Area Plan) <b>City:</b> Very low density residential – 2-5 acre minimum lot size (City of Ojai General Plan)
<b>Proposed</b>	One Single Family Dwelling/ Residential	No change	No Change

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 slopes steeply (general slope of 15% or more) and drains to the south. The proposal area adjoins the Los Padres National Forest to the north, the site is sparsely vegetated with native chaparral and grasses interspersed with outcroppings of local bedrock.

Conformity with Plans

The proposal area is within the Sphere of Influence of the Ojai Valley Sanitary District and the Sphere of Influence of the City of Ojai.

The existing land proposed land use is consistent with the County's Ojai Valley Area Plan and the City of Ojai's General Plan.

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*

While the proposal area adjoins open space designated lands, the area is not considered open space pursuant to Government Code Sections 56059 and 65560, and the proposal will not impact open space lands.

## **3. Population**

The proposal area is vacant and contains no registered voters. As such, the proposal area is uninhabited under the provisions of LAFCO law relating to protest proceedings.

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

The proposal involves annexation to the Ojai Valley Sanitary District so that the property owners can build a single-family house and connect to the District's wastewater collection and treatment system. The closest existing District sewer line is approximately one mile away from the proposal area. Typically, given the size of the property and the distance from the nearest existing public sewer lines, the property owners would be able to install a septic system or another type of on-site wastewater disposal system in conjunction with new construction. In this case, however, it appears from the information submitted to the Environmental Health Division that the soil conditions of the proposal area are such that County Codes and regulations will not permit the installation of a septic system or any other type of on-site wastewater disposal system.

Onsite disposal of wastewater requires suitable conditions to ensure groundwater, surface water, and public health are protected from contamination.

The property owners have not yet been able to demonstrate to the County Environmental Health Division that the soil conditions in the proposal area will accommodate any type of on-site wastewater disposal system without affecting neighboring properties, the groundwater, surface water and public health. Thus, the only way the proposal area can be developed is if the development can be connected to the Ojai Valley Sanitary District's sanitary sewer system. As a part of this application the District has represented that it has the ability and capacity to service the annexation proposal area.

Last year, prior to any applications being filed with LAFCO, the Ojai Valley Sanitary District preliminarily proposed the formation of an assessment district that would provide for the District to extend its sewer lines northerly in Foothill Road to serve the proposal area and all properties between the existing service lines and the proposal area. The concept of an assessment district to fund public sewer line extensions in the area was not supported by a majority of the property owners. The District, therefore, did not continue with all of the necessary design and procedural tasks required to form an assessment district.

The annexation proposal is based on the proposal area property owners paying for all the costs of extending a sewer line to provide sewer service, including construction costs and all connection and other fees. User fees will pay for on-going maintenance. The closest existing Ojai Valley Sanitary District sewer line is in Vista Hermosa Drive, a distance of approximately one mile from the proposal area.

From the proposal area southerly to the intersection of Foothill Road and Farnham Road, a distance of over 2,500 feet, the sewer line would be a private lateral installed in a private road easement. This private lateral would be designed and installed to serve only the proposal area. No other adjoining properties would be able to tie into this private lateral at a future date. Additional service, if desired by other property owners, would require the installation of separate sewer laterals.

From the intersection of Foothill Road and Farnham Road southerly to the connection to the existing sewer line in Vista Hermosa Drive, a distance of approximately ½ mile, the sewer line would be designed and installed as a public sewer line. Along this area adjacent property owners would be able to connect to the sewer line in the future.

The District has indicated that at this point in time the proposal area property owners have not submitted construction plans. Once construction plans are submitted and approved, and based on annexation approval, a 30-year reimbursement agreement will be entered into between the District and the proposal area property owners. This agreement will provide for the proposal area

property owners to be reimbursed on a proportionate share basis by any other property owner who wants to connect to the public portion of the sewer line in Foothill Road. What the costs might be to any other property owner who wants to connect in the future will not be known until the District approves a reimbursement agreement.

State and local codes and regulations relating to the installation, maintenance and functioning of septic systems are increasingly becoming more restrictive and limiting, especially in relation to effects on groundwater and neighboring properties. County Codes and regulations currently preclude any property owner from installing, repairing or expanding a new septic system if the structure served (not the property served) is within 200 feet of an existing public sewer line. Thus, once a public sewer line is extended northerly on Foothill Road to approximately Farnham Road, all adjoining properties with structures within 200 feet of the new public sewer line will be affected by these Codes and regulations in the future. The exact number of affected structures is unknown at this time and cannot be determined until the District approves construction plans for the public sewer extension.

Based on LAFCO staff's understanding of the County Codes and regulations, if a structure is not located within 200 feet of a public sewer line a septic system can be installed, repaired or expanded, depending on soil conditions, lot size and various other factors. Thus, structures north of the intersection of Foothill Road and Farnham Road may be able in the future to install new septic systems, or repair or expand existing septic systems, but such actions are now and will continue to be dependent on proof of adequate soil conditions and sufficient lot areas for wastewater drainage.

Over time it will be desirable, and in many areas required, for all properties within the sphere of influence of the Ojai Valley Sanitary District to be annexed to the District so that developed properties can be served by public sewers. The District, however, does not extend sewer lines on its own. Thus, as is typical with most enterprise districts, the property owners to be served must usually finance extensions of sewer lines. As in this case, this method of financing often results in incremental actions. Even though it is more efficient and less expensive to annex multiple properties at once rather than on a lot by lot basis, the District staff has indicated that having a sewer line installed in this area entirely by one private owner, with a portion turned over to the District for public operation, may result in considerably less expense for other property owners who want to connect in the future.

**5. Boundaries and Lines of Assessment**

While within the sphere of influence of the Ojai Valley Sanitary District, the proposal area is not contiguous with the existing District boundaries. If approved, the proposal will create a small island of territory in the District, with surrounding properties still being outside the District boundaries. Unlike for cities, there is no legal requirement that territory being annexed to districts be contiguous with existing district boundaries. LAFCO has frequently approved annexations of one or two parcels to districts in order for basic services, such as water or sewer services, to be provided as long as the areas to be annexed are within the district’s sphere of influence and other factors required by Cortese-Knox-Hertzberg (Government Code §56000 et seq.) are met.

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**

The assessed land value of each parcel per the 2004 - 2005 tax roll is:

Assessor Parcel	Assessed Land Value
010-0-210-210	\$19,609
010-0-210-230	\$36,417
<b>TOTAL</b>	<b>\$56,026</b>

According to the County Assessor both Assessor Parcels in the proposal area are now in tax rate area 70121 and will be assigned to tax rate area 70130 upon the completion of proceedings. Both of these tax rate areas have a property tax rate of \$1.065334 per \$100 of assessed valuation. Thus, the annexation proposal will not result in any change in property taxes.

The Ojai Valley Sanitary District issued a Revenue Refunding Bond in 2003 to refinance prior debt obligations for treatment plant improvements and the construction of other District facilities. This Bond is being repaid from overall District revenues and does not affect property taxes or result in any special assessments. Operation and maintenance of OVSD lines and facilities are financed by monthly sewer service charges.

**7. Environmental Impact of the Proposal**

The Ojai Valley Sanitary District is the lead agency for this proposal and found the proposal to be categorically exempt under Section 15319(b) of the California Environmental Quality Act Guidelines. As the annexation is to provide sanitary sewer service for the construction of one single-family residence on an existing lot, a categorical exemption is appropriate for this proposal.

**8. Regional Housing Needs**

According to the California Housing and Community Development Department the County of Ventura adopted an updated General Plan Housing Element on June 19, 2001 and completed State review for compliance on October 18, 2001. The annexation proposal area is to be developed consistent with the County’s General Plan. Therefore, 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**

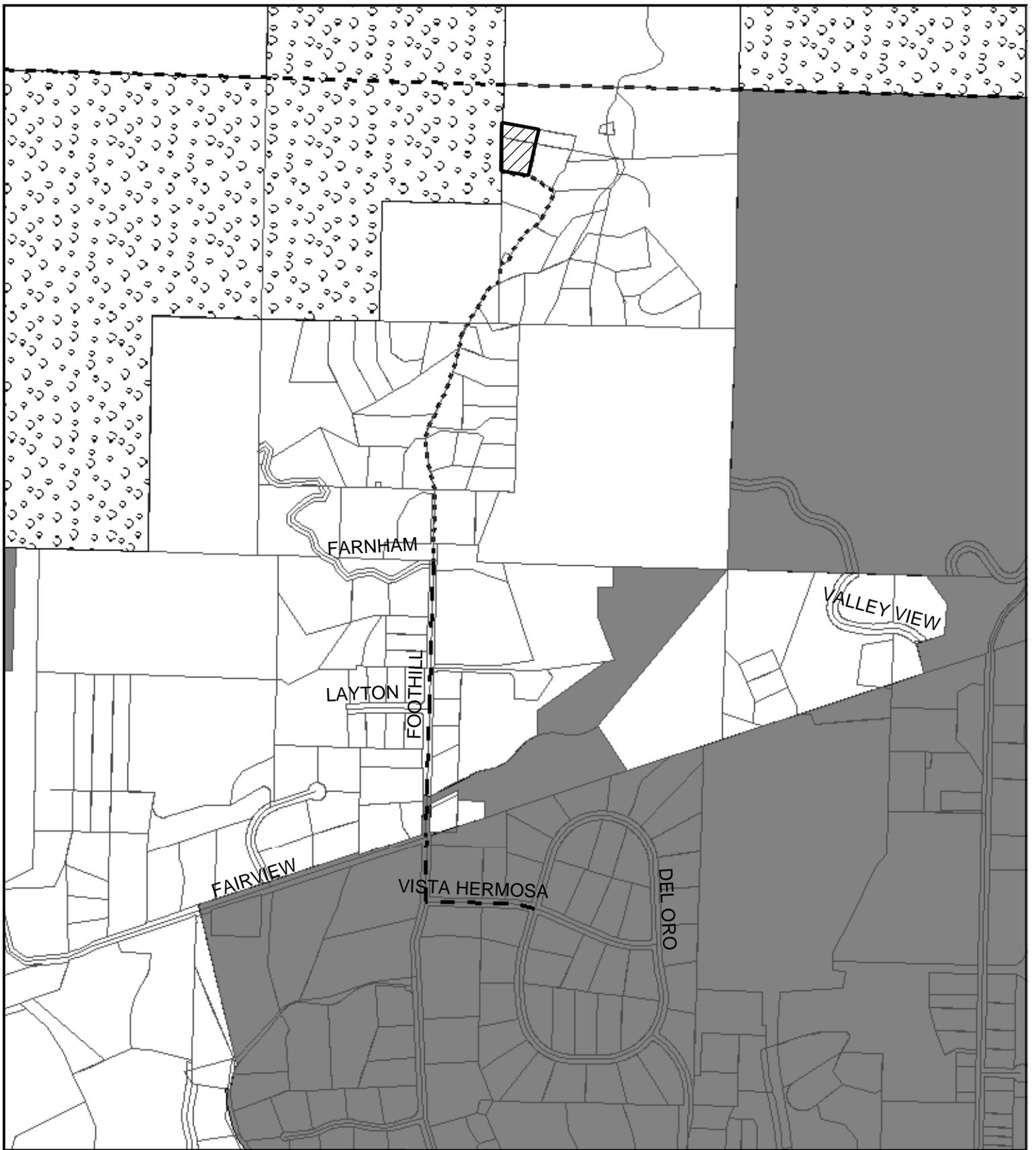
The Ojai Valley Sanitary District has provided proof that all landowners have given their written consent to this proposal and has requested that the Commission waive all protest proceedings.

**ALTERNATIVE ACTIONS AVAILABLE:**

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

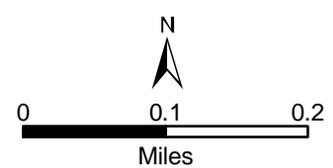
Attachments: (1) Vicinity Map  
(2) LAFCO 05-02 Resolution



**Legend**

-  Proposal Area
-  National Forest
-  OVSD Boundary
- Sewer Route**
-  Private
-  Public
-  Parcel Lines
-  OVSD Sphere

**Ventura LAFCO Vicinity Map**  
**LAFCO 05-02 Ojai Valley Sanitary District**  
**Annexation - Rennacker**



**LAFCO 05-02**

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING DETERMINATIONS  
AND APPROVING THE OJAI VALLEY SANITARY  
DISTRICT ANNEXATION – RENNACKER**

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, 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 and present and future inhabitants within the Ojai Valley Sanitary District and within the affected territory, and the organization of local governmental agencies within Ventura County.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the 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 the Ojai Valley Sanitary District is hereby approved, and the boundaries are established generally as set forth in the attached Exhibit A.
- (3) The affected territory is uninhabited as defined by Government Code §56046.

- (4) The subject proposal is assigned the following distinctive short form designation: **LAFCO 05-02 OJAI VALLEY SANITARY DISTRICT ANNEXATION – RENNACKER.**
- (5) The Commission has reviewed and considered the lead agency's determination that the annexation is categorically exempt under Section 15319(b) of the California Environmental Quality Act Guidelines, and finds the annexation to be categorically exempt.
- (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.
- (7) The Commission, consistent with California Government Code Section 56663(c), hereby waives protest proceedings entirely.
- (8) **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.**

This resolution was adopted on March 16, 2005.

AYES:

NOES:

ABSTAINS:

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

Copies: Ojai Valley Sanitary District  
Ventura County Assessor  
Ventura County Auditor  
Ventura County Surveyor  
Ventura County Planning

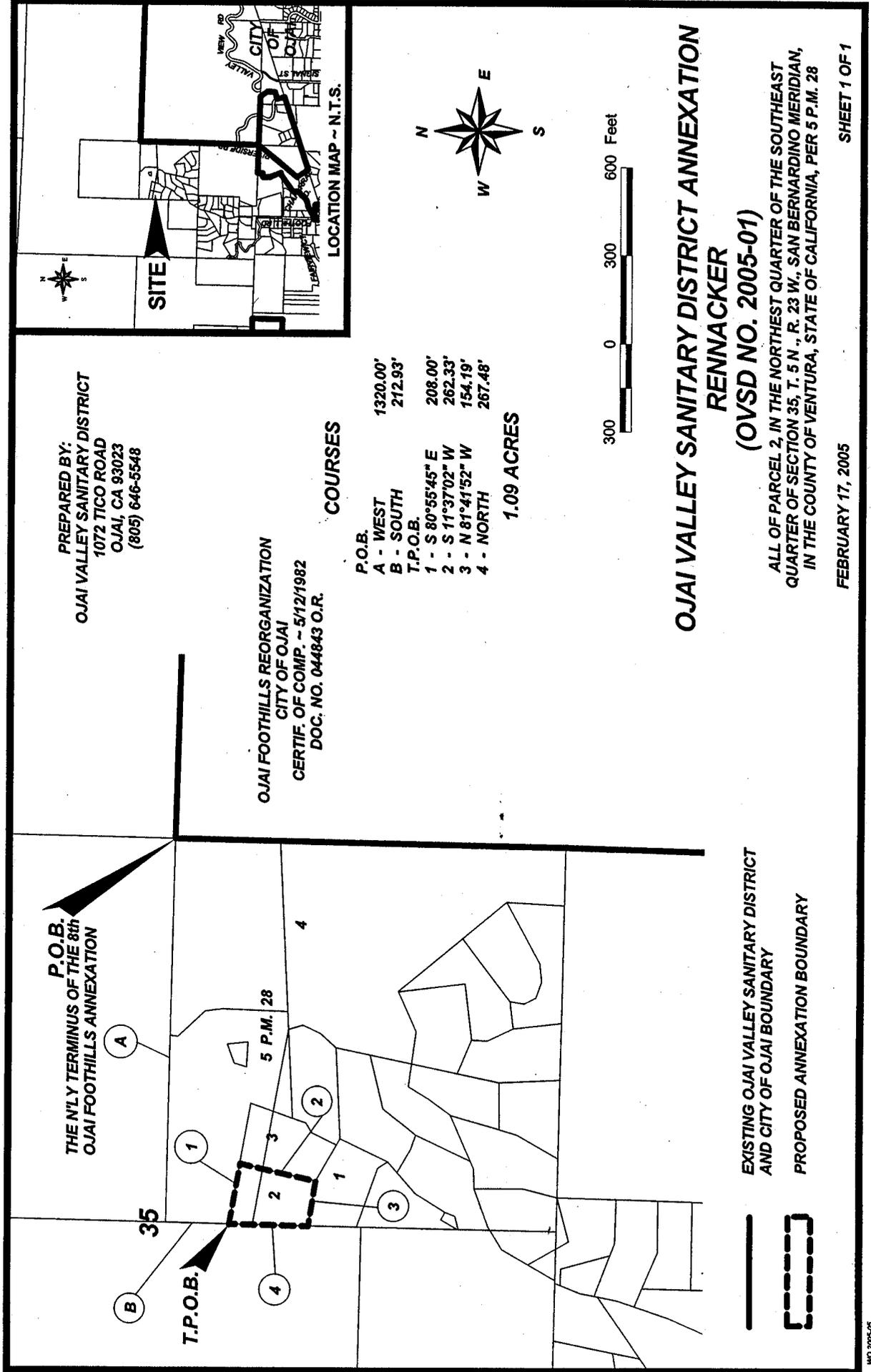
The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

Certified by: *Clay M. [Signature]*

Date: 3/1/05

**05-02**

**Exhibit A**



**OJAI VALLEY SANITARY DISTRICT ANNEXATION**  
**RENNACKER**  
**(OVSD NO. 2005-01)**

ALL OF PARCEL 2, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, T. 5 N., R. 23 W., SAN BERNARDINO MERIDIAN, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, PER 5 P.M. 28

FEBRUARY 17, 2005

SHEET 1 OF 1

**OJAI VALLEY SANITARY DISTRICT ANNEXATION  
RENNACKER  
(OVSD ANNEXATION NO. 2005-01)**

**05-02**

All of Parcel 2, in the northeast quarter of the southeast quarter of Section 35, Township 5 North, Range 23 West, San Bernardino Meridian, in the County of Ventura, State of California, as said Parcel 2 is shown on the map filed in the office of the County Recorder of said County in Book 5, Page 28 of Parcel Maps, described as follows:

Beginning at the northeast corner of Parcel 4 as shown on said map filed in Book 5, Page 28 of Parcel Maps, said corner also being the northerly terminus of the 8<sup>th</sup> course of the Ojai Foothills Reorganization to the City of Ojai as shown and described in the Certificate of Completion recorded in the office of said County Recorder on May 12, 1982 as Document No. 044843 of Official Records; thence, along the boundary of said parcel 4 by the following three courses: WEST 1320.00 feet; thence, SOUTH 212.93 feet to the northwesterly corner of said Parcel 2; thence, along the boundary of said Parcel 2 by the following four courses:

- 1st - South 80°55'45" East 208.00 feet; thence,
- 2nd - South 11°37'02" West 262.33 feet; thence,
- 3rd - North 81°41'52" West 154.19 feet; thence,
- 4th - NORTH 267.48 feet to the point of beginning and containing 1.09 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: 3/1/05