

AGENDA

VENTURA LOCAL AGENCY FORMATION COMMISSION
Hall of Administration, Board of Supervisors' Hearing Room
800 S. Victoria Avenue, Ventura, CA 93009-1850
9:00 A.M. Wednesday, March 15, 2006

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**

ELECTIONS

4. **Election of Officers for 2006**
 - A. Chair
 - B. Vice Chair

ANNOUNCEMENTS

5. **Commission Presentations and Announcements**

COMMENTS FROM THE PUBLIC

6. **Public Comment**

This is an opportunity for members of the public to speak on items not on the agenda.

(The Ventura Local Agency Formation Commission encourages all interested parties to speak on any issue on this agenda in which they have an interest, or on any matter subject to LAFCO jurisdiction. It is the desire of LAFCO that its business be conducted in an orderly and efficient manner. All speakers are requested to fill out a Speakers Card and submit it to the Clerk before the item is taken up for

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

consideration. All speakers are requested to present their information to LAFCO as succinctly as possible with a five (5) minute time limit. Allowing an individual to speak more than five minutes is at the discretion of the Chair of the Commission. Speakers are encouraged to refrain from restating previous testimony).

CONSENT ITEMS

7. Minutes of the January 18, 2006 Regular Meeting

RECOMMENDED ACTION: Approval

8. LAFCO 06-01 Ojai Valley Sanitary District Annexation – Jensen

The annexation of territory into the Ojai Valley Sanitary District for the purpose of providing sanitary sewer service. The proposal consists of one lot with a street address of 790 Spring Street, Oak View (Assessor Parcel No. 061-0-132-045) and a portion of the Ventura Avenue (State Highway 33) right of way.

RECOMMENDED ACITON: Approval (A and B)

ACTION ITEMS

9. Ventura – Santa Paula Greenbelt

Recognize and endorse revisions to the Ventura – Santa Paula Greenbelt as requested by the cities of Santa Paula and San Buenaventura and the County of Ventura.

RECOMMENDED ACTION: Approval (A and B)

10. Executive Officer Salary – Market Based Average Adjustment

Determine whether or not to approve granting all or any portion of the 3.61% market based average salary increase to the Executive Officer and, if approved, determine the effective date of such an increase.

RECOMMENDED ACTION: Discussion and action

11. 2nd Quarter Budget Report and Budget Adjustments

Receive and file the budget report for the first six-months of FY 2005-06 and approve the transfer of a minimum of \$4,000 and a maximum of \$12,000 from contingencies to salaries and benefits as necessary for approved salary and benefit increases.

RECOMMENDED ACTION: Approval (A and B)

INFORMATIONAL ITEMS

12. Status Report on Agricultural Buffers and Mitigation for Loss of Agricultural Lands

Receive information about issues concerning agricultural buffers and mitigation for loss of agricultural lands and pending LAFCO policy changes.

EXECUTIVE OFFICER'S REPORT

- A. Legislative Update
- B. Next Regular LAFCO Meeting scheduled for April 19, 2006
- C. FPPC 700 Forms due to LAFCO by April 1, 2006

COMMISSIONERS' COMMENTS

ADJOURNMENT

Americans with Disabilities Act - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the LAFCO office (805) 654-2576. Notification 48 hours prior to the meeting will enable LAFCO to make reasonable arrangements to ensure accessibility to this meeting.

Disclosure of Campaign Contributions - LAFCO Commissioners are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agency of the applicant, or any financially interested person who actively supports or opposes the LAFCO decision on the matter. Applicants or agents of applicants who have made campaign contributions totaling more than \$250 to any LAFCO Commissioner in the past 12 months are required to disclose that fact for the official record of the proceeding.

Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Clerk of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically Government Code, section 84308.



STAFF REPORT

Meeting Date: March 15, 2006
(Continued from January 18, 2006)

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: Election of Officers for 2006

RECOMMENDATION:

- A. Elect a Chair
- B. Elect a Vice-Chair

DISCUSSION:

The Commission’s By-laws (attached) provide for both the Chair and Vice Chair to serve one-year terms of office commencing on the third Wednesday of January. The By-laws also provide for the officers to be rotated, “so that a member of each of the four represented groups of LAFCO serves one full year in every four-year period.” For 2006 a County Member should serve as Chair and a Public Member should serve as Vice-Chair.

Elections for the Commission’s officers for 2006 were continued from the January 18, 2006 meeting because the Board of Supervisors had not at that time acted on its appointments to LAFCO for 2006. Subsequently, the Board of Supervisors re-appointed Supervisors Long and Parks to serve as regular Commissioners and Supervisor Bennett to serve as an alternate member.

Attachment: Chapter 1, Section 1.1.4 of the Commissioner’s Handbook

COMMISSIONERS AND STAFF

COUNTY: Linda Parks, Vice Chair Kathy Long <i>Alternate:</i> Steve Bennett	CITY: Don Waunch John Zaragoza <i>Alternate:</i> Janice Parvin	SPECIAL DISTRICT: Dick Richardson, Chair Ted Grandsen <i>Alternate:</i> George Lange	PUBLIC: Kenneth M. Hess <i>Alternate:</i> Louis Cunningham
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Chapter 1, Section 1.1.4 of the Commissioner's Handbook

(A portion of the Ventura LAFCO By-laws relating to Officers of the Commission)

SECTION 1.1.4 OFFICERS

1.1.4.1 Chair: The Chair shall be selected by the members. The Chair shall serve as Chair for one year or until his/her successor is selected. The Chair's term of office shall begin the third Wednesday in January.

The office of Chair shall be rotated so that a member of each of the four represented groups of LAFCO serves one full year in every four-year period. Commencing January of 2002, the rotation of the chair shall be in the following sequence: County, Public, City, and Special District member.

1.1.4.2 Vice-Chair: The Vice-Chair shall be selected by the members. The Vice Chair shall serve as Vice-Chair for one year or until his/her successor is selected. The Vice-Chair's term of office shall begin the third Wednesday in January. In the absence of the Chair, the Vice-Chair shall serve in place of the Chair.

The office of Vice-Chair shall be rotated so that a member of each of the four represented groups of LAFCO serves one full year in every four-year period. In January 2002, the rotation of the vice-chair shall be in the following sequence: Public, City, Special District, and County member.

MINUTES

LAFCO REGULAR MEETING

Wednesday January 18, 2006, 9:00 A.M.
 Board of Supervisors' Hearing Room, Hall of Administration
 800 S. Victoria Avenue, Ventura, Ca 93009-1850

1. CALL TO ORDER

Chair Richardson called the January 18, 2006 meeting to order at 9:01 A.M.

2. PLEDGE OF ALLEGIANCE

Commissioner Long led the Pledge of Allegiance.

3. ROLL CALL

The following commissioners and alternates were present:

- Commissioner Grandsen
- Commissioner Hess
- Commissioner Long
- Commissioner Parks
- Commissioner Richardson
- Commissioner Waunch
- Commissioner Zaragoza
- Alternate Commissioner Cunningham
- Alternate Commissioner Lange
- Alternate Commissioner Parvin

4. ELECTION OF OFFICERS

Approval as Recommended (to continue Election of Officers until the next regular meeting): Zaragoza

SECOND: Grandsen

FOR: Grandsen, Hess, Long, Parks, Richardson, Waunch, Zaragoza

AGAINST: None

ABSTAIN: None

MOTION PASSED 7/0/0

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ANNOUNCEMENTS

5. COMMISSION PRESENTATIONS AND ANNOUNCEMENTS

There were no presentations or announcements.

6. PUBLIC COMMENT

Chair Richardson requested public comment on any item not on the agenda. Receiving no comments from the public, he closed the public comment period for items not on the agenda.

CONSENT ITEMS

7. Approval of Minutes of the Ventura LAFCO regular meeting held November 16, 2005

MOTION: Approval as Recommended: Waunch
SECOND: Zaragoza
FOR: Grandsen, Hess, Long, Parks, Richardson, Waunch
Zaragoza
AGAINST: None
ABSTAIN: None
MOTION PASSED 7/0/0

PUBLIC HEARING ITEMS

8. LAFCO 05-27 City of Santa Paula Reorganization – April Lane

Kim Uhlich presented the staff report. Chair Richardson opened the public hearing. With no comments from the public, he closed the public hearing.

MOTION: Approval as Recommended: Long
SECOND: Hess
FOR: Grandsen, Hess, Long, Parks, Richardson, Waunch,
Zaragoza
AGAINST: None
ABSTAIN: None
MOTION PASSED 7/0/0

PUBLIC HEARING ITEMS (Continued)

- 9. LAFCO 05-28 S1 & S3 Sphere of Influence Review and Update**
05-28 S1 Channel Islands Beach Community Services District
05-28 S3 Pleasant Valley Recreation and Park District

Everett Millais presented the staff report. Chair Richardson opened the public hearing. With no comments from the public, he closed the public hearing.

MOTION: Approval as Recommended: Waunch
SECOND: Zaragoza
FOR: Grandsen, Hess, Long, Parks, Richardson, Waunch,
Zaragoza
AGAINST: None
ABSTAIN: None
MOTION PASSED 7/0/0

ACTION ITEMS

- 10. Employment Agreement – LAFCO Executive Officer**

Everett Millais presented the staff report and discussed the changes being recommended.

MOTION: Approval of Recommended Action: Long
SECOND: Zaragoza
FOR: Grandsen, Hess, Long, Parks, Richardson, Waunch,
Zaragoza
AGAINST: None
ABSTAIN: None
MOTION PASSED 7/0/0

- 10a. Cancellation of February 15, 2006 Regular Meeting**

Everett Millais presented the staff report asking the Commission to consider cancellation of the February 15, 2006 meeting.

MOTION: Cancel the February 15, 2006 meeting: Parks
SECOND: Grandsen
FOR: Grandsen, Hess, Long, Parks, Richardson, Waunch,
Zaragoza
AGAINST: None
ABSTAIN: None
MOTION PASSED 7/0/0

INFORMATION

11. Availability of Alternative Formats for CEQA Documents

Kim Uhlich asked the Commissioners for their preferences as to desired format for future environmental documents: paper copy or digital files on CD.

Commissioners Long, Parks and Richardson indicated they preferred paper copies while Commissioners Waunch, Zaragoza, Grandsen, Hess, Alternate Commissioners Cunningham, Lange and Parven preferred digital files on CD.

EXECUTIVE OFFICERS REPORT

Based on the cancellation of the February 15, 2006 meeting, the next regular LAFCO meeting is March 15, 2006.

Everett Millais announced that Kathy Long has been elected Chair of the CALAFCO Board and that at their last meeting, the CALAFCO Board took preliminary action to restructure members dues based on county population. He indicated that Ventura LAFCO's dues to CALAFCO would increase at least 3% because of the restructuring and because of increased member services being provided.

Everett Millais also reported on Montalvo residences' contact with LAFCO staff regarding a neighborhood meeting scheduled to take place at Mike's Restaurant Monday, February 16th regarding annexation to the City of Ventura.

COMMISSIONERS' COMMENT

Chair Richardson reminded the Commissioners and Alternates that their FPPC 700 Forms are due to LAFCO by April 1.

ADJOURNMENT

Chair Richardson adjourned the meeting at 9:45 AM



STAFF REPORT

Meeting Date: March 15, 2006
CONSENT

LAFCO CASE

NAME & NO: LAFCO 06-01 Ojai Valley Sanitary District Annexation – Jensen

PROPOSAL: To annex one parcel and a portion of the Ventura Avenue/Highway 33 right of way into the Ojai Valley Sanitary District for the purpose of providing sanitary sewer service.

SIZE: Approximately 0.35 acre.

LOCATION: 790 Spring Street, Oak View, in the Ojai Area of Interest. The proposal area is within the Ojai Valley Sanitary District Sphere of Influence. The area is also within the boundaries of the Casitas Municipal Water District

PROPONENT: Ojai Valley Sanitary District by resolution.

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

PARCEL

INFORMATION: 061-0-132-045

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 District as lead agency, dated December 20, 2005, and determine that the change of organization is exempt under Section 15319(a) of the CEQA Guidelines.
- B. Adopt the attached resolution (LAFCO 06-01) making determinations and approving the Ojai Valley Sanitary District Annexation – Jensen.

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GENERAL ANALYSIS

1. Land Use

Site Information

	Land Use	Zone District Classification	General Plan Designation
Existing	Single Family Dwelling	County: RE – 1 ac (Rural Exclusive, 1 acre min.) City: NA	County: Gen. Plan: Existing Community Ojai Area Plan: Urban Residential 1 –2 du/ac City: NA
Proposed	No Change	No Change	No Change

No changes are proposed to the land use, zoning or County General Plan designations are required as part of the 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 slopes slightly toward the east and is at an elevation of approximately 500 feet. The rear lot line is at the top of a vertical bluff that forms the west side of State Route 33. The residential lot is landscaped with non-native vegetation.

Conformity with Plans

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

The existing land use (single-family residential) is consistent with the County's Ojai Valley Area Plan designations.

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 lot within the proposal area is zoned for residential use. There is no agricultural use on the lot, and there are no adjoining agricultural uses.

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

The lot within the proposal 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

According to the County Registrar of Voters, there are less than 12 registered voters in the proposal area. As such, the annexation 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

Although it is outside of the District's boundary, the lot within the proposal area has recently been connected and is currently being served. On-going maintenance and operational costs will be financed through residential user fees. There will be no change to any other existing services.

5. Boundaries and Lines of Assessment

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

The map and legal description for this proposal 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

According to the County Assessor, the parcel is in tax rate area 91081 and will be assigned to tax rate area 91155 upon completion of proceedings. However the current tax rate of \$1.065787 per \$100 of assessed valuation will remain the same upon annexation. The assessed land value of the lot per the 2005 - 2006 tax roll is \$183,772.

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(a) [annexation to a special district of areas containing existing structures developed to the density allowed by the current zoning] of the California Environmental Quality Act Guidelines. As the annexation is to provide sanitary sewer service to an existing lot with existing development, 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 fully 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 written consent to this proposal from the property owner 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.

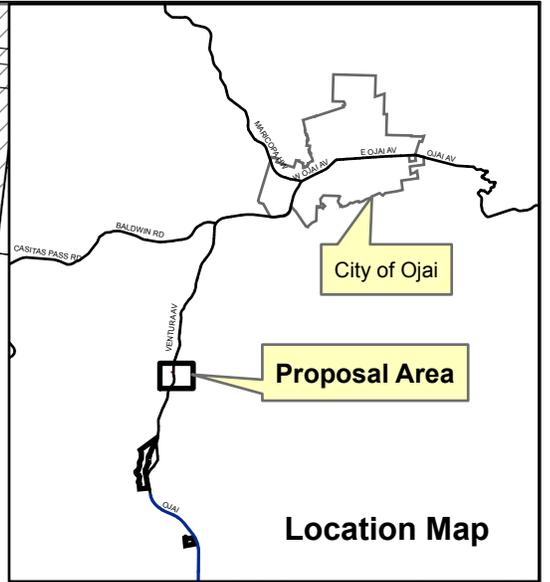
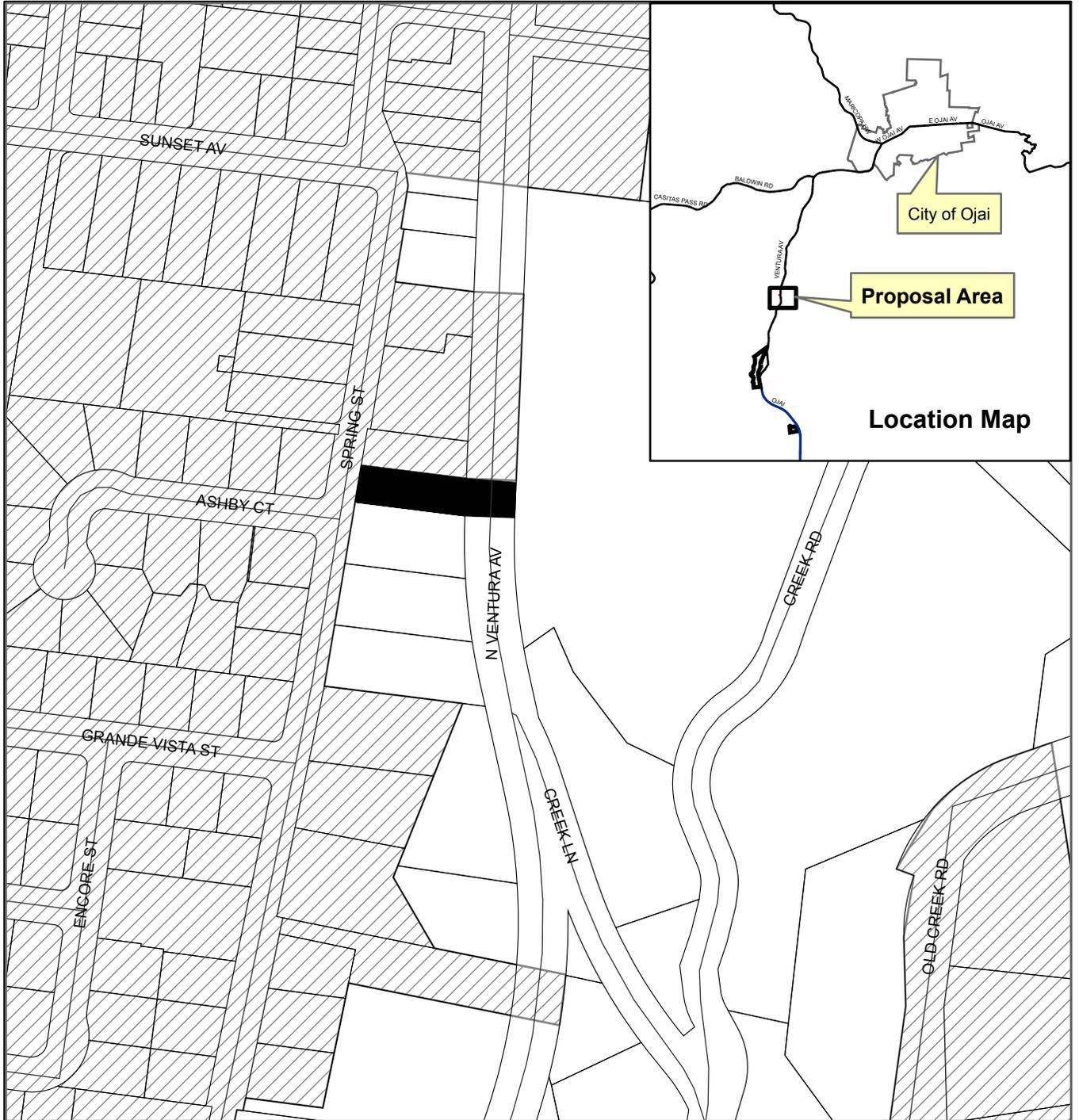
- B. If the Commission, following public testimony and review of materials submitted, wishes to deny or modify this proposal, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

Attachments: (1) Vicinity Map *
(2) LAFCO 06-01 Resolution

* LAFCO makes every effort to offer legible map files with the online- and printed versions of our reports, however sometimes the need to reduce oversize original maps and/or other technological/software factors can compromise readability. Original maps are available for viewing at the LAFCO office by request.

ATTACHMENT 1

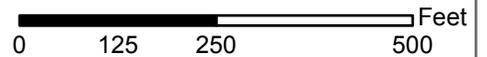


Ventura LAFCO Vicinity Map

LAFCO 06-01 Ojai Valley Sanitary District Annexation - Jensen

Legend

-  Parcels
-  Ojai Valley Sanitary District
-  Jensen Annexation Area



LAFCO 06-01

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

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

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the proposal as required by law; and

WHEREAS, the proposal was duly considered on March 15, 2006; 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 Staff Report and recommendation, the environmental 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 Ventura Local Agency Formation Commission as follows:

- (1) The LAFCO Staff Report and Recommendation for approval of the proposal dated March 15, 2006, is adopted.
- (2) The annexation to the Ojai Valley Sanitary District is hereby approved, and the boundaries are established 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 06-01 OJAI VALLEY SANITARY DISTRICT ANNEXATION – JENSEN.**
- (5) The Commission has reviewed and considered the lead agency's determination that the change of organization is categorically exempt under Section 15319(a) of the California Environmental Quality Act Guidelines, and finds the change of organization to be categorically exempt under Section 15319(a).
- (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 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 change of reorganization 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 15, 2006.

AYES: Commissioners Grandsen, Hess, Long, Parks, Richardson, Waunch and Zaragoza

NOES: None

ABSTAINS: None

Dated: _____
Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: Ojai Valley Sanitary District
Ventura County Assessor
Ventura County Auditor
Ventura County Surveyor
Ventura County Planning
Ventura County Elections-Registrar of Voters



STAFF REPORT

Meeting Date: March 15, 2006

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: 2nd Quarter Budget Report and Budget Adjustments

RECOMMENDATIONS:

- A. Receive and file the budget report for the first six-months of FY 2005-06.
- B. Approve the transfer of a minimum of \$4,000 and a maximum of \$12,000 from contingencies (account code “6101”) to salaries and benefits (the “1000” numbered account codes) necessary to provide for approved salary and benefit increases.

DISCUSSION:

LAFCO policies and procedures require the Executive Officer to provide the Commission with quarterly budget reports as soon as information is available after the end of each fiscal quarter. The attached Budget to Actual report for the six months ending December 31, 2005 (50% of the fiscal year) was reviewed for accuracy by the County Auditor-Controller.

Two highlights of this report are:

- Revenue from fees (Account Code “9772” Other Revenue – Miscellaneous) after the first six months at 91% of budget. With our current pending proposals, we expect to collect fees that exceed our budgeted amount of \$72,000 by the end of the fiscal year.

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- Expenditures for Salaries and Benefits for the first half of the year were at 43%, while Services and Supplies expenditures were at 44%. We are continuing to be fiscally prudent in expenditures for supplies and services.

While there are no budget issues from the first six months of FY2005-06, there is a need to make budget adjustments for the remainder of this fiscal year. Specifically, there is a need to supplement the amounts budgeted for salaries and benefits. This need results from the fact that the budget only provided for a 3% cost of living adjustment for salaries and benefits as of January 1, 2006. However, based on actions by both the Commission and the County, market based average salary increases of at least 4% (7.61% for the LAFCO Analyst and Office Manager/Clerk of the Commission classifications) have been approved, effective the first pay period of 2006. To adequately provide for these increases it is necessary to transfer funds from the contingency account.

The Commission's policies provide that funds budgeted for contingencies may not be used or transferred to any other expense account code without the prior approval of the Commission. Thus, depending on the Commission's action relating to any market based average salary adjustment for the Executive Officer, it is recommended that a minimum of \$4,000, up to a maximum of \$12,000 be transferred from contingencies (account code "6101") to the appropriate salaries and benefits account codes (the "1000" numbered account codes).

The law requires each LAFCO to adopt a preliminary budget by May 1 of each year and a final budget by June 15 of each year. At the April 19, 2006 meeting the Commission will be requested to take action on a preliminary budget for FY2006-07. This preliminary budget for next fiscal year will also contain budget projections for the remainder of this fiscal year. The Commission will, therefore, be reviewing budget related information further, for both this fiscal year and for next fiscal year, during each of its next three meetings (April, May and June).



STAFF REPORT

Meeting Date: March 15, 2006

TO: LAFCO Commissioners
FROM: Kim Uhlich, Senior Analyst
SUBJECT: Status Report on Agricultural Buffers and Mitigation for Loss of Agricultural Lands

Background: Agricultural Buffers & Mitigation for Loss of Agricultural Lands

When it initially created LAFCOs in 1963, part of the Legislature’s intent was to limit premature conversion and loss of California’s open space and agricultural lands by guiding development toward vacant urban land. Various provisions of LAFCO law support this intent by requiring LAFCO’s to consider, among other factors, the effect of proposals for boundary changes on agricultural and open space lands (Cal. Gov’t Code Sections 56375, 56377 and 56668). The Ventura LAFCO has also adopted local standards that identify a number of factors related to premature development of agricultural areas that should be considered when reviewing annexation proposals.

As part of the Work Plan in LAFCO’s adopted FY 2005-06 budget, the Commission directed staff to draft potential revisions to the Commissioner’s Handbook that address agricultural buffer policies. As a precursor to this action, staff wishes to take this opportunity to update the Commission on a number of agriculture-related issues that impact LAFCO’s obligation to consider the effect of boundary change proposals on agricultural and open space lands.

Recent County of Ventura Actions Designed to Protect Agricultural Resources

One of the common issues faced by LAFCOs, cities and counties alike is how to alleviate potential conflicts when urban uses are developed adjacent to agricultural operations. This can be a particular concern at the “agricultural/urban interface”, which is a term that describes a geographic area in which urban land uses are directly contiguous to agricultural land. Agricultural/urban interfaces tend to be particularly abrupt along city/county boundaries. At this time, no city in Ventura County requires the establishment of agricultural buffers for urban development projects proposed to be located at the agricultural/urban interface. However, the County has been addressing

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this issue for a number of years and continues to work at strengthening their buffer requirements.

At their February 28, 2006 meeting, the Board of Supervisors directed the County Planning Department to process an amendment to the Non-Coastal Zoning Ordinance to require agricultural buffers for discretionary projects. The purpose of the Board action is formalize the County's current practice of requiring buffers for discretionary development projects located adjacent to agricultural uses on agriculturally zoned land by making it part of the County Zoning Ordinance. County Planning staff are uncertain at this time as to when this item will be ready to take back to the Board for final action, but LAFCO staff will inform the Commission when it occurs.

The County's pending action would obviously not apply to development projects on parcels located inside city boundaries adjacent to unincorporated farmland. While city representatives often agree that it is a good land use practice to create buffers, they usually assert that the land necessary to create them should be taken from the agricultural property remaining within the unincorporated areas as opposed to being removed from property within city boundaries. Naturally, agricultural operators disagree and various agencies responsible for preservation of agricultural land usually adopt the opposite viewpoint.

Another issue closely related to the buffer question concerns mitigation for the loss of agricultural land converted to nonagricultural uses. At this time, neither the County nor any city in Ventura County requires any form of mitigation for conversion of agricultural land to nonagricultural uses. However, there may soon be some change with respect to mitigation for loss of farmland at the County level. Based on a preliminary decision made by the Board of Supervisors at their February 28th meeting, the Board has agreed to decide, on a date yet to be announced, whether to direct County Planning staff to analyze the feasibility of enacting either a general plan amendment and/or an ordinance to initiate a farmland conversion mitigation program. Such a program would likely require compensatory mitigation on an acre for acre basis from developers of discretionary projects that convert agricultural land to non-agricultural uses. Examples of how this mitigation requirement could be satisfied include granting of, or payment of in lieu fees for, agricultural easements, deed restrictions, or some other similar means of conservation through a program managed by a public or private agricultural land trust. The exact ratios and mitigation fee amounts that might be feasible would require additional analysis and discussion. LAFCO staff will continue to follow the progress of this issue as it continues through the County's process and will plan to participate in ongoing policy discussions throughout the County as they might occur in the future.

LAFCO as a CEQA Responsible Agency

For boundary change proposals involving potentially significant impacts to agricultural resources, most of the analysis is performed by the agency making the proposal in

conjunction with its role as lead agency as mandated by the California Environmental Quality Act (CEQA). In these situations, LAFCO takes the role as a responsible agency under CEQA, which ultimately requires us to adopt the analyses as presented in the environmental documents prepared by lead agencies. Despite LAFCO staffs' efforts to the contrary as part of our commenting responsibility, it is our opinion that the environmental documents we receive from lead agencies do not always fully analyze potentially feasible mitigation measures to reduce or eliminate significant impacts to agricultural resources. As indicated in the section above, this is particularly true with regard to (city) lead agency analyses of the feasibility of requiring agricultural buffers and mitigation to compensate for direct losses associated with converting prime agricultural land to non-agricultural uses. Rather than performing a thorough analyses of potential mitigation measures as required by CEQA, lead agencies tend to adopt statements of overriding considerations, which allows projects to be approved without even partial mitigation for significant impacts.

LAFCO's Statutory Authority

Attached is a memo from the Commission's legal counsel in response to a request from LAFCO staff to clarify the extent of authority LAFCOs have to impose land use or development conditions on boundary change approvals. This question has been posed by staff and Commissioners in a number of contexts over the last few years, including situations related to boundary change proposals that facilitate urban development on or adjacent to prime agricultural land. As this memo indicates, LAFCO law contains no express authority for LAFCO to regulate land uses through directly imposed conditions of approval. Thus, short of LAFCO's authority to deny a boundary change proposal that it determines to be plainly unacceptable in terms of the resultant degree of impact to agricultural land resources, LAFCO does not have the ability to require changes in the design of a development project or to impose mitigation measures to minimize potential agricultural/urban interface conflicts or compensate for conversion of prime farmland.

Subsequent LAFCO Actions

Based on the issues discussed above and in the context of LAFCO Counsel's opinion, staff will be preparing recommended changes to the Commissioner's Handbook to bring back to the Commission within the next few months. These changes will focus primarily on specific LAFCO expectations for environmental analyses performed by lead agencies to address impacts on agricultural resources. Although such criteria would essentially restate CEQA requirements, they will hopefully provide LAFCO and applicants with clearer guidance as to the importance of thorough CEQA review as the primary information source through which the Commission considers boundary change proposals pursuant to LAFCO law. Staff would appreciate comments from the Commission as to what additional actions, if any, you would like to see LAFCO take with respect to preserving agricultural and open space lands.