

ACTION ITEMS

- 8. Presentation by Ventura County Assistant Auditor-Controller Jeffery Burgh Regarding Federal Tax Withholding from Commissioner Stipends

RECOMMENDED ACTION: Receive and File

- 9. LAFCo 13-15 City of Oxnard Reorganization/Calleguas Municipal Water District Annexation – East Village Phase III

To annex an approximately 107-acre Assessor parcel (214-0-020-595) and portions of the Camino Del Sol and Cesar Chavez Drive rights of way to the City of Oxnard and the Calleguas Municipal Water District to allow for the development of the site consistent with the Northeast Community Specific Plan. The same territory is proposed to be detached from the Ventura County Resource Conservation District, the Ventura County Fire Protection District, and County Service Area Nos. 32 and 33.

- A. Certify that the Commission has reviewed and considered the information contained in the environmental impact report entitled “East Village Phase III Draft Environmental Impact Report – February 2012” and “East Village Phase III Final Environmental Impact Report – August 2012” prepared by the City as lead agency.
- B. Adopt resolution LAFCo 13-15 making determinations and approving the City of Oxnard Reorganization/Calleguas Municipal Water District Annexation – East Village Phase III

RECOMMENDED ACTION: Approval (A and B)

- 10. LAFCo 13-16 Lake Sherwood Community Services District – Formation of County Waterworks District No. 38

To direct staff as appropriate regarding various matters concerning the proposed formation of County Waterworks District No. 38 in the Lake Sherwood community.

RECOMMENDED ACTION: Provide Staff Direction

- 11. Cancel the March 19, 2014 Regular Meeting

RECOMMENDED ACTION: Approval

PUBLIC HEARING ITEMS

12. LAFCo 13-14S and 13-14 Ventura River County Water District Sphere of Influence Amendment and Reorganization – Boundary Cleanup (Parcels A-F)

To amend the sphere of influence to remove approximately 38 acres of territory that is not served by the District and include approximately 12 acres of territory that is served by the District, to detach three parcels from the District (Parcels B, C, and E) that do not receive service from the District and to annex three parcels to the District (Parcel A, D, and F) that are being served or are proposed to be served by the District.

- A. Adopt resolution LAFCo 13-14S making determinations and approving the sphere of influence amendment for the Ventura River County Water District.
- B. Adopt resolution LAFCo 13-14 making determinations and approving the Ventura River County Water District Reorganization – Boundary Cleanup (Parcels A-F).

RECOMMENDED ACTION: Approval (A and B)

EXECUTIVE OFFICER’S REPORT

Next Regular Scheduled LAFCo meeting

INFORMATIONAL ITEMS

Applications Received:

LAFCo 14-01 OASA City of San Buenaventura - 11324 Nardo St.

LAFCo 14-02 OASA City of San Buenaventura - 11321 Rosal St.

LAFCo 14-03 OASA Lake Sherwood Community Services District - 270 David Ln.

LAFCo 14-04 OASA Lake Sherwood Community Services District - 2515 Hereford Rd.

LAFCo 14-05 OASA Lake Sherwood Community Services District - 310 Upper Lake Rd.

COMMISSIONER COMMENTS

ADJOURNMENT

WEB ACCESS:

**LAFCo Agendas, Staff Reports
and Approved Minutes can be found at:**

www.ventura.lafco.ca.gov

Written Materials - Written materials relating to items on this Agenda that are distributed to the Ventura Local Agency Formation Commission within 72 hours before they are scheduled to be considered will be made available for public inspection at the LAFCo office, 800 S. Victoria Avenue, Administration Building, 4th Floor, Ventura, CA 93009-1850, during normal business hours. Such written materials will also be made available on the Ventura LAFCo website at www.ventura.lafco.ca.gov, subject to staff's ability to post the documents before the meeting.

Public Presentations - Except for applicants, public presentations may not exceed five (5) minutes unless otherwise increased or decreased by the Chair, with the concurrence of the Commission. Any comments in excess of this limit should be submitted in writing at least ten days in advance of the meeting date to allow for distribution to, and full consideration by, the Commission. Members of the public who wish to make audio-visual presentations must provide and set up their own hardware and software. Set up of equipment must be complete before the meeting is called to order. All audio-visual presentations must comply with the applicable time limit for oral presentations and thus should be planned with flexibility to adjust to any changes to the time limit established by the Chair. For more information about these policies, please contact the LAFCo office.

Quorum and Voting – The bylaws for the Ventura LAFCo Commissioner's Handbook provide as follows:

1.1.6.1 Quorum: Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

1.1.6.2 Voting: Unless otherwise provided by law or these By-Laws, four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes, shall constitute a denial.

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 agent 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.



VENTURA LOCAL AGENCY FORMATION COMMISSION

MEETING MINUTES

Agenda Item 6

Wednesday January 15, 2014

Hall of Administration, Board of Supervisors Hearing Room

800 S. Victoria Avenue, Ventura

1. Call to Order

Chair Pringle called the meeting to order at 8:00 AM.

2. Pledge of Allegiance

Chair Pringle led the pledge of allegiance.

3. Roll Call

The following Commissioners were present:

Commissioner Dandy

Commissioner Long

Commissioner Morehouse

Commissioner Parks

Commissioner Parvin

Commissioner Pringle

Alternate Commissioner Cunningham

Alternate Commissioner Freeman

Note: Alternate Commissioner Cunningham sat as a voting Public member in the absence of Commissioner Ford-McCaffrey.

4. Election of Officers for 2014

A. Chair:

MOTION: Nomination for Commissioner Parks: Dandy

SECOND: Morehouse

AYES: Cunningham, Dandy, Long, Morehouse, Parks, Parvin, Pringle

NOES: None

ABSTAINED: None

MOTION PASSES 7/0/0

Commissioner Parks was seated as Chair.

B. Vice Chair:

MOTION: Nomination for Commissioner Ford-McCaffrey: Cunningham

SECOND: Parvin

AYES: Cunningham, Dandy, Long, Morehouse, Parks, Parvin, Pringle

NOES: None

ABSTAINED: None

MOTION PASSES 7/0/0

COMMISSIONERS AND STAFF

COUNTY
Kathy Long
Linda Parks, Chair
Alternate:
Steve Bennett

CITY
Carl Morehouse
Janice Parvin
Alternate:
Carol Smith

DISTRICT
Bruce Dandy
Gail Pringle
Alternate:
Elaine Freeman

PUBLIC
Linda Ford-McCaffrey, Vice Chair
Alternate:
Lou Cunningham

Executive Officer:
Kim Uhlich

Dep. Exec. Officer
Kai Luoma, AICP

Office Mgr/Clerk
Debbie Schubert

Legal Counsel
Michael Walker

5. Commission Presentations and Announcements
Commissioner Morehouse was congratulated on being re-appointed to a new term as a City member.
Chair Parks presented Kim Uhlich with a framed resolution in appreciation for her service as Executive Officer and Ms. Uhlich thanked the Commission.

PUBLIC COMMENTS

6. This is an opportunity for members of the public to speak on items not on the agenda.
There were no public comments.

CONSENT ITEMS

7. Minutes of the Ventura LAFCo November 20, 2013 Meeting
8. Minutes of the Ventura LAFCo December 18, 2013 Special Meeting
9. Unaudited Year End Financial Reports for FY 2012-13
10. Budget to Actual Reports: September, October and November 2013

MOTION: Approval of Items 7 & 8, receive and file Items 9 & 10: Long

SECOND: Parvin

ITEMS 7, 9 and 10

AYES: Cunningham, Dandy, Long, Morehouse, Parks, Parvin, Pringle

NOES: None

ITEM 8

AYES: Cunningham, Long, Parks, Parvin, Pringle

NOES: None

ABSTAINED: Dandy, Morehouse

MOTION PASSES 5/0/2 on Item 8

MOTION PASSES 7/0/0 on Items 7, 9 and 10

ACTION ITEM

11. Presentation by Ventura County Assistant Auditor-Controller Jeffery Burgh Regarding Federal Tax Withholding from Commissioner Stipends
Kim Uhlich announced that federal income tax would be withheld from all future Commissioner stipends beginning in January 2014 and to please telephone Jeffery Burgh if there are any questions. Chair Parks announced that Mr. Burgh's presentation would be deferred to allow more time for the closed session item.

CLOSED SESSION

The Commission recessed to closed session. Pursuant to Government Code § 54957, the Ventura Local Agency Formation Commission met in Closed Session to consider the following item:

PUBLIC EMPLOYMENT - Title: LAFCo Executive Officer

ACTION ITEMS (Continued)

12. Public Employment: LAFCo Executive Officer

Chair Parks announced that the Commission had selected a candidate for the Executive Officer position pending negotiation and execution of an employment contract and approval of the contract by the County Board of Supervisors.

MOTION: Appoint and authorize a subcommittee, consisting of Commissioners Ford-McCaffrey, Parks and Parvin, to negotiate the terms and conditions of an employment contract with the selected candidate, and delegate authority to the subcommittee to approve the employment agreement and submit it to the County Director of Human Resources to obtain approval of the County Board of Supervisors: Long

SECOND: Pringle

AYES: Cunningham, Dandy, Long, Morehouse, Parks, Parvin, Pringle

NOES: None

EXECUTIVE OFFICER’S REPORT

There were no comments.

COMMISSIONER COMMENTS

There were no comments.

ADJOURNMENT:

Chair Parks adjourned the meeting at 12:30 p.m.

These Minutes were approved on _____ 2014.

Motion:

Second:

Ayes:

Nos:

Abstains:

Date

Chair, Ventura Local Agency Formation Commission



VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: February 19, 2014

(Consent)

Agenda Item 7

TO: LAFCo Commissioners

FROM: Kai Luoma, AIPC, Executive Officer 

SUBJECT: FY 2013-14 Budget to Actual Reports – December 2013 and January 2014

RECOMMENDATION:

Receive and file Budget to Actual reports for December 2013 and January 2014.

DISCUSSION:

Pursuant to the Commissioner’s Handbook policies, the Executive Officer is to provide monthly budget reports to the Commission as soon as they are available. The attached reports, which have been prepared with the assistance of the County Auditor-Controller staff, reflect revenue and expenditures for December 2013 and January 2014 of the 2013-2014 Fiscal Year.

Attachments: Budget to Actual Reports for December 2013 and January 2014

COMMISSIONERS AND STAFF

COUNTY:
Linda Parks, Chair
John Zaragoza
Alternate:
Steve Bennett

CITY:
Carl Morehouse
Janice Parvin
Alternate:
Carol Smith

DISTRICT:
Bruce Dandy
Gail Pringle
Alternate:
Elaine Freeman

PUBLIC:
Linda Ford-McCaffrey, Vice Chair
Alternate:
Lou Cunningham

Executive Officer:
Kai Luoma, AIPC

Analyst/Dep. Exec. Officer
Vacant

Office Mgr/Clerk
Debbie Schubert

Legal Counsel
Michael Walker



**BUDGET TO ACTUAL FY 2013-14
YEAR TO DATE ENDING DECEMBER 31, 2013 (50.00% of year)
Fund 7920, Organization 8950**

Summary	Budget	Adj. Budget	To Date
Estimated Sources	675,769	675,769	663,318
Appropriations	675,769	675,769	298,114

Account Number	Title	BUDGET			ACTUAL YTD			Variance Favorable (Unfavorable)	
		Budget	Proposed Adjustments	Adjusted Budget	Actual	Encumbered	Total Revenue/Obligation		
FUND BALANCE									
	Beginning Balance	388,453		388,453	388,452.87		388,452.87	(0.13)	
5331	Committed	100,000		100,000	100,000.00		100,000.00	0.00	
5395	Unassigned	220,320		220,320	220,319.87		220,319.87	(0.13)	
5395	Unassigned - Appropriated	68,133		68,133	68,133.00		68,133.00	(0.26)	
REVENUE									
8911	Interest Earnings	4,000		4,000	706.15		706.15	(3,293.85)	18%
9372	Other Governmental Agencies	573,636		573,636	573,636.00		573,636.00	0.00	100%
9772	Other Revenue - Miscellaneous	30,000		30,000	20,843.00		20,843.00	(9,157.00)	69%
	Total Revenue	607,636	0	607,636	595,185.15		595,185.15	(12,450.85)	98%
	TOTAL SOURCES	675,769	0	675,769	663,318.15		663,318.15	(12,451.11)	98%
EXPENDITURES									
1101	Regular Salaries	328,000		328,000	157,232.85		157,232.85	170,767.15	48%
1105	Overtime	0		0	0.00		0.00	0.00	0%
1106	Supplemental Payments	12,600		12,600	5,945.47		5,945.47	6,654.53	47%
1107	Term/Buydown	31,500		31,500	14,859.52		14,859.52	16,640.48	47%
1121	Retirement Contribution	77,500		77,500	37,446.32		37,446.32	40,053.68	48%
1122	OASDI Contribution	19,000		19,000	7,988.96		7,988.96	11,011.04	42%
1123	FICA - Medicare	5,100		5,100	2,574.55		2,574.55	2,525.45	50%
1141	Group Insurance	21,400		21,400	10,216.16		10,216.16	11,183.84	48%
1142	Life Ins/Dept. Heads & Mgmt.	150		150	64.50		64.50	85.50	43%
1143	State Unempl	400		400	190.40		190.40	209.60	48%
1144	Management Disability Ins.	820		820	379.71		379.71	440.29	46%
1165	Worker Compensation Ins	3,000		3,000	1,500.64		1,500.64	1,499.36	50%
1171	401K Plan	12,500		12,500	5,129.41		5,129.41	7,370.59	41%
	Salaries and Benefits	511,970	0	511,970	243,528.49	0.00	243,528.49	268,441.51	48%
2033	Voice/Data ISF	3,500		3,500	1,711.34		1,711.34	1,788.66	49%
2071	General Insurance Alloca - ISF	2,000		2,000	984.00		984.00	1,016.00	49%
2125	Facil/Matls Sq. Ft. Alloc. - ISF	15,500		15,500	7,296.00		7,296.00	8,204.00	47%
2128	Other Maint	500		500	0.00		0.00	500.00	0%
2141	Memberships & Dues	6,550		6,550	6,105.00		6,105.00	445.00	93%
2154	Education Allowance	0		0	0.00		0.00	0.00	0%
2158	Indirect Cost Recovery	5,500		5,500	2,676.00		2,676.00	2,824.00	49%
2172	Books & Publications	500		500	249.49		249.49	250.51	50%
2174	Mail Center - ISF	2,500		2,500	1,089.74		1,089.74	1,410.26	44%
2176	Purchasing Charges - ISF	500		500	0.00		0.00	500.00	0%
2177	Graphics Charges - ISF	2,000		2,000	0.00		0.00	2,000.00	0%
2178	Copy Machine Charges - ISF	1,000		1,000	(11.85)		(11.85)	1,011.85	-1%
2179	Miscellaneous Office Expense	7,000		7,000	1,811.48		1,811.48	5,188.52	26%
2181	Stores ISF	50		50	4.25		4.25	45.75	9%
2191	Board Members Fees	4,500		4,500	1,900.00		1,900.00	2,600.00	42%
2192	Information Technology - ISF	3,000		3,000	472.50		472.50	2,527.50	16%
2195	Specialized Services/Software	1,500		1,500	0.00		0.00	1,500.00	0%
2197	Public Works - Charges	3,000		3,000	33.17		33.17	2,966.83	1%
2199	Other Prof & Spec Service	10,000		10,000	0.00		0.00	10,000.00	0%
2203	Accounting and Auditing Services	5,000		5,000	0.00		0.00	5,000.00	0%
2205	GSA Special Services ISF	100		100	0.00		0.00	100.00	0%
2214	County GIS Expenses	23,000		23,000	4,751.82		4,751.82	18,248.18	21%
2261	Public & Legal Notices	5,000		5,000	946.80		946.80	4,053.20	19%
2283	Records Storage Charges	350		350	87.60		87.60	262.40	25%
2293	Computer Equipment <5000	4,000		4,000	0.00		0.00	4,000.00	0%
2304	County Legal Counsel	22,500		22,500	11,270.00		11,270.00	11,230.00	50%
2521	Transportation Charges ISF	0		0	0.00		0.00	0.00	0%
2522	Private Vehicle Mileage	7,000		7,000	3,478.52		3,478.52	3,521.48	50%
2523	Conf. & Seminars Expense	13,000		13,000	9,650.11		9,650.11	3,349.89	74%
2526	Conf. & Seminars Expense ISF	500		500	20.00		20.00	480.00	4%
2528	County Motor Pool	1,000		1,000	59.39		59.39	940.61	0%
	Services and Supplies	150,550	0	150,550	54,585.36	0.00	54,585.36	95,964.64	36%
6101	Contingency	13,249		13,249	0.00		0.00	13,249.00	0%
	TOTAL EXPENDITURES	675,769	0	675,769	298,113.85	0.00	298,113.85	377,655.15	44%
							0.00		

Note: Amounts with "()" in the ACTUAL column reflect FY13 accruals in excess of actual expenditures to date



**BUDGET TO ACTUAL FY 2013-14
YEAR TO DATE ENDING JANUARY 31, 2014 (58.33% of year)
Fund 7920, Organization 8950**

Summary	Budget	Adj. Budget	To Date
Estimated Sources	675,769	675,769	667,058
Appropriations	675,769	675,769	342,782

Account Number	Title	BUDGET			ACTUAL YTD			Variance Favorable (Unfavorable)	
		Budget	Proposed Adjustments	Adjusted Budget	Actual	Encumbered	Total Revenue/Obligation		
FUND BALANCE									
	Beginning Balance	388,453		388,453	388,452.87		388,452.87	(0.13)	
5331	Committed	100,000		100,000	100,000.00		100,000.00	0.00	
5395	Unassigned	220,320		220,320	220,319.87		220,319.87	(0.13)	
5395	Unassigned - Appropriated	68,133		68,133	68,133.00		68,133.00	(0.26)	
REVENUE									
8911	Interest Earnings	4,000		4,000	1,346.37		1,346.37	(2,653.63)	34%
9372	Other Governmental Agencies	573,636		573,636	573,636.00		573,636.00	0.00	100%
9772	Other Revenue - Miscellaneous	30,000		30,000	23,943.00		23,943.00	(6,057.00)	80%
	Total Revenue	607,636	0	607,636	598,925.37		598,925.37	(8,710.63)	99%
	TOTAL SOURCES	675,769	0	675,769	667,058.37		667,058.37	(8,710.89)	99%
EXPENDITURES									
1101	Regular Salaries	328,000		328,000	182,180.27		182,180.27	145,819.73	56%
1105	Overtime	0		0	0.00		0.00	0.00	0%
1106	Supplemental Payments	12,600		12,600	6,902.63		6,902.63	5,697.37	55%
1107	Term/Buydown	31,500		31,500	14,859.52		14,859.52	16,640.48	47%
1121	Retirement Contribution	77,500		77,500	43,237.40		43,237.40	34,262.60	56%
1122	OASDI Contribution	19,000		19,000	9,570.46		9,570.46	9,429.54	50%
1123	FICA - Medicare	5,100		5,100	2,944.42		2,944.42	2,155.58	58%
1141	Group Insurance	21,400		21,400	11,926.16		11,926.16	9,473.84	56%
1142	Life Ins/Dept. Heads & Mgmt.	150		150	74.88		74.88	75.12	50%
1143	State Unempl	400		400	220.56		220.56	179.44	55%
1144	Management Disability Ins.	820		820	440.83		440.83	379.17	54%
1165	Worker Compensation Ins	3,000		3,000	1,717.21		1,717.21	1,282.79	57%
1171	401K Plan	12,500		12,500	5,943.10		5,943.10	6,556.90	48%
	Salaries and Benefits	511,970	0	511,970	280,017.44	0.00	280,017.44	231,952.56	55%
2033	Voice/Data ISF	3,500		3,500	1,906.61		1,906.61	1,593.39	54%
2071	General Insurance Alloca - ISF	2,000		2,000	984.00		984.00	1,016.00	49%
2125	Facil/Matls Sq. Ft. Alloc. - ISF	15,500		15,500	8,512.00		8,512.00	6,988.00	55%
2128	Other Maint	500		500	0.00		0.00	500.00	0%
2141	Memberships & Dues	6,550		6,550	6,105.00		6,105.00	445.00	93%
2154	Education Allowance	0		0	0.00		0.00	0.00	0%
2158	Indirect Cost Recovery	5,500		5,500	2,676.00		2,676.00	2,824.00	49%
2172	Books & Publications	500		500	249.49		249.49	250.51	50%
2174	Mail Center - ISF	2,500		2,500	1,106.95		1,106.95	1,393.05	44%
2176	Purchasing Charges - ISF	500		500	0.00		0.00	500.00	0%
2177	Graphics Charges - ISF	2,000		2,000	0.00		0.00	2,000.00	0%
2178	Copy Machine Charges - ISF	1,000		1,000	(11.85)		(11.85)	1,011.85	-1%
2179	Miscellaneous Office Expense	7,000		7,000	1,827.43		1,827.43	5,172.57	26%
2181	Stores ISF	50		50	11.25		11.25	38.75	23%
2191	Board Members Fees	4,500		4,500	1,900.00		1,900.00	2,600.00	42%
2192	Information Technology - ISF	3,000		3,000	551.25		551.25	2,448.75	18%
2195	Specialized Services/Software	1,500		1,500	0.00		0.00	1,500.00	0%
2197	Public Works - Charges	3,000		3,000	33.17		33.17	2,966.83	1%
2199	Other Prof & Spec Service	10,000		10,000	4,090.00		4,090.00	5,910.00	41%
2203	Accounting and Auditing Services	5,000		5,000	0.00		0.00	5,000.00	0%
2205	GSA Special Services ISF	100		100	0.00		0.00	100.00	0%
2214	County GIS Expenses	23,000		23,000	7,044.04		7,044.04	15,955.96	31%
2261	Public & Legal Notices	5,000		5,000	946.80		946.80	4,053.20	19%
2283	Records Storage Charges	350		350	104.12		104.12	245.88	30%
2293	Computer Equipment <5000	4,000		4,000	0.00		0.00	4,000.00	0%
2304	County Legal Counsel	22,500		22,500	11,270.00		11,270.00	11,230.00	50%
2521	Transportation Charges ISF	0		0	0.00		0.00	0.00	0%
2522	Private Vehicle Mileage	7,000		7,000	3,853.52		3,853.52	3,146.48	55%
2523	Conf. & Seminars Expense	13,000		13,000	9,516.11		9,516.11	3,483.89	73%
2526	Conf. & Seminars Expense ISF	500		500	20.00		20.00	480.00	4%
2528	County Motor Pool	1,000		1,000	68.42		68.42	931.58	0%
	Services and Supplies	150,550	0	150,550	62,764.31	0.00	62,764.31	87,785.69	42%
6101	Contingency	13,249		13,249	0.00		0.00	13,249.00	0%
	TOTAL EXPENDITURES	675,769	0	675,769	342,781.75	0.00	342,781.75	332,987.25	51%
							0.00		

Note: Amounts with "()" in the ACTUAL column reflect FY13 accruals in excess of actual expenditures to date



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: February 19, 2014

Agenda Item 8

TO: LAFCo Commissioners
FROM: Kai Luoma, AICP, Executive Officer 
SUBJECT: A presentation by Assistant Auditor/Controller Jeffery Burgh Regarding Federal Tax Withholding from Commissioner Stipends

RECOMMENDATION:

Receive and file a presentation by Assistant Auditor/Controller Jeffery Burgh regarding federal tax withholding from Commissioner stipends.

DISCUSSION:

The Ventura County Auditor/Controller's office has been informed that stipend or per diem payments received by Ventura Local Agency Formation Commission members to attend regular or special meetings are subject to federal income tax. Thus, beginning in 2014, the Ventura County Auditor/Controller will begin withholding federal tax, if applicable, from all stipend payments and issue an Internal Revenue Service (IRS) Form W2, "Wage and Tax Statement", for each member who was paid a stipend within a calendar year.

COMMISSIONERS AND STAFF

COUNTY: Linda Parks, Chair John Zaragoza <i>Alternate:</i> Steve Bennett	CITY: Carl Morehouse Janice Parvin <i>Alternate:</i> Carol Smith	DISTRICT: Bruce Dandy Gail Pringle <i>Alternate:</i> Elaine Freeman	PUBLIC: Linda Ford-McCaffrey, Vice Chair <i>Alternate:</i> Lou Cunningham
Executive Officer: Kai Luoma, AICP	Analyst/Dep. Exec. Officer Vacant	Office Mgr/Clerk Debbie Schubert	Legal Counsel Michael Walker



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: February 19, 2014

Agenda Item 9

LAFCo CASE

NAME & NO: LAFCo 13-15 City of Oxnard Reorganization/Calleguas Municipal Water District Annexation – East Village Phase III

PROPOSAL:

To annex one approximately 107-acre Assessor parcel (214-0-020-595) and portions of the Camino Del Sol and Cesar Chavez Drive rights of way to the City of Oxnard and the Calleguas Municipal Water District (Calleguas) to allow for the development of the site consistent with the Northeast Community Specific Plan (NECSP), approved by the City of Oxnard in 1993. The NECSP allows for development of the site, known as East Village Phase III, with up to 402 single family residences and up to 78,400 square feet of neighborhood commercial uses on six acres. The same territory is proposed to be detached from the Ventura County Resource Conservation District, the Ventura County Fire Protection District, and County Service Area Nos. 32 and 33.

SIZE:

Approximately 109 acres.

LOCATION:

The proposal area is surrounded by the City of Oxnard and located on the east side of Rose Avenue between Cesar Chavez Drive and Camino Del Sol (see Attachments 1 and 2). The site is within the spheres of influence for Calleguas and the City, as well as the Oxnard CURB.

PROPONENT:

City of Oxnard and the Calleguas Municipal Water District by resolution.

NOTICE:

This matter has been noticed as prescribed by law.

COMMISSIONERS AND STAFF

COUNTY:
Linda Parks, Chair
John Zaragoza
Alternate:
Steve Bennett

CITY:
Carl Morehouse
Janice Parvin
Alternate:
Carol Smith

DISTRICT:
Bruce Dandy
Gail Pringle
Alternate:
Elaine Freeman

PUBLIC:
Linda Ford-McCaffrey, Vice Chair
Alternate:
Lou Cunningham

Executive Officer:
Kai Luoma, AICP

Analyst/Dep. Exec. Officer
Vacant

Office Mgr/Clerk
Debbie Schubert

Legal Counsel
Michael Walker

RECOMMENDATIONS

1. Certify that the Commission has reviewed and considered the information contained in the environmental impact report entitled “East Village Phase III Draft Environmental Impact Report – February 2012” and “East Village Phase III Final Environmental Impact Report – August 2012” prepared by the City as lead agency.
2. Adopt the attached resolution LAFCo 13-15 making determinations and approving the City of Oxnard Reorganization/Calleguas Municipal Water District Annexation – East Village Phase III

DESCRIPTION OF PROPOSAL

The purpose of the proposal is to annex the site to the City and Calleguas to allow for the development of the site consistent with the Northeast Community Specific Plan (NECSP). As originally approved in 1993, the NECSP included approximately 850 acres and allowed for development of over 3,000 residential units. The proposal area is the last remaining area within the NECSP to be developed. The NECSP allows for development of the site, known as East Village Phase III, with up to 402 single family residences and up to 78,400 square feet of neighborhood commercial uses on six acres.

The same territory is proposed to be detached from the Ventura County Resource Conservation District, the Ventura County Fire Protection District, and County Service Area (CSA) Nos. 32 and 33. The Resource Conservation District provides soil and water conservation services to unincorporated County areas only. The Ventura County Fire Protection District provides fire protection services to the unincorporated County area, as well as certain cities that are within its boundary. The City provides fire protection and emergency response services within its jurisdictional boundaries. CSA 32 monitors and regulates individual sewage disposal systems outside cities and sanitation districts. CSA 33 was created to provide parks and recreation services to unincorporated areas outside cities and recreation and park districts.

GENERAL ANALYSIS

1. Land Use

Site Information

The site is used primarily for row crops. There is a small orchard (approximately 5 acres), two single-family residences, and agricultural buildings.

The NECSP designates approximately 100 acres of the site as Low Density Residential. Approximately 6 acres located at the southwest corner of the site are designated Neighborhood Commercial.

Surrounding Land Uses and Zoning and General Plan Designations

The proposal area is surrounded by the City of Oxnard and abuts urban development in all directions, as follows:

	Current use	City General Plan	City Zoning
North	Single family residential	Residential Low-Medium, Commercial-General	R2-PD (Residential 7-12 units/acre)
South	Residential, commercial	Neighborhood Commercial, High and Medium Density Residential	C2 – PD (General Commercial) R4 – PD (24-30 units/acre) R1 – PD (up to 7 units/acre)
East	Residential	Low Density Residential, Park	R1 – PD (Residential up to 7 units/acre)
West	Residential	Low Density Residential	R2-PD (Residential 7-12 units/acre)

This proposal will have no effect on surrounding zoning or general plan designations.

Topography, Natural Features and Drainage

The proposal area is generally flat. There are no natural features,

Conformity with Plans

The approved NECSP is consistent with the City General Plan.

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

In evaluating impacts to agricultural resources, LAFCo must utilize the definition of prime agricultural land found in LAFCo law (Govt. Code § 56064). There are no active Land Conservation Act contracts within the proposal area. Based on staff’s analysis, it appears that the proposal will likely lead to the conversion of approximately 100 acres of prime agricultural land.

Section 3.3.5.1 of the Commissioner’s Handbook identifies various criteria that must be met in order for the Commission to approve a proposal for a change of organization or reorganization which is likely to result in the conversion of prime agricultural or open space land. These criteria, and a brief discussion of each, are listed below:

- (a) *The territory involved is contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development.*

The proposal area abuts urban development to all sides.

- (b) *The territory is likely to be developed within 5 years and has been pre-zoned for non-agricultural or open space use. In the case of very large developments, annexation should be phased wherever possible.*

The NECSP designates the proposal area for residential and commercial uses. Development is anticipated to begin within 5 years.

- (c) *Insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency that is planned and developable for the same general type of use.*

The City prepared an alternative sites analysis which concluded that there are no alternative sites with non-prime agricultural land within City boundaries that is planned and developable for the same general type of use.

- (d) *The territory involved is not subject to voter approval for the extension of services or for changing general plan land use designations. Where such voter approval is required by local ordinance, such voter approval must be obtained prior to LAFCo action on any proposal unless exceptional circumstances are shown to exist.*

The proposal is not subject to voter approval.

- (e) *The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.*

There is no adjoining agricultural land that would be impacted by the proposal.

Insufficient Non-Prime Agricultural or Vacant Land

Section 3.3.5.2 of the Commissioner's Handbook states that the Commission will not find that insufficient non-prime agricultural or vacant land exists within the City, unless the city prepares a detailed alternative site analysis, which includes:

- (a) *An evaluation of all vacant, non-prime agricultural lands within the boundaries of the jurisdiction that could be developed for the same or similar uses.*
- (b) *An evaluation of the re-use and redevelopment potential of developed areas within the boundaries of the jurisdiction for the same or similar uses.*
- (c) *Determinations as to why vacant, non-prime agricultural lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.*

The City submitted an alternative site analysis, which concluded that there are no other vacant or redevelopable sites within the City for the same or similar type of approved use. The only other sites within the City that may be available to be developed and do not contain prime agricultural land are the 13-acre site of the former Oxnard drive-in theater and an 11-acre site containing dune habitat.

3. Population

According to the County Registrar of Voters, there are fewer than 12 registered voters in the proposal area. As such, the annexation proposal is considered to be uninhabited.

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

The NECSP was approved in 1993 and established the allowable land uses for the proposal area. These land uses are reflected in the City's 2030 General Plan, which was updated in 2011. As such, the 2030 General Plan and its EIR anticipated development of this site consistent with the NECSP and incorporated discussion and evaluation of development of the site.

Fire Protection Services: The City's Fire Department provides fire protection services to areas within the City. The closest fire station to the proposal area is located on Camino Del Sol (Colonia Road) approximately 1,000 feet west of the proposal area.

According to the 2012 Municipal Services Review (MSR) prepared for the City, the Fire Department's emergency response time goal is less than 5 minutes 90% of the time. The average response time is 4 minutes 54 seconds. Future development within the proposal area will increase demands for fire protection and related services. However, due to the proximity of the proposal area to an existing fire station, it is anticipated that emergency response times to the proposal area will be within the City's goal.

Law Enforcement: The Oxnard Police Department provides law enforcement services within the City. According to the 2012 MSR, in 2011 the City provided 1 sworn officer per 841 residents. Development of the proposal area is expected to increase the City's population by approximately 1,560. In order to maintain the City's current ratio of officers/residents, an additional 2 officers would be required once the proposal area is developed.

Library Services: The Oxnard Public Library provides library services within the City and operates three libraries: the Downtown Main Library, the South Oxnard Center Library, and the Colonia Branch Library. The Colonia Branch Library is located approximately 1,500 feet west of the proposal area and serves a population of approximately 24,000. According to the American Library Association the minimum standard for library space is 1.0 square feet per resident served. Thus, to adequately serve the existing population plus the estimated 1,568 new residents projected within the proposal area, approximately 25,500 square feet of library space is required. The

Colonia Branch contains 580 square feet. Currently, the Colonia Branch Library does not meet the needs of its service area.

Recreation and Parks Services: The City's parkland goal is to provide 3 acres of parkland per 1,000 residents. Development of the proposal area would result in an additional 1,560 residents. In order to meet the City's parkland goal, an additional 4.7 acres of parkland would be needed. According to the application materials, the approved NECSP includes development of 4.7 acres of parks within the proposal area.

Schools: The proposal area would be served by Rio Rosales Elementary School, Rio del Valle Middle School, and Pacifica High School. Attendance at Rio Rosales and Pacifica currently exceeds design capacity. The number of students generated from development of the proposal area would further impact these schools. The developer will be required to pay a school impact mitigation fee. Pursuant to state law, payment of this fee is deemed sufficient to mitigate all impacts to school facilities. If the fee is paid, LAFCo cannot deny a proposal based on a lack of school capacity, regardless of whether the mitigation fee is or is not adequate to address the school capacity issue.

Street Maintenance: The proposal area includes three public street improvements required by the NECSP and 2030 General Plan: 1) an east-west connection of about 2,000 feet in length between Camino de la Luna and Jacinto Drive, 2) a new north-south street of about 2,000 feet in length from Camino del Sol to the new east-west street, and 3) widening of Rose Avenue to six lanes. Two new traffic signals would be required, one on Rose Avenue and one on Camino del Sol. According to City staff, the developer would construct these improvements and be reimbursed from the project's traffic impacts fees estimated to be about \$6.25 million. The major subsequent maintenance expense for City streets is periodic repaving. The City Traffic Engineer estimates a repaving cost of about \$2 Million every 15 years, or about \$134,000 per year, paid from the General Fund. Property tax revenue generated from the proposal is anticipated to be adequate to fund ongoing maintenance. Per City policy for new large development, all internal streets would either be privately owned and maintained or, if public, maintained by a community facilities district program.

Wastewater: The Oxnard Wastewater Treatment Plant (OWTP), located in southwest Oxnard, services the cities of Oxnard and Port Hueneme, the U.S. Navy Construction Battalion Station, the Point Mugu Naval Air Station, and other areas outside city limits. According to the 2012 MSR, the OWTP has a current capacity of 31.7 million gallons per day with average daily flows of approximately 22.5 million gallons. According to the EIR prepared for the project, build-out of the NECSP will generate approximately 270 acre feet of wastewater per year, or 241,040 gallons per day. Thus, it appears that the OWTP has adequate capacity to serve development within the proposal area.

There are existing sewer lines located within the Rose Avenue and Cesar Chavez Drive rights-of-way to which future development within the proposal area would connect. According to the EIR, these sewer lines have adequate capacity to serve development of the NECSP. Sewer infrastructure within the proposal area will be

installed at the time of development. On-going service will be financed through connection fees and other service fees.

Water: According to the application materials, the City's anticipated water demand for 2015 is projected to be approximately 38,770 acre feet per year. This amount includes the estimated 233 acre feet per year demand resulting from build-out of the proposal area (it should be noted that for every acre of agricultural land converted to urban uses, 1.5 acre feet per year of groundwater allocation is transferred to the City, thus the City would be allocated 161 acre feet per year of groundwater as part of development of the proposal area). The City's current water supply includes both imported water and groundwater. In 2013, the City purchased 13,880 acre feet of water from Calleguas out of an available supply of 17,379 acre feet. The City's estimated groundwater production is approximately 24,900 acre feet. Thus, the City's current estimated water supply is approximately 36,668 acre-feet. The City also anticipates approximately 6,000 acre feet of additional supplies beginning in 2015 due to the City's GREAT program, which includes treatment/use of recycled water, groundwater injection, and groundwater desalination. Thus, between the additional supplies anticipated from the GREAT Program and the additional available supply from Calleguas, it appears that the City has adequate long-term water supplies to serve the proposal area.

Potable water will be provided to the proposal area via existing mains that serve the adjacent areas already within the City. Water infrastructure within the proposal area will be installed at the time of development. On-going service will be financed through connection fees and other service fees. Calleguas imposes an impact fee on new development and adds a surcharge to commodity water sales to its member agencies, including the City.

5. Boundaries and Lines of Assessment

County Surveyor review and certification of the map and legal description 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 are in progress but have not been completed as of the date this report was finalized.

Commissioner's Handbook Sections 3.1.4.2 and 3.1.4.3 provide that the boundaries of a proposal shall follow lines of assessment or ownership and that a proposal involve only legal lots. The proposal boundary follows lines of assessment or ownership and staff has no information to indicate that any of the subject lots were not legally created.

6. Environmental Impact of the Proposal

The EIR prepared for the project is discussed later in this report under the *California Environmental Quality Act* section.

7. Regional Housing Needs

The proposal will allow for the development of up to 402 residences. However, the City's General Plan Housing Element does not identify the site as one needed in order for the City to meet its regional housing needs obligation.

8. Environmental Justice

There are no communities adjacent to the proposal area that do not already receive City services. Staff has determined that approval of the proposal would not result in the unfair treatment of any person based on race, culture or income with respect to the provision of municipal services to the proposal area.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Environmental Impacts

The NECSP was originally approved in 1993, at which time an EIR was prepared and certified by the City. In addition, development of the site consistent with the NECSP was contemplated and incorporated in the EIR prepared for the City's General Plan update in 2011. In order to provide an updated evaluation of the project-specific impacts that could result from development of the proposal area, in 2012 the City prepared an EIR for the annexation ("East Village Phase III Draft Environmental Impact Report – February 2012" and "East Village Phase III Final Environmental Impact Report – August 2012").

The following eight issues were not reexamined in the 2012 EIR, as the City determined further evaluation/mitigation beyond that found in the previous CEQA documents was not warranted:

- Agricultural resources
- Air quality
- Cultural resources
- Geology and soils
- Hydrology and water quality
- Noise
- Mineral Resources
- Population and housing

The updated analysis contained in the 2012 EIR focused on the following issues:

- Aesthetics
- Land use and planning
- Traffic and circulation
- Public services and utilities

- Biological resources
- Greenhouse gases
- Hazards and hazardous materials

The 2012 EIR determined that the following significant impacts could *not* be mitigated to less-than-significant levels:

- Agricultural resources
- Aesthetic resources

The EIR prepared for the NECSP in 1993 identified the conversion of 655 acres of agricultural land (including that within the proposal area) as a significant unavoidable impact. Because the development of the proposal area is consistent with the original NECSP as approved, the certified EIR and CEQA findings adopted in 1993 remain applicable to the proposal area. In addition, the General Plan update identified the conversion of the approximately 100 acres of prime farmland within the proposal area as a significant and unavoidable cumulative impact, and a statement of overriding considerations was prepared and adopted by the City. The 2012 EIR again concluded that the loss of the agricultural lands resulting from development of the proposal area will be a significant unavoidable impact and the City adopted statements of overriding considerations and a mitigation monitoring program for these impacts as part of the certification of the EIR. The City's CEQA findings and mitigation measures for the proposal can be found under Attachment 3.

COMMISSION PROCEEDINGS – PROCESS CONSIDERATIONS

Pursuant to Govt. Code Section 56662(a), the Commission may make determinations on the proposal without notice and a hearing and can waive protest proceedings entirely if the following criteria are met:

- (1) The territory is uninhabited.
- (2) An affected local agency has not submitted a written demand for notice and hearing during the 10-day period following the issuance of the notice of Receipt of Application.
- (3) The proposal is accompanied by proof, satisfactory to the commission, that all the owners of land within the affected territory have given their written consent to the proposal.

As indicated in the *Population* section of this report, the proposal area is considered to be uninhabited. No affected agency has submitted a written demand for notice and hearing. The property owners of the property within the proposal area are the proponents of the development and the annexation. Staff recommends that the Commission consider the proposal without notice and a hearing, and waive protest proceedings entirely. The resolution approving the annexation contains the appropriate language to waive 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 reorganization 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 the materials submitted, determines that the boundaries of the reorganization proposal should be modified, or that the proposal should be approved subject to any changes or additions to the terms and conditions recommended, a motion to approve should clearly specify any boundary changes and/or any changes or additions to the terms and conditions of approval.

- C. If the Commission, following public testimony and review of materials submitted, wishes to deny or modify the reorganization proposal, a motion to deny should include direction that the matter be continued to the next meeting and that staff prepare a new report consistent with the evidence submitted and the anticipated decision.

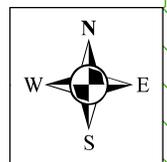
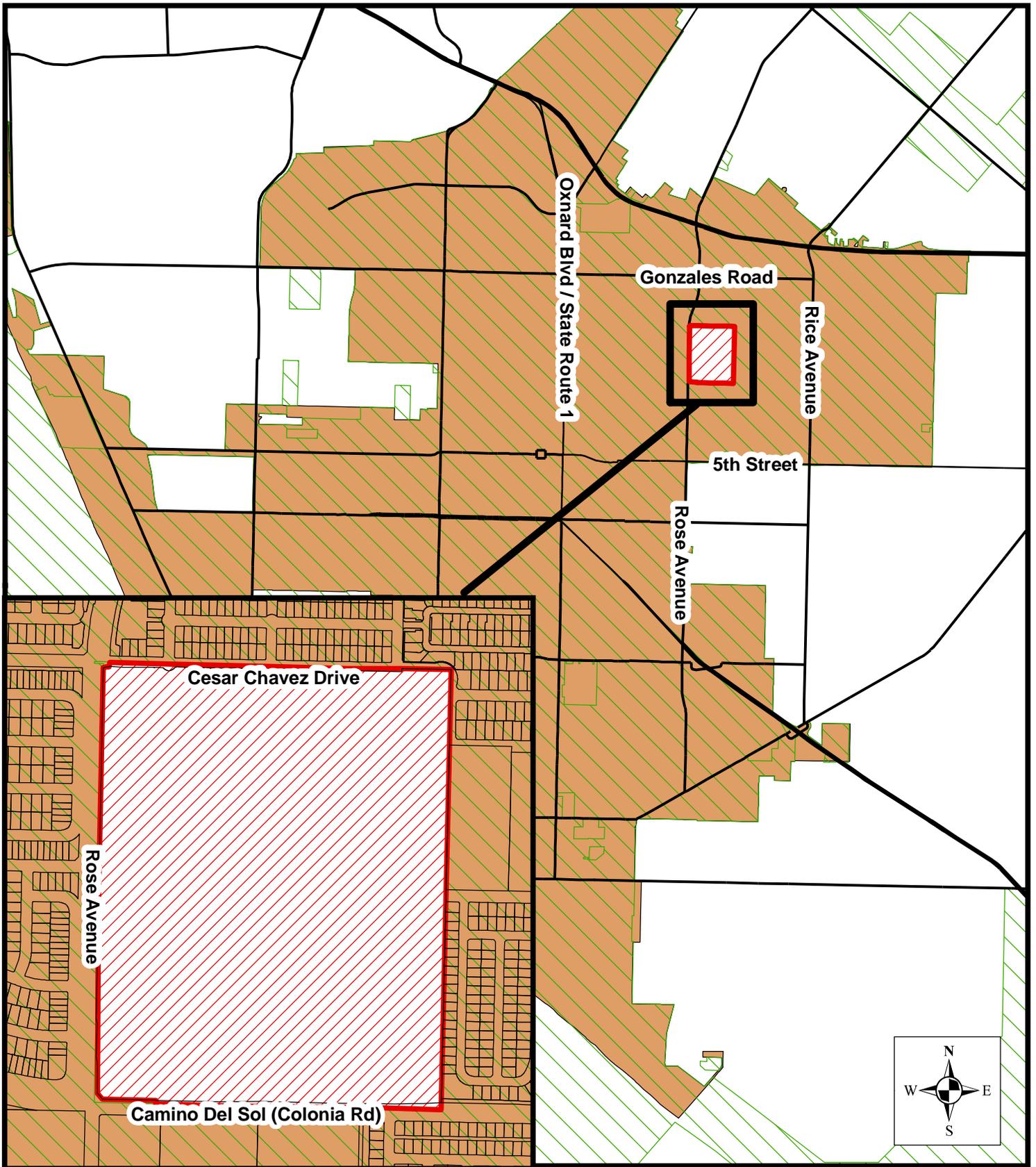
BY: 

Kai Luoma, AICP
Executive Officer

Attachments:

- 1. Vicinity map
- 2. Aerial photo of proposal area
- 3. City's CEQA finding and mitigation measures
- 4. LAFCo 13-15 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.



Legend

-  City of Oxnard
-  Calleguas MWD
-  LAFCo 13-15 Proposal Area

LAFCo 13-15
 City of Oxnard Reorganization /
 Calleguas Municipal Water District Annexation
 East Village Phase III





LAFCo 13-15
 City of Oxnard Reorganization /
 Calleguas Municipal Water District Annexation
 East Village Phase III

Legend

 LAFCo 13-15 Proposal Area



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 14,317

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 11-01 (SCH NO. 2011031024) AND APPROVING THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EAST VILLAGE PHASE III ANNEXATION LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595). FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030

WHEREAS, the City of Oxnard Development Services Department, Planning Division, received an application of annexation for the property located at 1853 Camino del Sol (APN 214-0-020-595) filed by the Maulhardt RF-JW Trust et al; and

WHEREAS, the City of Oxnard Development Services Department, Planning Division assumed the role of Lead Agency in accordance with the California Environmental Quality Act (CEQA) and determined that an Environmental Impact Report (EIR) should be prepared; and

WHEREAS, the Notice of Preparation of Draft EIR No. 11-01 (State Clearinghouse No. 2011031024) for the East Village Phase III Annexation was circulated between March 7, 2011 and April 7, 2011; the Draft EIR was completed and circulated for public comment between March 9, 2012 and May 3, 2012; and the Final EIR (FEIR) was provided to commenting agencies ten days prior to the September 20, 2012 Planning Commission hearing; and

WHEREAS, on September 20, 2012 the Planning Commission adopted Resolution No. 2012-24 recommending that the City Council certify the FEIR 11-01 for the East Village Phase III Annexation which has been prepared in accordance with the CEQA and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, the City Council of the City of Oxnard has thoroughly reviewed and considered the FEIR; and

WHEREAS, the City Council held public hearings on the FEIR on February 5, 2013 and May 7, 2013 and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Findings of Fact, attached as Exhibit A, have been prepared for each significant environmental impact identified in the FEIR, and include the ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion in compliance with State CEQA Guidelines §15091; and

WHEREAS, the Statement of Overriding Considerations, attached as Exhibit B, has been prepared and explains why the City Council is willing to balance the benefits of the East Village Phase III Annexation against unavoidable significant impacts in compliance with State CEQA Guidelines §15092 and §15093; and

WHEREAS, the Mitigation Monitoring and Reporting Program, which is Exhibit A within the FEIR and is incorporated herein by reference, ensures compliance with mitigation measures during the development of the East Village Phase III Annexation in compliance with State CEQA Guidelines §15091(d) and §15097; and

WHEREAS, the FEIR incorporates by reference the 2030 General Plan Program EIR and associated Statement of Overriding Considerations for cumulative significant adverse impacts; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the Statement of Overriding Consideration and Findings of Fact are based are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the City Council concurs that the FEIR was completed in compliance with CEQA, reflects the independent judgment of the City, was presented to the City Council, and that the City Council reviewed and considered the information contained in the FEIR before approving the project.

NOW, THEREFORE, the City Council of the City of Oxnard resolves as follows:

- 1.) The City Council hereby certifies in accordance with State CEQA Guideline §15090 that FEIR No. 11-01 for the East Village Phase III Annexation was completed in compliance with CEQA, was presented to the City Council, which reviewed and considered the information contained in the FEIR and comments received outside the formal EIR comment periods prior to taking final action on the project, and the FEIR reflects the independent judgment and analysis of the City.
- 2.) The Findings of Fact statement attached hereto as Exhibit A is hereby adopted in satisfaction of State CEQA Guideline §15091.
- 3.) A Statement of Overriding Consideration attached hereto as Exhibit B is hereby adopted in satisfaction of State CEQA Guideline §15092.
- 4.) The Mitigation Monitoring and Reporting Program contained within the FEIR as Section IV and incorporated herein by reference is hereby adopted in satisfaction of State CEQA Guideline §15091(d).

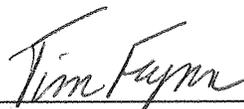
Resolution 2013- 14,317
Page 3 of 3

PASSED and ADOPTED by the City Council of the City of Oxnard on this 7 day of May 2013
by the following vote:

AYES: Councilmembers Flynn, Ramirez, MacDonald and Padilla.

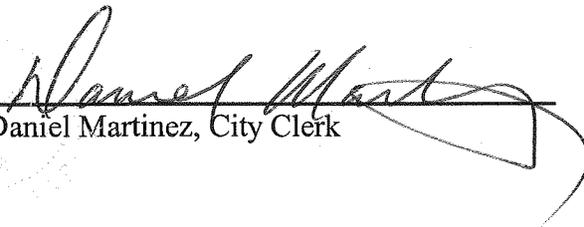
NOES: None.

ABSENT: None.



Tim Flynn, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

EXHIBIT A

Findings of Fact

SECTION I: INTRODUCTION

The following findings are based in part on the information contained in the Final Environmental Impact Report (EIR) for the East Village Phase III Annexation project (EIR 11-01) as well as additional facts found in the complete record of proceedings.

As defined by Section 15050 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City is serving as "Lead Agency," responsible for preparing the EIR for the proposed East Village Phase III Annexation project.

In accordance with the requirements of the CEQA, the City of Oxnard (City) prepared an Initial Study on the proposed application for annexation of East Village Phase III project site to the City. A Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study was circulated for public review from November 5, 2010 to November 29, 2010. Based on the comment letters received, the City determined that an EIR would be prepared.

Comments from identified responsible as well as interested parties on the scope of the EIR were solicited through a Notice of Preparation (NOP) process. The NOP for the EIR was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011. All NOP comments relating to the EIR were reviewed and the issues raised in those comments, as well as the issues raised in comment letters submitted on the MND, were addressed in the Draft EIR.

In accordance with Section 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094, the environmental analysis for the proposed annexation project was tiered from three previously approved environmental documents:

- 1) City of Oxnard 2030 General Plan Program EIR;
- 2) Groundwater Recovery Enhancement and Treatment (GREAT) Program EIR; and
- 3) Northeast Community Specific Plan (NECSP) EIR.

Compared to the analysis contained in the previously circulated Initial Study/MND, the Draft EIR determined that the Project would: 1) have the potential to result in two project-level significant unmitigated impacts (aesthetic/visual and agricultural resources), 2) not have the potential to result in more significant off-site impacts and cumulative impacts, and 3) not have substantial new information which was not known at the time the 2030 General Plan Program or the GREAT Program EIRs were certified and is now determined to have greater adverse impacts than analyzed in the 2030 General Plan or the GREAT Program EIRs for the following eight issues:

1. Agricultural Resources¹
2. Air Quality²
3. Cultural Resources

1 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

2 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4. Geology and Soils and Seismicity
5. Hydrology and Water Quality
6. Noise³
7. Mineral Resources
8. Population and Housing (Socioeconomics in the NECSP EIR)

These eight issues were not examined in the Draft EIR after the presentation in Section IV.A of a summary of their impacts and mitigations contained in the NECSP EIR, the certified 2030 General Plan Program EIR and the GREAT Program. The respective mitigations of all these documents remain in place and enforceable.

Based on a review of environmental issues by the Lead Agency, the MND, and the responses to the NOP the Draft EIR presented and updated analyses for the following environmental issues in the context of an EIR:

1. Aesthetics
2. Land Use and Planning
3. Traffic and Circulation⁴
4. Public Services and Utilities (and Schools)
5. Biological Resources
6. Greenhouse Gases⁵
7. Hazards and Hazardous Materials

The Final EIR evaluated the environmental impacts of the proposed East Village Phase III Annexation project, which consists of a series of related discretionary actions requested of the City including the following entitlements from the City and, separately, by Responsible Agencies:

City of Oxnard (Lead Agency):

- PZ 10-610-01: Annexation to the City
- PZ 10-576-01: Adoption of City pre-zoning designations

Calleguas Municipal Water District and MWD (Responsible Agency)

- Annexation to the Calleguas Municipal Water District

Ventura County Local Agency Formation Commission (Responsible Agency)

- Detachment from the Ventura County Fire Protection District
- Detachment from the Ventura County Resource Conservation District
- Detachment from County Service Area No. 32

3 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

5 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

Subsequent to the City's approval, the City will apply to the Ventura County Local Agency Formation Commission (LAFCO) for annexation of the Project into the City and detachment from the County of Ventura. Several unrelated annexations and detachments may be bundled with this action.

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council's decision on the East Village Phase III Annexation project consists of the following:

- All reports, studies, maps, plans, and correspondence received from the applicant in connection with the proposed project;
- The Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study, which was circulated for public review from November 5, 2010 to November 29, 2010;
- The project NOP, which was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011;
- All written comments received in response to the MND and the NOP;
- The East Village Phase III Annexation Draft EIR (dated February 2012), including all of its appendices, which was circulated for public review from March 9, 2012 to May 3, 2012;
- Copies of all letters received by the City during the public review period for the East Village Phase III Annexation Draft EIR;
- The meeting minutes from the April 19, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Draft EIR⁶;
- Responses to significant environmental points raised in the letters concerning the Draft EIR and the comments made at the April 19, 2012 Oxnard Planning Commission public hearing;
- The East Village Phase III Annexation Final EIR (dated August 2012), including all of its appendices;
- The meeting minutes from the September 20, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Final EIR and to consider the project⁷; and
- The Mitigation Monitoring and Reporting Program (i.e., Section IV of the Final EIR).

The Final EIR and all documents identified above are hereby incorporated by reference and are available for review at the City Development Services Department, 305 West Third Street, Oxnard, California.

SECTION II: FINDINGS OF FACT

The following findings are made in order to approve and certify the Final EIR:

1. The EIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Sections 21000-21177 of the California Public Resources Code. In addition, all of the procedures for preparation and review of Environmental Impact Reports required by Article 7 of the CEQA Guidelines have been complied with.

⁶ Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.

⁷ Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.

Finding No. 1:

The City Council hereby finds that the EIR for the East Village Phase III Annexation project has been prepared in compliance with CEQA. City staff reviewed the document for accuracy, consistency, and completeness prior to its release for public review. Therefore, it is found that the EIR document reflects the independent judgment of the City.

2. Pursuant to Section 15091 of the CEQA Guidelines:

“No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR.”*

The following environmental impact findings on specific environmental issues are made in order to approve the project:

A. Agricultural Resources

Conversion of Farmland of Statewide Importance

The proposed conversion of the existing agricultural land at the annexation site would be considered significant under the California Agricultural Land Evaluation and Site Assessment (LESA) system scoring thresholds.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce the impact associated with the loss of the site from agricultural production:

Mitigation Measure AG1:

The project developer shall offer at cost the top 12 inches of the Prime Farmland (approximately 100 acres) soils for relocation to a farm site or farm sites that have lower quality soils. The cost will include the suitable replacement soil, if needed for site improvements. This offer may occur in phases in tandem with actual phased development.

The mitigation measure would allow that no agricultural soils are lost as a result of the project, but cannot guarantee that outcome. The project would result in the permanent conversion of a quality agricultural site to non-agricultural uses. This would be an unavoidable significant impact even with the implementation of the mitigation measure and with recognition that the project site has been planned for conversion to urban use since 1993. Alternatives to the proposed project, were, therefore considered.

Analysis of the project alternatives included consideration of a No Project Alternative, a 2030 General Plan Alternative, and an Urban Village Alternative. The EIR identified that only the No Project Alternative would reduce the impact associated with the loss of the site from agricultural production. However, this alternative would not satisfy any of the identified project objectives. This alternative also would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. The EIR also concludes that it is unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition and that other land use plans for the site would be proposed if the proposed project were to be denied by the City.

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the site from agricultural production.

Other changes in the existing environment which could result in conversion of farmland to non-agricultural use

The proposed project would be constructed on a site to be annexed by the City that has been planned for conversion from agriculture to urban uses. Further, the project site is not adjacent to any other agricultural uses, but rather is surrounded by urban development on all four sides. Therefore, there would be no unanticipated actions that could cause other land in the vicinity of the project site to convert from agriculture to non-agriculture uses.

Finding No. 2:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to agricultural resources and land use have been identified in the EIR and are included in the Mitigation Monitoring and Reporting. The project alternative identified in the Final EIR capable of reducing the loss of the site from agricultural production to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

B. Air Quality

Construction-related activities are generally short-term in duration and the Ventura County Air Pollution Control District (VCAPCD) does not recommend any thresholds of significance for construction-related emissions. Instead, the VCAPCD bases the determination of significance on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by the Ventura County Air Quality Assessment Guidelines relating to construction activities are implemented for a project, then construction emissions are not considered significant.

The completed project would likely have significant adverse impacts for both ROG and NOx. Mitigation measures are routine conditions of approval that would reduce these impacts and, if the post-mitigation emissions are still above the threshold, allow for a "buy-down" of the remaining project-level operational impacts.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the potential emissions associated with construction and operational activities to the maximum extent feasible:

Mitigation Measure AQ1:

Apply sufficient water to all major soil disturbance areas to maintain a soil moisture of 4% in the upper 6" soil stratum. Other equally effective dust palliatives shall be used if drought conditions limit water availability.

Mitigation Measure AQ2:

Perform daily street sweeping at the conclusion of each workday up to a distance of 250 feet in either direction of any construction site access entrance until all on-site paving is completed.

Mitigation Measure AQ3:

Wash off any trucks leaving the site and wet down or tarp any trucks hauling away from the site.

Mitigation Measure AQ4:

Double sandbag all site perimeters adjoining traveled roads from November to April to prevent dirt from washing off the site and being pulverized by passing vehicles.

Mitigation Measure AQ5:

Establish landscaping within 90 days of the completion of grading, or hydroseed with a native plan mix as an interim ground cover to minimize wind erosion. Irrigate as necessary to sustain ground cover.

Mitigation Measure AQ6:

Terminate all grading, excavation and travel on unpaved surfaces when hourly average wind speeds exceed 30 mph. The contractor shall maintain contact with the APCD meteorologist for current average wind speeds.

Mitigation Measure AQ7:

Apply nonhazardous chemical stabilizers to all inactive portions of the construction site. When appropriate, see exposed surfaces with a fast-growing, soil binding plant to reduce wind erosion and its contribution to local particulate levels.

Mitigation Measure AQ8:

Provide rideshare incentives for all workers on the site.

Mitigation Measure AQ9:

Provide construction personnel parking off arterial roadways to minimize traffic interference.

Mitigation Measure AQ10:

Schedule receipt of concrete, asphalt, steel, and other materials from 9 a.m. to 3 p.m. as much as practically possible.

Mitigation Measure AQ11:

Restrict any lane closures of public roadways to the hours of 9 a.m. to 3 p.m.

Mitigation Measure AQ12:

Complete all street sweeping/washing of adjacent roadways by 4 p.m.

Mitigation Measure AQ13:

Developer funding for lower emission or electric vehicle purchase for City use.

Mitigation Measure AQ14:

Plans for bus transit within the Specific Plan area shall be coordinated with the Oxnard Traffic and Transportation Manager.

Mitigation Measure AQ15:

Developer funding of traffic signal synchronization for computers, telemetry and other hardware improvements.

Mitigation Measure AQ16:

Use of air-conditioned cabs in heavy construction and grading equipment where possible.

Mitigation Measure AQ17:

Use of chemical dust palliatives that stabilize soil and reduce fugitive dust.

The MND included nine mitigations (C-1 to C-9). Some of these duplicate or overlap with the 17 EIR mitigation measures listed above, in which case the MND mitigation shall prevail.

Mitigation Measure C-1:

The developer shall prepare and submit an Air Emissions Mitigation Plan for Dust Control. This Plan shall be included as part of the construction contract and submitted to the City for review and

approval prior to the issuance of grading permits. This plan shall include the following elements:

- Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
- Revegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.
- Suspend or curtail all excavation, earth moving, and grading operations during episodes of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent fugitive dust from being a nuisance or hazard.
- Material transported in trucks off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended. Material transported on site shall be sufficiently watered or secured to prevent fugitive dust.
- Inform all employees involved in grading operations on the project to wear face masks during dry periods to reduce inhalation of dust.
- Signs shall be posted on-site requiring traffic speeds to not exceed 15 miles per hour.
- Sweep streets at the end of the day if visible soil material is carried over to adjacent streets and roads.
- At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.

Mitigation Measure C-2:

Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. Minimize idling time. Prohibit the use of on-site electric generators, and connect to utility lines adjacent to the project site.

Mitigation Measure C-3:

If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric.

Mitigation Measure C-4:

During construction, contractors shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities.

Mitigation Measure C-5:

A temporary fence around the project site shall include an opaque visual barrier up to 6 feet high. The fence shall include signs identifying the name, telephone number, and emergency contact information for the contractor(s) responsible for the site, construction activities, and rectifying any nuisance conditions.

Mitigation Measure C-6:

Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements.

Mitigation Measure C-7:

As stated in the VCAPCD Guidelines, applicants are required to mitigate environmental impacts associated with their projects to the greatest extent feasible. The following are those measures that could be feasibly implemented to mitigate operational phase air quality impacts of the proposed project:

- Lighting for public streets, parking areas, and recreational areas shall utilize energy-efficient

- mechanical, computerized, or photo cell switching devices to reduce energy usage.*
- *Energy-efficient, automated controls for air conditioners shall be installed into proposed buildings to reduce energy consumption and emissions.*
 - *Automatic lighting on/off controls and energy-efficient lighting shall be installed into proposed buildings to reduce electricity consumption and associated emissions.*
 - *Light-colored roofing materials as opposed to dark roofing materials shall be used on proposed buildings. Light colored materials reflect sunlight and minimize heat gains in buildings. This measure would lessen the overall demand for mechanical air conditioning systems.*
 - *Wall and attic insulation shall be provided in proposed buildings beyond the requirements of Title 24, California Code of Regulations.*
 - *Built-in energy-efficient appliances shall be installed into proposed buildings.*
 - *Special sunlight filtering window coatings or double-paned windows shall be installed into proposed buildings to reduce thermal gain in hot weather and loss in the cold weather, thus reducing emissions associated with heaters and air conditioners.*

Mitigation Measure C-8:

All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County APCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive dust), and Rule 10 (Permits Required).

Mitigation Measure C-9:

After final project plans have been reanalyzed with CalEEMod assuming the implementation of all other applicable and feasible mitigation measures, the project developer shall contribute an amount determined by the VCAPCD cumulative "buy-down" mitigation formula to a TDM fund paid to and managed by the City as individual building are developed. The TDM fee is allocated based on each development's share of average daily trips (ADT) for the project buildout. The ADT shall be recalculated annually by the City Traffic Engineer

Finding No. 3:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for project impacts relating to air quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce project impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Air Quality Impacts

Cumulative development impacts for the northeast area of Oxnard are addressed in the Oxnard 2030 General Plan Final Program Environmental Impact Report (Final EIR) that was certified by the Oxnard City Council on October 11, 2011 and incorporated by reference. Both the 2020 and 2030 General Plans anticipate annexation and subsequent development of the project site and the 2030 General Plan Final EIR found that the Regional Air-Quality Non-Attainment (Impact 5.7-2), and Exposure of Sensitive Receptors of Substantial Pollutant Concentrations (Impact 5.7-4) are significant and unavoidable

cumulative impacts for which overriding considerations were made.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with air quality due to Basin non-attainment and the exposure of sensitive receptors to substantial pollutant concentrations.

Finding No. 4:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects to air quality of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report .

C. Cultural Resources

Section 5.6 (pages 5-115 to 5-121) of the NECSP EIR contains a description of the regional cultural resources setting, the findings of the 1990 Cultural Resources Survey and Impact Assessment (Singer and Atwood) completed for the entire NECSP area, an archaeological/historical records check completed within a one-mile radius of the entire NECSP site, and a finding that there are no unavoidable adverse impacts. Previous CEQA documentation for the project site (2020 General Plan EIR, NECSP EIR, and 2030 General Plan Program EIR) did not identify any historical structures or archaeological resources. Historical structures in the City are generally located within the Cultural Heritage District and Heritage Square in the downtown area. No impact is expected to historical resources as a result of the project as the project site has not significantly changed since the NECSP Final EIR was certified in terms of cultural resources.

Regarding paleontological resources, the 2030 General Plan Program EIR (page 5-24) indicates that because the Planning Area consists of relatively flat, alluvial plains, the probabilities for prehistoric sites would likely be low in the area south, including the project site, of the Santa Clara River (due to extensive erosion and sedimentation). Therefore, paleontological resources are not expected to occur on the project site. No impact is expected to paleontological resources, and no mitigation measures are necessary

The previously circulated MND described how the Development Services Department standard condition of approval No. 144 would be placed on subsequent physical development requiring a grading and/or building permit to contract with a qualified archaeologist to conduct a Phase I cultural resources survey of a development site prior to issuance of any grading permits. Standard condition of approval

No. 144 requires a Native American monitor to be present during all subsurface grading, trenching or construction activities.

A comment letter received on the Draft EIR from the County of Ventura, Cultural Heritage Board staff (Letter No. Doner) states that there is evidence that there is potential historical or architectural significance to the existing buildings on the project site and recommends that a Historic Resources Survey of the subject property be performed. To comply with this request, Mitigation Measure CR2 was added the Final EIR.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with archeological and historic resources:

Mitigation Measure CR1:

In the event that archaeological resources are uncovered during construction, work in the vicinity of the find should be temporarily suspended until a qualified archaeologist can evaluate the find. Once the find has been examined, evaluated, and an appropriate mitigation plan for significant resources has been developed, construction or excavation work in the area may be continued.

Mitigation Measure CR2:

Prior to the alteration, relocation or demolition of any structures or resources on the site for a proposed development project that could impact the existing on-site structures, the applicant shall retain a qualified architectural historian to prepare a Historic Resources Survey of the subject property. The survey shall identify and document all buildings, structures, and resources at least fifty years of age within the survey boundaries and determine their significance at the National and State Register level and at the local level. If any buildings, structures, or resources are determined to be historically significant, an architectural historian shall develop a full mitigation plan for review and approval by the City Planning Division.

Finding No. 5:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to cultural resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to cultural resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

D. Geology and Soils and Seismicity

Section 5.2 (pages 5-30 to 5-38) of the NECSP EIR contains a description of the regional geology and soils setting, location and list of abandoned oil wells, and a finding that there are no unavoidable adverse impacts.

Previous CEQA documentation for the project site (2030 General Plan Program EIR) include the project site as being within an area that has a high potential for seismic ground shaking from fault systems located in the vicinity of the City although there are no known active faults within City limits. There is no potential for landslides on or near the project site due to the level topography. Impacts will be less than significant. Required building codes anticipate and compensate for seismic and related geologic conditions. When actual site-specific development is proposed, required engineering studies will establish the appropriate type and level of construction for the type of subsurface soil conditions and ground water status. Therefore, there is no adverse impact related to geology and soils.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or further lessen the less than significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to further reduce the potential geology and soils and seismicity impacts of the project:

Mitigation Measure GS1:

All grading and construction shall be accomplished in accordance with the applicable ordinances of the City.

Mitigation Measure GS2:

All future construction associated with the NECSP will confirm to the seismic requirements of the applicable Uniform Building Code.

Mitigation Measure GS3:

Site specific geotechnical studies will be required for future construction associated with the Specific Plan in order to determine appropriate site preparation and construction design recommendations.

Finding No. 6:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to geology and soils and seismicity have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to geology and soils and seismicity to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

E. Hydrology and Water Quality

Section 5.3 (pages 5-39 to 5-48) of the NECSP EIR contains a description of the regional hydrology setting, a discussion of groundwater overdraft, aquifers, water quality, agricultural wells, flooding, drainage, and a finding that there are no unavoidable adverse impacts.

The current project is fully consistent with the NECSP. The project site has not significantly changed since the NECSP Final EIR was certified in terms of hydrology and water quality resources. The current project is fully consistent with the NECSP and this statement and these mitigations continue forward as a part of the EIR for the East Village Phase III Annexation. Water quality impacts associated with the proposed uses would primarily be those from motor vehicles and landscape maintenance. The primary source of contaminants would be oil, grease, and particulates emitted by motor vehicles that are transported by runoff drainage. Under the new National Pollutant Discharge Elimination System (NPDES) stormwater quality requirements (Ventura County MS4 permit), large single lot developments will be able to accommodate the requirements either on each individual lot or by devoting a small basin to this use similar to the detention basins that can be found elsewhere in the NECSP. These basins may be able to do "double duty" in some circumstances. The project will incorporate best practices grassy bioswales and detention basins in order to filter the runoff and allow recharge of the groundwater.

The City is working cooperatively with local groundwater managers on local groundwater management programs. Continued implementation of existing groundwater management programs and the City's planned water recycling effort through its GREAT and Augmented M&I Supplemental Water Programs will help to ensure that the City will be able to meet long term water demands and ensure sufficient groundwater recharge. The proposed project will also implement the policies regarding continued adherence to the Ventura County Regional Water Quality (VCRWQ) Board Planning Program to ensure the sustainability of groundwater in the project area.

There are no surface water bodies or wetlands within the vicinity of the project site; however, existing absorption rates, drainage patterns, and runoff rates of the project site would be affected by an increase in impervious surfaces on-site. The proposed project will be required to comply with the NPDES program, which will result in cleaner water being directed into the City's storm drain system. This project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) once the site is engineered for streets, etc. The SWPPP will be subject to review and approval by the City in order to verify compliance with applicable MS4 and NPDES requirements. Impacts are expected to be less than significant.

The project site is located outside of the 100-year and 500-year flood plain, is not in levee or flood risk area, and is not in a seiche, tsunami, or mudflow risk area (Figure 6-1 in the 2030 General Plan Program EIR).

These NECSP FEIR mitigations are now referred to as 'adaptive management' and the impacts are expected to be less than significant.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce the impact associated with land use:

Mitigation Measure H1:

The project site will annex into the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

Mitigation Measure H2:

Well abandonment will be conducted in accordance with the City Water Well permit standards.

Mitigation Measure H3:

To mitigate impacts associated with urban pollutants, drainage facilities to accommodate future development within the NECSP will be designed in accordance with the Oxnard Master Plan of Drainage and applicable regulations.

Mitigation Measure H4:

Prior to grading areas greater than five acres in size, developers will be required to obtain a California Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit and implement the requirements of the permit.

Finding No. 7:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hydrology and water quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to hydrology and water quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

F. Noise

Operational Noise

The City has established noise guidelines in the 2030 General Plan Program EIR that state noise levels that have an increase of 3 to 5 dBA are usually considered potentially significant for sensitive land uses. Operational noises from the project after completion will be typical for residential and commercial development (e.g. doors and windows opening/closing, electrical devices, motors, ventilation, etc.) and is not expected to increase by 3 to 5 dBA CNEL. The project will be affected by noise from traffic along Rose Avenue and Camino del Sol. The 2030 General Plan Program EIR included a noise analysis based on 2030 traffic volumes that found significant impacts along eight roadway segments, none of which was Rose Avenue or Camino del Sol. All project structures will be constructed according to current California Building Code standards and City Code, including noise reduction in building materials. Therefore, project-level noise impacts will be less than significant, and mitigation is not

required. It should be noted that the Draft EIR included mitigation measure N2 which required noise walls and/or setbacks along Gonzales Avenue. A comment letter received on the Draft EIR from the attorney for the project Applicant (Letter No. Kahn) stated that this mitigation measure was outside the intent and control of CEQA. As it was determined in the Final EIR that compliance with current California Building Code standards and City Code, including the Noise Insulation Standards of Title 24 of the California Code of Regulations, would help ensure an acceptable interior noise environment to project residents, mitigation measure N2 was deleted from the Final EIR.

Construction Noise

Construction of the project could generate noise impacts to adjacent residential and school uses. The City limits the hours of construction activities to Monday through Saturday from 7:00 a.m. to 6:00 p.m., and the City's noise ordinance regulates the volume and intensity of noise. Based on typical construction operations, it is expected that during the clearing and grading activities the equipment will include a scraper, dozer, blade, loader, and water truck. The average noise level is not anticipated to exceed 65 dB CNEL in outdoor areas near residential land uses. Because of the short-term duration of grading and construction activities, plus the City's existing noise ordinance, the potential noise impacts to adjacent residences are less than significant. However, a comment letter received on the Draft EIR from the Rio School District (Letter No. Krueger) requested an additional noise mitigation measure due to the proximity of Rio Rosales Elementary School to the project site to prevent the potential disruption of classroom activities. To comply with this request, Mitigation Measure N3 was added to the Final EIR.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with construction noise:

Mitigation Measure N1:

Construction activities should be limited to weekdays, between the hours of 7 a.m. and 7 p.m.

Mitigation Measure N3:

In order to avoid disrupting nearby school operations, construction activities involving the use of heavy equipment, i.e., bulldozers, etc., should be limited to the summer months or when Rio Rosales Elementary School is not in session to the maximum extent feasible. Should construction activities take place during a period when school is in session, the project developer and/or the general contractor for the project shall communicate with the Principal of the adjacent Rio Rosales Elementary School regarding expected construction activity so that the school and contractor may work out a schedule where construction noise will not unduly interfere with classroom operations.

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to project-level construction noise have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to project-level construction noise to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Noise Impacts

The Oxnard 2030 General Plan Program EIR serves as the cumulative description and impact discussion for this topic, just as the 2020 General Plan served as the cumulative description and impact discussion for the NECSP EIR. The Oxnard 2030 General Plan Program EIR did find traffic noise at 2030 buildout on selected road segments was a significant unavoidable adverse impact. That cumulative impact finding and overriding statement are incorporated into this EIR.

In the context of this EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with cumulative roadway noise

Finding No. 9:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects of roadway noise of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

G. Aesthetics

Visual Character and Quality

Section 5.10 (pages 5-154 to 5-158) of the NECSP EIR contains a description of the regional aesthetic setting, the NECSP area setting related to windrows and views, the conversion of the entire NECSP project site to urban uses, a cumulative 2020 General Plan buildout impact discussion, two mitigations (A1 and A2), and a finding that the loss of the mature windrow trees is an unavoidable adverse impact.

The western edge of the project site has mature windrows along the northbound lane of Rose Avenue.

The City has a standard tree mitigation that recovers the value of removed mature trees in new landscaping and the City would require incorporation of existing mature healthy trees along Rose Avenue into the design of a widened Rose Avenue, to the maximum extent feasible. It is possible, however, that most or all of the windrow along Rose Avenue will be removed due to their health and/or infeasibility of widening Rose Avenue around the windrows. In this likely situation, despite the implementation of mitigation measure A2, there would be a significant unmitigated adverse project-level impact for loss of the windrow. The proposed project is anticipated to be a neo-traditional subdivision, resulting in a visual character that would be attractively designed, and which would be more consistent with the surroundings than active farming activities. Thus the proposed project would not further impact the existing visual character or quality of the project site.

Light and Glare

Existing uses in the vicinity of the project site are primarily residential uses and a school use, both of which are sensitive receptors. However, these land uses themselves contribute to the existing ambient nighttime light environment. Specific guidelines would limit or avoid excessive light spillage onto adjacent properties and to prevent the use of highly reflective building materials which cause glare the use of non- or low-reflective building materials to minimize glare. Thus, impacts from light and glare would be less than significant.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with aesthetics:

Mitigation Measure A1:

The Specific Plan incorporates Design Guidelines to assure visual resource protection and development coordination based on planning, architectural, landscape, and engineering standards and guidelines.

Mitigation Measure A2:

Removal of windrow trees shall be subject to the following requirements:

- *A certified arborist report shall be required, which contains a description of the health of each tree.*
- *A tree valuation report shall be provided for each trees (as prepared by a certified arborist) based upon, Valuation of Landscape Trees, Shrubs, and Other Plants (an official publication by the International Society of Arborists).*
- *Tree rows authorized for removal shall be replaced and/or additional landscape enhancement shall be provided to the same dollar value as the trees designated to be removed. This is in addition to the minimum landscaping required per the City's Landscape Standards. The species to be replanted shall be approved by the Oxnard Parks Division.*

A Statement of Overriding Considerations has been prepared and adopted for the unavoidable and significant impact associated with the loss of the windrow trees.

Finding No. 10:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to aesthetics (visual character and quality, and Light and glare) have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The project alternative identified in the Final EIR capable of reducing the loss of the existing windrow trees to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

H. Transportation/Traffic

Project Traffic Generation

Using the trip generation rates from the Oxnard Traffic Model consistent with the 2030 General Plan Program EIR, the completed project would generate an estimated 8,566 daily trips (3,856 from 402 housing units at 9.57 trips per unit and 4,710 trips from 78.5 thousand square feet of commercial space at 60 trips per 1,000 square feet). This estimate does not account for reductions likely to come from the neighborhood shopping center being within walking and bicycling distance of the project's 402 homes as well as other neighborhoods. This number of trips has been incorporated in the 2030 General Plan Oxnard Traffic Model and the results, as depicted in the 2030 General Plan Program EIR are that all intersections east of the Union Pacific Railroad (i.e. northeast portion of the City) will operate at LOS C or better at peak periods with the exception of Rose Avenue and Gonzales Road which will operate at LOS D in the morning peak period. This intersection was excepted by the City Council to operate a below LOS C and the certified 2030 General Plan Program EIR includes a Statement of Overriding Consideration for that excepted intersection.

The proposed project is consistent with the NECSP, 2030 General Plan, and the Oxnard Traffic Mitigation Plan adopted in 2008. Rose Avenue north of Camino del Sol would be widened to six lanes, three in each direction, by adding project-dedicated land along the western edge of the project site (see mitigation measure C-1 and C-2, below). The design of the widened Rose Avenue may include a wide median and/or eastward curve in order to preserve some number of mature windrow trees currently along the western edge of the project site and adjacent to the east shoulder of Rose Avenue, if feasible and the trees (windrow) are found to be healthy and worth saving. The design of Rose Avenue cannot be completed until the specific locations of streets are proposed by a subsequent project-level application. All streets within the project site and any changes to adjoining streets would be engineered by a California-registered Traffic Engineer and reviewed and approved by the City's Traffic Engineer and Fire and Police Departments for safety and emergency access.

Construction of the project will result in increased vehicle trips on County roads to be identified in conjunction with the County as part of the project-level traffic study once detailed street information is

available. The City and Ventura County have executed a "Reciprocal Traffic Mitigation Agreement" wherein the City and County have agreed that a pro-rata share of the cost of mitigations will be collected by each agency for traffic impacts in the other jurisdiction. The project would be consistent with the Ventura County General Plan by complying with the terms of the "Reciprocal Traffic Mitigation Agreement" adopted on February 2, 1993. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's impacts on local roads and intersections. With payment of the fee, any impacts will be less than significant.

Furthermore, the project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The traffic study will identify right-of-way dedications and off-site improvements to Rose Avenue, Camino del Sol, and possibly other streets as warranted to maintain LOS C. The project will be conditioned to complete the traffic improvements, dedicate land, and/or pay traffic impact fees per the required mitigation measures that are then used by the City for permanent traffic network improvements. With payment of traffic impact fees, dedications, and routine conditions of approval for on-site and directly-attributable off-site traffic networks improvements, traffic impacts will be less than significant.

Freeway and Roadway Capacity

The project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The Traffic Study shall also include a capacity analysis of the Ventura Freeway because of its close proximity to the project site and the number of project trips that would access it.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the transportation/traffic impacts of the project:

Mitigation Measure D-1:

Developer shall dedicate to the City the required Right-of-Way along Rose Avenue associated with the City's Rose Avenue road widening at the first recordation of a Final Subdivision Tract Map.

Mitigation Measure D-2:

Developer shall modify the traffic signals at Rose Avenue and Camino del Sol associated with the proposed Rose Avenue widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system designed by the City Traffic Engineer.

Mitigation Measure D-3:

Developer shall place existing overhead utility lines underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post

security satisfactory to the Finance Director guaranteeing utility relocation.

Mitigation Measure D-4:

Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit per City Ordinances 10,418 and 10,453.

Mitigation Measure D-5:

The project shall have a Homeowners Association responsible for the maintenance of private streets, project-oriented public areas, front yards of individual homes, and enforcement of parking and related rules and regulations that is customary to a residential community.

Finding No. 11:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to transportation/traffic have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to transportation/traffic to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Traffic/Transportation Impacts

Cumulative development through 2030 has been planned for in the Oxnard Traffic Model. The 2030 General Plan anticipates eventual development of the project site and within the Oxnard City Urban Restriction Boundary (CURB) and the Final EIR found that mitigated project-level traffic and related impacts were below the threshold of significance. Therefore, no additional adverse unmitigated traffic and related project impacts will occur.

With regard to cumulative impacts, the County of Ventura has adopted a Traffic Fee Mitigation Ordinance. The County of Ventura allows for participation in the Traffic Fee Program as a way to comply with its Traffic Fee Mitigation Ordinance. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's potential cumulative impacts on County roadways.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative traffic impacts at five intersections below Level of Service 'C' after 2030 General Plan mitigations are completed.

Finding No. 12:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental

effects of the cumulative effects to traffic of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

I. Public Services - Fire

Construction

Construction activities at the project site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment, use of flammable construction materials, and discarded cigarettes. In most cases, the implementation of “good housekeeping” procedures by the construction contractors and the work crews would minimize these hazards. Good housekeeping procedures that would be implemented during construction of the proposed project include: the maintenance of mechanical equipment in good operating condition; careful storage of flammable materials in appropriate containers; and the immediate and complete cleanup of spills of flammable materials when they occur.

Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and by partial lane closures during street improvements and utility installations. These impacts, while potentially adverse, are considered to be less than significant for the following reasons:

1. Construction impacts are temporary in nature and do not cause lasting effects; and
2. Partial lane closures would not greatly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, if there are partial closures to streets surrounding the project site, flagmen would be used to facilitate the traffic flow until construction is complete.

Project construction would not be expected to tax fire fighting and emergency services to the extent that there would be a need for new or expanded fire facilities, in order to maintain acceptable service ratios, response times, or other performance objectives of the OFD. Therefore, construction-related impacts to fire protection services would be less than significant.

Operation

The proposed project would be subject to the following standards for fire protection:

- The proposed uses must comply with all applicable State and local codes and ordinances.
- Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- No building or portion of a building shall be constructed more than 300 feet from an

approved fire hydrant.

- No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- Access for Fire Department apparatus and personnel to and into all structures, including the subterranean parking structures, shall be required.

Despite the aforementioned standards, to ensure adequate OFD capacity to serve the project and its residents, mitigation measure E-1 is required.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to fire services by the project:

Mitigation Measure E.1-1:

Prior to completion and operational status of Fire Station No. 8 at College Park or completion and operational status of Fire Station No. 10 within the Sakioka Farms Business Park Specific Plan, no more than 100 housing units and/or 40,000 sf of commercial uses shall be completed and occupied within the commercially zoned area on the northeast corner of Camino del Sol and Rose Avenue (zoning will be C-2, which allows R-3 residential and mixed use).

Finding No. 13:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to fire services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to fire services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

J. Public Services - Police

Construction

Construction sites can be sources of attractive nuisances, and invite theft and vandalism. Developers typically take precautions to prevent trespassing through construction sites. These impacts will be mitigated by requiring that temporary fencing be installed around the construction site to keep out trespassers and discourage theft and damage.

Although minor traffic delays may occur during construction, particularly during the construction of

utilities and street improvements, impacts to police response times would be minimal and temporary. Therefore, the construction-related impacts of the proposed project to police protection services would be less than significant.

Operation

The proposed project would introduce new employees and residents to the project area. Thus, an increase in the demand for police protection services is anticipated. While there is not a directly proportional relationship between increases in development and land use activity and increases in demand for police protection services, the number of request for assistance calls for police response to retail burglaries, residential burglaries, vehicle burglaries, damage to vehicles, traffic-related incidents, and crimes against persons would be anticipated to increase with the buildout and occupancy of the project. Based on OPD's experience with similar developments, anticipated problems in the project area do not represent unusual law enforcement issues.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to police services by the project:

Mitigation Measure E.2-1:

During all construction activities, the project or subsequent developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, be secured with temporary fences to prevent trespass.

Mitigation Measure E.2-2:

The building and site design of the proposed project shall include crime deterrence and prevention features, building security systems, architectural design modifications, surveillance systems, and secure parking facilities.

Finding No. 14:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to police services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to police services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

K. Public Services - Schools

At build-out (i.e., 402 new dwelling units) the project could generate approximately 95 elementary school students, 37 middle school students, and 53 high school students for a total of 185 students.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.3-1:

The subsequent developer(s) under the specific plan would be required to pay all applicable school fees to offset the impact of additional student enrollment at schools.

Finding No. 15:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to schools have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to schools to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

L. Public Services - Libraries

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of library services in the project area. If the project includes 402 housing units, it would increase the demand for library services, with the addition of approximately 1,568 residents. The proposed project would also possibly include 78,400 square feet of commercial uses, which introduce new employees to the project site. However, in general, employees of commercial uses are not likely to patronize libraries during working hours, as they are more likely to use libraries near their homes during non-work hours.

Based on the ALA standard of 1.0 square foot of library space per person, the proposed project with housing would generate need for 1,568 square feet of library space.

According to the Oxnard Public Library (OPL), the Colonia Branch does not currently meet the needs for library service in the area. It serves a population of approximately 23,649 in a 580 square foot room. The recommended size for this location should be 23,649 square feet. With the additional recommended 1,568 square feet, the branch should be approximately 25,217 square feet in size. The OPL staff has recommended building new facilities to serve this area of the City.

Therefore, the impacts of the project with residential uses would be considered potentially significant. Payment of the Growth Development Fee would be put toward building the new recommended facilities to reduce the potentially significant impact to less than significant levels.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.5-1:

The subsequent developer(s) would be required to pay the Payment of the Growth Development Fee to offset library impacts.

Finding No. 16:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to libraries have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to libraries to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. Utilities and Service Systems - Water

The project would consume approximately 72 acre feet of water per year (net increase above the existing site agricultural uses). Development of the project site is part of the overall planned water demand increase for Oxnard. Water supplies as identified in the Draft EIR from CMWD, UWCD, and the City are considered as firm for the period 2010 to 2030. Furthermore, during the period 2010 to 2014, the City may draw on a portion of its groundwater credit bank of approximately 37,000 AF as an interim supply until the GREAT AWPf is completed as planned. Under extended dry and multiple dry year conditions, it is possible that during the years 2010 to 2014, the cumulative draw on the groundwater credits could exceed the City's available credits and the City would have to pay higher rates for additional water. However, the City has developed this credit bank for use during these types of extended drought or water supply restricted conditions. Once the GREAT AWPf is in full production,

the City will gradually restore its groundwater credit bank as a buffer against future supply constraints. The GREAT Program continues to be an important element in providing water supply to the project site, along with other proposed or anticipated development. It is anticipated that reasonably projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection are sufficient to meet the water demand associated with the project, in addition to the City's existing and planned future uses. Furthermore, the City imposes a variety of development impact fees based on land use, size, and service impact area. The Water Fees would be paid upon issuance of a building permit. Thus, the proposed project's impacts on water supply and facilities would be less than significant. The mitigation measures included in the Final EIR would further minimize the potable water demand of the proposed project.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the water demand of the project:

Mitigation Measure E.6-1:

The on-site domestic water system shall include the following:

- *A public pipeline systems which feed into separate water meters for each ownership. In addition, there shall be separate water meters for each multi-family unit townhouses, but not apartment units. The high-rise residential towers may be master-metered.*
- *A separate water meter (1) for the common landscape areas that would be connected to the future recycled water system.*
- *All domestic water pipelines shall adhere to Division of Occupational Health and Safety (DOHS) requirements for separation between water and recycled water/wastewater pipelines.*
- *The developer shall be responsible for payment of capital improvement/connection fees, including all related "installation fees."*
- *Developer shall provide the City any approvals necessary to dedicate to the City all FCGMA allocation associated with the Project site, whether such allocation is associated with the conversion of agricultural to urban uses, or otherwise.*

Mitigation Measure E.6-2:

The developer shall provide a recycled water system that serves all practical irrigated areas and which is: (1) separated from the domestic water system, (2) constructed per the City's Recycled Water Construction Standards (being developed), (3) irrigated at night, and (4) properly signed once the system is fully operational.

- *The portion of the irrigation intended for the future recycled water system shall be separately metered from that portion of the system that will not be connected to the future recycled water system, if any.*
- *Until the recycled water system is operational, the common area irrigation system shall be connected to the domestic system. Once recycled water is available, and connection to the*

recycled water system is made, the developer shall remove the connection to the domestic water system. No domestic water back-up is needed, since the City will provide such back-up including an appropriate air gap facility as part of the City's system.

- *Prior to the availability of recycled water, the developer shall be responsible for payment of the Recycled Water Connection Fee or the water connection fee, whichever is greater for facilities constructed.*
- *At such time as recycled water is available, the developer shall be responsible for all costs involved with the re-connection of the applicable portions of the irrigation system to the public recycled water system, including appropriate signage. Credits for connection fees shall be given by the City based on the size of the meter(s). Under no circumstance will there be a refund of water connection fees already paid.*
- *The developer shall be responsible for appropriate Covenants, Conditions and Restrictions (CC&Rs) covering the use of recycled water and for proper disclosures.*
- *Prior to submittal of subdivision improvement plans, the developer shall review with the City the potential for dual plumbing, whereby toilet facilities would be served by the recycled water system. No determination has yet been made regarding whether the City will desire to proceed with this plan. However, should the City decide that it is desired, all costs associated with the dual plumbing shall be borne by the developer.*

Mitigation Measure E.6-3:

The developer shall incorporate exterior water conservation features, as recommended by the State Department of Water Resources, into the project. These shall include, but are not limited to:

- *Landscaping of common areas with low water-using plants,*
- *Minimizing the use of turf by limiting it to lawn dependent uses, and*
- *Wherever turf is used, installing warm season grasses.*

Mitigation Measure E.6-4:

The developer shall, to the extent feasible, use reclaimed water for irrigation of landscaping and other uses if or when such water is available at the project site.

Mitigation Measure E.6-5:

The developer shall predominantly use vegetation that requires minimal irrigation (i.e., drought tolerant plant species) in all site landscaping where feasible for new plantings.

Mitigation Measure E.6-6:

The project developer shall ensure that the landscape irrigation system be designed, installed, and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Mitigation Measure E.6-7:

The project developer shall install a "smart sprinkler" system to provide irrigation for the landscaped areas. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be automatically adjusted by a state-of-the-art system that relies on local weather forecasts.

Mitigation Measure E.6-8:

The project developer shall install low-flush water toilets in all new construction at the project site. Low-flow faucet aerators shall be installed on all new sink faucets.

Finding No. 17:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to water supply have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to water supply to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. Biological Resources

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of biological resources in the project area.

Implementation of the proposed project could result in impacts to biological resources on-site, including:

- Temporary impacts during grading and construction activities, noise, vibration, dust, and increased human presence from construction crews;
- Permanent impacts from removal of vegetation, construction of buildings and roads; and
- Permanent impacts from post-construction, operational activities including increased noise and disturbance levels from the new development, increased wildlife mortality from additional traffic, and increased lighting associated with new development and roads.

The Final EIR provided mitigation measures for avoiding, minimizing, or compensating potentially significant impacts, as appropriate.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the biological resources impacts of the project:

Mitigation Measure F-1:

Prior to the final approval of the first Site Improvement Plan, the project site and adjacent open space

areas shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor in consultation with the City and CDFG) shall be placed around the nest site until the nestlings have successfully fledged. Conduct vegetation clearing and grubbing, grading, and other construction activities associated with the proposed project during the non-breeding season (in general, September 1st through January 31st).

Finding No. 18:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to biological resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to biological resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. Hazards and Hazardous Materials

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of residential development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, State, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Ventura County Regional Water Quality (VCRWQ) which would ensure that wastes generated during the construction process are disposed of properly. Furthermore, due to the fact that the majority of the project site has been used for agricultural purposes for several decades, a combination of several commonly used pesticides which are now banned may have been used throughout the project site. While there is no requirement that agricultural soil be tested prior to development, the historical use of agricultural pesticides on the project site may have resulted in pesticide residues of certain, persistent in soil concentrations that are considered to be hazardous according to established Federal regulatory levels and impacts would be potentially significant. Therefore, it is recommended that soil sampling should occur throughout the project site. The sampling would determine if pesticide concentrations exceed established regulatory requirements and would identify proper handling procedures that may be required. Therefore, with mitigation, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction.

Operation

The proposed project consists of the development of residential uses, which would include the use of

hazardous materials for routine cleaning, maintenance, and landscaping in small quantities. All potentially hazardous materials would be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the Oxnard Fire Department, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities would not create a significant hazard to the public or environment through the disturbance, removal, storage, or disposal of hazardous materials. As such, impacts associated with hazardous materials used during operation of the proposed project would be less than significant.

Asbestos-Containing Materials (ACMs)

Due to the age of the existing on-site structures it is very likely that ACMs are present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and ACMs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with ACMs to acceptable levels. Therefore, significant impacts associated with an exposure to ACMs during construction would be less than significant.

Lead-Based Paint (LBP)

Due to the age of the existing on-site structures it is very likely that LBP is present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and LBPs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would, therefore, reduce risks associated with LBP to acceptable levels. Therefore, significant impacts associated with an exposure to LBP during construction would be less than significant.

Underground Storage Tanks (USTs) and Above Ground Storage Tanks (ASTs)

There are no known USTs located within the vicinity of the project site. Furthermore, no USTs are known to be located within the project site.⁸ However, there is one AST located on the project site. At this time no detailed information could be found about the AST. Removal of the AST would be essential in terms of implementation of the Specific Plan land use plan for the project site and impacts with respect to ASTs would be potentially significant.

Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls are a mixture of chlorinated compounds, which were used as coolants and lubricants in transformers and other electrical equipment. When released to the environment polychlorinated biphenyls can impact soil and groundwater. Polychlorinated biphenyls are likely carcinogens and the manufacture of polychlorinated biphenyls was banned in the United States in 1979. Because the existing structures on the project site were constructed prior to the 1979 federal ban on the

⁸ State Water Resources Control Board, GeoTracker, website: <http://geotracker.waterboards.ca.gov/>, November 21, 2011.

manufacture of polychlorinated biphenyls, it is possible that PCBs are located on the project site. Therefore, in accordance with mitigation measure IV.G-4, the suspected oils would be sampled, handled, and disposed of in accordance with state and federal laws during future demolition activities.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with hazards and hazardous materials:

Mitigation Measure H-1:

Soil sampling shall occur throughout the project site. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that may be required.

Mitigation Measure H-2:

The Applicant shall conduct ACM and LBP surveys on all buildings and associated infrastructure scheduled for demolition. If asbestos and/or lead-based paint are detected, they shall be abated and removed in accordance with all applicable federal, state, and local regulations and in accordance with SCAQMD regulations.

Mitigation Measure H-3:

A comprehensive Phase I Environmental Site Assessment (ESA) shall be completed for the project site prior to any development. If environmental conditions exceeding regulatory requirements are identified, remediation shall be accomplished to the satisfaction of the appropriate regulatory agency(ies) and further, shall be completed before earth-disturbing activities may take place on the project site.

Mitigation Measure H-4:

Prior to demolition, potentially polychlorinated biphenyl-containing oils shall be sampled and analyzed for polychlorinated biphenyls and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils would be handled and disposed of in accordance with state and federal laws during future demolition activities.

Finding No. 19:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hazards and hazardous materials have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to hazards and hazardous materials to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. Alternatives to the Proposed Project

The Draft EIR considers a range of alternatives to the proposed project to provide informed decision-

making in accordance with Section 151216(f) of the CEQA Guidelines. The three alternatives are described as follows:

Alternative 1: No Project Alternative. Under the No Project Alternative, the proposed project site would remain as an unincorporated area under the County of Ventura control and no annexation to the City would occur. Under the No Project Alternative, the project site would continue in its current state of agricultural use with cultivated row crops. The residential units and farm structures would remain. The 2030 General Plan land use designations would remain in place, allowing for a future annexation and subsequent development.

Alternative 2: 2030 General Plan. Under the 2030 General Plan alternative, the proposed project would be reconfigured to be compliant with the 2030 General Plan Land Use Map. The 2030 General Plan alternative would include the same uses as the proposed project, which consists of 402 residential units, 78,400 square feet of commercial uses, and park uses. However, unlike the proposed Project's two linear parks totaling 11 acres, the park uses would be expanded to 30 acres and would be located in one area on the northern portion of the project site. The commercial uses would be located in the same area with the remainder of the project site developed with 402 residential units in a traditional small-lot subdivision layout, albeit at a higher density than the proposed project (i.e., 7-12 units per acre). Under the 2030 General Plan alternative, the project site would undergo a change in jurisdiction through the act of annexation to the City from the County of Ventura.

Alternative 3: Urban Village. The Oxnard 2030 General Plan was adopted on October 11, 2011 and included as one of its major themes the establishment of Urban Villages. The 2030 General Plan defines Urban Village as "...mixed use areas designed to encourage persons to live near their place of employment and/or support services. Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions. Urban Villages are implemented with a specific plan, a strategic plan similar to the Central Business District Strategic Plan, or by the Ventura County Harbor Public Works Plan." (pg. 3-17).

Policy CD-7.1, "Establishment of Urban Villages," designates six areas of the City as Urban Village, including the Project area. Urban Villages are envisioned as characterized by:

- Infill and/or development of formerly agricultural land;
- Reinvestment in the existing community;
- Mixture of land uses;
- Mix of residential densities and housing types;
- Providing a minimum of 15 percent affordable housing;
- Location along or near corridors, downtown, and transit nodes; and
- Transit, pedestrian, and bicycle circulation given high priority.

More detailed Urban Village guidelines may be subsequently adopted by the City Council. The 2030 General Plan further states that, "For purposes of annexation, the NECSP land use designations for this

area as of July 2011 are deemed consistent with this 2030 General Plan.” (p. 3-27)

The Urban Village alternative is an attempt at describing an alternative project within the intent of the Urban Village Policy CD-7.1 with acknowledgement that Urban Village Guidelines have not been formulated in detail or adopted and that this alternative does not commit the developers nor the City to this description as future adopted Urban Village Guidelines may lead to a different project description.

The Urban Village alternative would focus on a transit-oriented mixed use development (TOD) on the northeast corner of Camino del Sol and Rose Avenue. The TOD would create a unique sense of place by having a “town square” feel with a central public space bounded by first-floor retail uses with two and three stories of apartments above them. A bus transit station would be integrated into the public area close to retail shops, public restrooms, and bicycle storage and repair facilities. Open space, providing active recreation and passive storm water retention and treatment, would be integrated throughout the project so that the project would meet MS4 permit requirements. Pedestrian and bicycle paths and walkways would have precedence over streets but not inhibit emergency access. Parking may be consolidated in some areas to allow for overhead solar power generation and electric vehicle recharge stations. The variety of housing styles and affordability would include live/work and seniors housing. One or more areas could be set aside for a new City library, community theater, and/or church. The total number of housing units may increase over that allowed by the NECSP so long as the number of vehicle trips is equal to or less than the Project trip generation projected after accounting for transit and alternative travel modes.

The **No Project alternative** would not satisfy the project objectives and would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. It is also unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition.

The **2030 General Plan alternative** is physically feasible; although the same unavoidable significant project impacts to agricultural resources, aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

The **Urban Village alternative** is physically feasible; although the same unavoidable significant project impacts to agricultural resources and aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the

proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

Finding No. 20:

Based on the above facts:

The City Council finds that all feasible and reasonable mitigation measures for impacts associated with the Project have been identified in the Final EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The Project alternative identified in the Final EIR capable of reducing the unavoidable impacts associated with agricultural resources and cumulative impacts to air quality, greenhouse gas emissions and roadway noise to less than significant levels is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

3. Miscellaneous Findings

Revisions to the Draft EIR were made as a result of the comments submitted on the Draft EIR as well as City staff directed changes. These revisions (incorporated into the Final EIR) only clarify, amplify, or make insignificant modifications to the Draft EIR. None of these revisions represent significant new information that would result in the identification of a new significant impact or an increase in severity of such an impact, from either the project or from a new mitigation measure proposed for implementation as part of the project. Nor do these revisions include a new mitigation measure to reduce a significant impact that has been declined by the project applicant.

Finding No. 21:

Based on the above facts:

The City Council of the City finds that Section 15088.5 of the CEQA Guidelines did not require recirculation of the Draft EIR, as the revisions made to the Draft EIR merely clarified or amplified information found in that document.

EXHIBIT B

Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)).

In accordance with the requirements of CEQA and the state CEQA Guidelines, the City Council finds that the mitigation measures identified in the East Village Phase III Annexation Final EIR (final EIR), and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Final EIR. However, the conversion of a quality agricultural site to an urban use and the loss of the mature windrow trees would remain significant and unavoidable project-level impacts despite consideration of mitigation measures. In addition, as per the 2030 General Plan Program EIR, cumulative impacts are significant for loss of agricultural land, air quality in the regional air basin, and greenhouse gas emissions would be cumulatively significant. Further, no mitigation measures are feasible to reduce the cumulative roadway noise impacts along Gonzales Road between Rice Avenue and Rose Avenue. The project contributes to these cumulative impacts.

The City has balanced the benefits of the East Village Phase III Annexation project against the unavoidable significant project-level and cumulative adverse impacts identified above in determining whether to approve the project and has determined that the benefits of the project outweigh the project-specific unavoidable agricultural resources, aesthetic (visual quality and character) impacts and cumulative agricultural resources, air quality, greenhouse gas emissions, traffic, and traffic-related noise impacts of the project. The benefits set forth below constitute overriding considerations warranting approval of the project:

- 1) The project will provide 402 single-family homes, up to 78,400 square feet of neighborhood commercial development and approximately 10 acres of parkland along with two new street right of ways; generating increased residential, recreational, business and employment opportunities the City of Oxnard. Development of the site with residential, commercial and recreational uses has been envisioned since the City of Oxnard prepared and approved the Northeast Community Specific Plan in 1993.
- 2) The project represents the continuation of a logical development pattern occurring in the surrounding area.
- 3) With the implementation of the 26 recommended mitigation measures the impacts of the project on air quality would be reduced to a less than significant level.
- 4) With the implementation of the two recommended mitigation measures the impacts of the project on cultural resources would be reduced to a less than significant level.
- 5) With the implementation of the three recommended mitigation measures the impacts of the project on geology, soils and seismicity would be reduced to a less than significant level.
- 6) With the implementation of the four recommended mitigation measures the impacts of the project on hydrology and water quality would be reduced to a less than significant level.
- 7) With the implementation of the two recommended mitigation measures the impacts of the project on noise would be reduced to a less than significant level.

- 8) With the implementation of the six recommended mitigation measures the impacts of the project on transportation and traffic would be reduced to a less than significant level. The developer would be required to either fully implement or pay a fair share contribution to the planned transportation improvements, which brings the improvements one step closer to implementation.
- 9) With the implementation of the recommended mitigation measure the impacts of the project on fire protection would be reduced to a less than significant level.
- 10) With the implementation of the two recommended mitigation measures the impacts of the project on police protection would be reduced to a less than significant level.
- 11) With the implementation of the recommended mitigation measure the impacts of the project on schools would be reduced to a less than significant level.
- 12) With the implementation of the recommended mitigation measure the impacts of the project on libraries would be reduced to a less than significant level.
- 13) With the implementation of the eight recommended mitigation measures the impacts of the project on water supply would be reduced to a less than significant level. These mitigation measures provide for numerous improvements to be developed in synchronization with project development. The developer would be required to pay a fair share contribution to the planned water supply improvements (both recycled and potable), which brings the improvements one step closer to implementation.
- 14) With the implementation of the recommended mitigation measure the impacts of the project on biological resources would be reduced to a less than significant level.
- 15) With the implementation of the four recommended mitigation measures the impacts of the project on hazards and hazardous materials would be reduced to a less than significant level.

Based on the above facts:

The City Council finds that the benefits of the project outweigh the significant and unavoidable project impacts related to agricultural resources and aesthetic (visual quality and character) resources, and cumulative impacts to air quality, greenhouse gas emissions and roadway noise, which are deemed acceptable, consistent with Section 15093 of the CEQA Guidelines.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, and other related materials, each of which is incorporated herein by this reference, and in the record of proceedings in the matter. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

LAFCO 13-15

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE CITY OF OXNARD
REORGANIZATION/CALLEGUAS MUNICIPAL WATER
DISTRICT ANNEXATION – EAST VILLAGE PHASE III;
ANNEXATION TO THE CITY OF OXNARD AND
CALLEGUAS MUNICIPAL WATER DISTRICT AND
DETACHMENT FROM THE VENTURA COUNTY FIRE
PROTECTION DISTRICT, THE VENTURA COUNTY
RESOURCE CONSERVATION DISTRICT, AND COUNTY
SERVICE AREA NOS. 32 AND 33**

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

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

WHEREAS, the proposal was duly considered on February 19, 2014; 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 document, spheres of influence and applicable local plans and policies; and

WHEREAS, all landowners within the affected territory have consented to the proposal; and

WHEREAS, the affected territory has fewer than twelve registered voters and is considered uninhabited; and

WHEREAS, information satisfactory to the Commission has been presented that no subject or affected agencies have submitted written opposition to the proposal; and

WHEREAS, the Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the City of Oxnard (City) and within the affected territory, and the organization of local governmental agencies within Ventura County; and

WHEREAS, the Commission certifies that it has reviewed and considered the Environmental Impact Report (EIR) prepared by the lead agency; and

WHEREAS, the Commission has found that the EIR discloses impacts that are not significant or are mitigated to a level of insignificance; and

WHEREAS, the Commission has found that there remains significant and unavoidable impacts that cannot be mitigated to a level of insignificance and that these impact findings be made, in accordance with Section 15093 of the CEQA Guidelines; and

WHEREAS, the Commission makes a statement of overriding considerations that based on substantial evidence in the record the benefits of the project outweigh the unavoidable adverse environmental effects;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

- (1) The LAFCo Staff Report dated February 19, 2014 and recommendation for approval of the proposal are adopted.
- (2) The reorganization is hereby approved, and the boundaries are established as generally set forth in the attached Exhibit A.
- (3) The boundaries of the proposal are found to be definite and certain as approved.
- (4) The subject proposal is assigned the following distinctive short form designation:
CITY OF OXNARD REORGANIZATION/CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION – EAST VILLAGE PHASE III.
- (5) The Commission has reviewed and considered the information contained in the EIR for the East Village Phase III project prepared for the City as lead agency as well as all comments received and determines that there are not any feasible mitigation measures or feasible alternatives, within the power and authority of LAFCo, which would substantially lessen or avoid any significant effect on the environment [CEQA Guidelines §15096(g)].
- (6) The Commission hereby adopts the lead agency's Findings, Mitigation Measures and Mitigation Monitoring Program (Attachment 3 to the Staff Report).

- (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.
- (9) The affected territory is uninhabited as defined by Government Code § 56046.
- (10) Pursuant to Government Code Section 56662(a), the territory is uninhabited, no affected local agency has submitted a written demand for notice and hearing, and all the owners of land within the affected territory have given their written consent to the proposal. The Commission hereby waives protest proceedings entirely.
- (11) The affected territory shall be liable for all taxes, charges, fees or assessments that are levied on similar properties within the City.
- (12) **This 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 LAFCo Executive Officer.**
- (13) **This reorganization shall not be recorded until a map and legal description consistent with this approval and suitable for filing with the State Board of Equalization have been submitted to the LAFCo Executive Officer.**

This resolution was adopted on February 19, 2014.

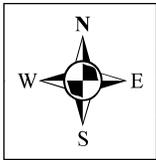
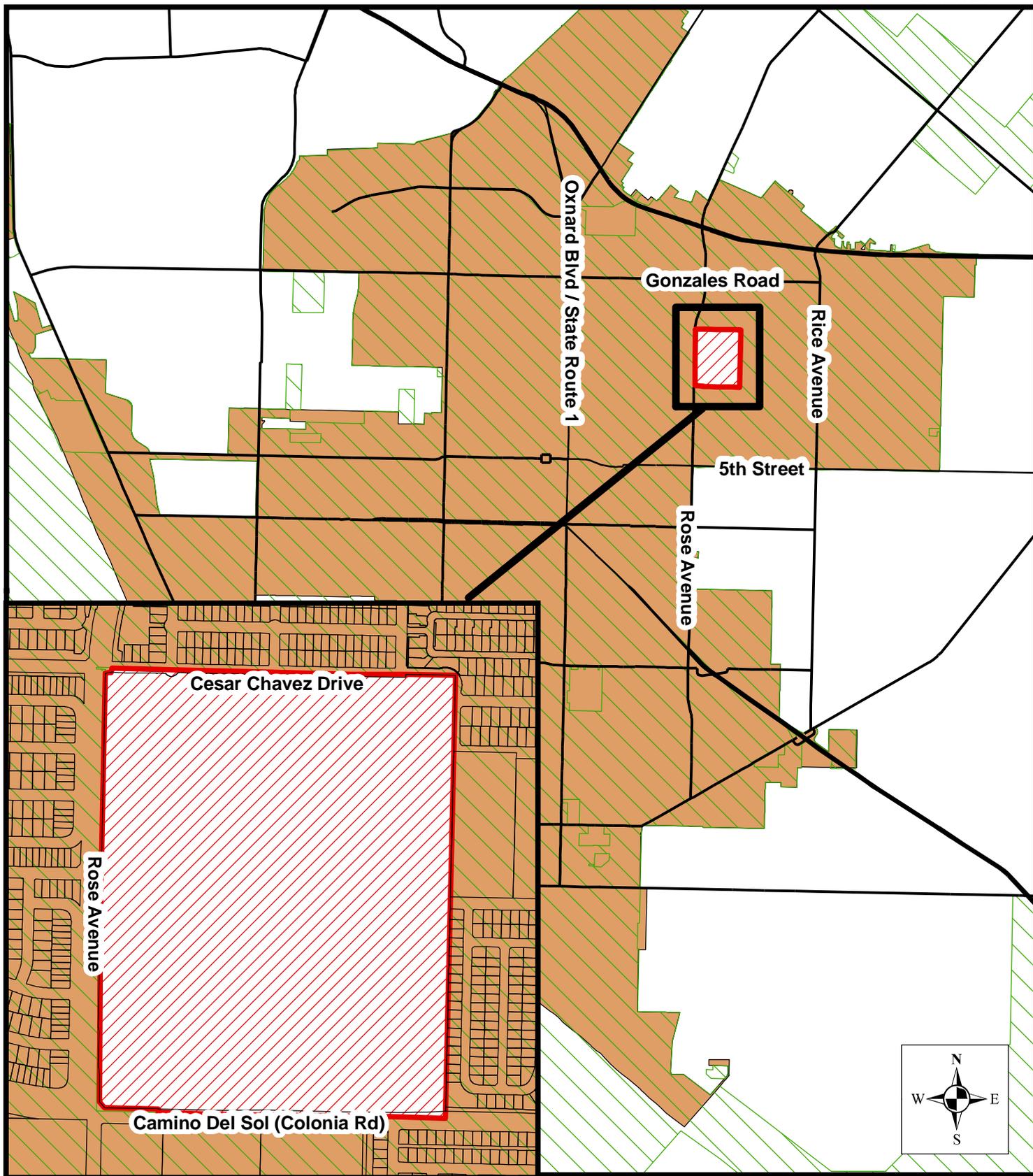
	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ford-McCaffrey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Morehouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Pringle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Cunningham	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Freeman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: _____
Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: City of Oxnard
Calleguas Municipal Water District
Southern California Edison
Southern California Gas Company
Ventura County Watershed Protection District
Ventura County Assessor
Ventura County Auditor/Controller
Ventura County Elections-Registrar of Voters
Ventura County Fire Protection District
Ventura County Planning
Ventura County Environmental Health
Ventura County Resource Conservation District
Ventura County Sheriff – EOC
Ventura County Surveyor

LAFCo 13-15 City of Oxnard Reorganization/Calleguas Municipal Water District
Annexation – East Village Phase III
Resolution of Approval
February 19, 2014
Page 4 of 4



Legend

-  City of Oxnard
-  Calleguas MWD
-  LAFCo 13-15 Proposal Area

LAFCo 13-15
 City of Oxnard Reorganization /
 Calleguas Municipal Water District Annexation
 East Village Phase III





VENTURA LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

Meeting Date: February 19, 2014

Agenda Item 10

TO: LAFCo Commissioners
FROM: Kai Luoma, AICP, Executive Officer
SUBJECT: LAFCo 13-16 Lake Sherwood Community Services District - County Waterworks District No. 38 - Formation

RECOMMENDATION

Direct staff as appropriate.

BACKGROUND

On July 17, 2013, the Commission took action to waive a number of its policies regarding out of agency service agreements (OASAs) to allow for the approval of OASAs necessary for the Lake Sherwood Community Services District (LSCSD) to provide potable water service to several Assessor parcels located outside the LSCSD boundary but within its sphere of influence.

On December 30, 2013 LAFCo staff received an application from the LSCSD to form a new waterworks district in the Lake Sherwood community. State law requires that before LAFCo can deem an application for the formation of a district to be complete, the Board of Supervisors must adopt a resolution regarding the exchange of property tax revenue, which then must be submitted to LAFCo.

COMMISSIONERS AND STAFF

Table with 4 columns: COUNTY, CITY, DISTRICT, PUBLIC. Lists names of commissioners and staff members including Linda Parks, Carl Morehouse, Bruce Dandy, and Linda Ford-McCaffrey.

DESCRIPTION OF PROPOSAL

Currently, water service in the Lake Sherwood community is provided by the LSCSD. Water service is the only service that the LSCSD is authorized to provide. The new waterworks district is proposed to take over water service from the LSCSD. All infrastructure and related assets are proposed to be transferred from the LSCSD to the new waterworks district.

The boundaries of the proposed waterworks district are essentially coterminous with the sphere of influence for the LSCSD (all but one parcel is within the LSCSD sphere). As proposed, the new waterworks district would include a total of 1,024 Assessor parcels. Of the 1,024 parcels:

- 804 are currently within the boundaries of the LSCSD and are served by it.
- 220 are located outside the LSCSD. Of these;
 - 142 are being served by the LSCSD via either legal “grandfathered” service connections or LAFCo-approved out of agency service agreements;
 - 21 are being served by the LSCSD without the required LAFCo authorization, and
 - 57 are undeveloped and not receiving any water service.

Currently, 946 parcels (or 92.5%) are lawfully receiving service from the LSCSD, 21 (or 2.0%) are receiving water service unlawfully from the LSCSD, and the remaining 57 (or 5.5%) are not yet in need of service. The formation of the waterworks district would benefit the 78 Assessor parcels located outside the LSCSD that are undeveloped and not receiving water service (57 parcels) or are developed and receiving water service without LAFCo approval (21 parcels). Because the remaining 946 parcels already receive water service from the LSCSD, the formation of the waterworks district would provide no specific benefit to them: they would continue to receive the same level of water service.

DISCUSSION

The proposal raises a number of issues for which staff requests direction from the Commission. These issues, as well as possible options for the Commission, are discussed below.

Determination of a sphere of influence

LAFCo law § 56426.5(b) provides that “at the time when a commission approves a formation...of a district, the commission may determine the sphere of influence for the proposed new district...” This section also provides that “[t]he commission shall determine the sphere of influence for any newly formed district within one year of the effective date of the formation.” Thus, LAFCo may determine a sphere of influence for a

new district at the time it approves the district's formation or defer it for up to one year from the effective date of formation. Section 56430 provides that "[i]n order to prepare...[a] sphere[] of influence...the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission." Thus, a municipal service review (MSR) must be prepared in order to determine a sphere of influence for the proposed waterworks district.

Preparation of a MSR requires extensive staff time and may take 3-6 months. Due to recent staffing changes, preparation of the MSR by a consultant may be warranted. The cost may be in excess of \$20,000.

Potential Commission Direction

- The Commission could consider directing the applicant to submit an application to determine the sphere of influence for the proposed waterworks district concurrently with the formation proposal. This would result in the following:
 - The LSCSD would be requested to provide a substantial deposit to put toward the cost of preparation of the MSR.
 - LAFCo would be able to consider the district formation and determine the sphere of influence concurrently, thereby avoiding two separate processes, staff analyses/evaluation, public noticing, public hearings, etc.
 - Commission consideration of the formation would be delayed for the period of time it takes to prepare the MSR.
- The Commission could consider deferring the establishment of the sphere of influence for up to one year after the formation is complete. This would result in the following:
 - LAFCo would have to undertake two separate processes, staff analyses, public noticing, public hearings, etc.
 - The waterworks district will have been formed prior to the Commission's consideration of the sphere of influence. There is no requirement that the applicant for the district formation subsequently submit an application to establish the sphere.
 - In the absence of such an application, LAFCo would be responsible for determining the sphere of influence within one year and would be required to fund the associated costs, including preparation of the MSR.
 - Another option would be for LAFCo to enter into an agreement with the LSCSD under which the LSCSD agrees to submit a timely application to establish the sphere of influence and pay all associated costs, including the preparation of the MSR. This option would also ensure that the LSCSD does not expend funds on the preparation of the MSR in the event that the formation of the waterworks district does not occur.

LSCSD services

Authorized Services

The principal act for CSDs (Govt. Code § 61000 et seq.) authorizes CSDs to provide a wide range of services. In fact, CSDs may provide most of the services that a city may provide. Pursuant to Govt. Code § 56425(i), when adopting, amending, or updating a sphere of influence for a special district, LAFCo “shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.” Any other service that a district’s principal act authorizes a district to provide, but that is not being provided as determined by LAFCo, is considered by LAFCo law to be a “latent service or power” (Govt. Code § 56050.5). The exercise of a latent service and/or function, or the divestiture of the power to provide a particular service and/or function, is considered to be a change of organization and subject to LAFCo review and approval (Govt. Code § 56021(m)).

In 2006, LAFCo determined that potable water service is the only service that the LSCSD provides and is authorized to provide. The boundary of the proposed waterworks district would include all of the territory within LSCSD’s service area. Thus, if the waterworks district is approved as proposed, there would be two special districts with largely identical boundaries both empowered to provide a single service: potable water. Avoiding or eliminating situations in which multiple agencies may provide duplicative services is one of the primary missions of LAFCo.

Potential Commission Direction

To avoid the existence of two special districts authorized to provide only potable water service within overlapping and largely coterminous service areas, the Commission may wish to:

- Encourage the applicant to revise the proposal to include the dissolution of the LSCSD.
- Encourage the applicant to revise the proposal to include a divestiture of LSCSD’s power to provide potable water service. However, this would create a special district that provides no services, performs no functions, and receives no funding. To avoid the creation of such a district, the Commission could encourage the applicant to revise the proposal to include the activation of a latent power for the LSCSD.
- The Commission may wish to provide no direction and consider the district formation as proposed.

Commission Policies

Section 3.1.5 of the Commissioner's Handbook (Attachment 2) provides that, "LAFCo shall consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference..." Of the 9 listed preferences, second on the list is "Annexation to an existing multiple purpose special district." Last on the list of preferences is the "Formation of a new single purpose district." The LSCSD is a multiple purpose special district. The proposed waterworks district is a single purpose district.

This policy refers specifically to the provision of "new or consolidated services". No consolidated services are proposed. As mentioned previously, most of the parcels within the proposed district are currently receiving water service, thus the only new service proposed is water service to the 57 undeveloped parcels (it is unclear whether the unauthorized service to the 21 parcels located outside the LSCSD boundary would be considered a "new" service). Therefore, pursuant to this policy, the Commission must first consider whether it is "appropriate and feasible" for these 57 parcels (or 78 parcels if the 21 are included) to annex to the LSCSD to receive water service. If annexation to the LSCSD is determined to be not appropriate and feasible, the Commission could then consider whether it is appropriate and feasible to form a new single purpose waterworks district in order to provide new water service to these 57 (or 78) parcels.

It should be noted that when the Commission took action to waive various policies to allow for the approval of the OASAs (as discussed on page 1), it was in response to concerns expressed over the proposed annexation to the LSCSD of the 220 parcels located outside the LSCSD. However, at the time the formation of the waterworks was not proposed.

Potential Commission Direction

Pursuant to this Commission policy, if the Commission determines that annexation of these parcels to the LSCSD is appropriate and feasible, it shall consider and approve annexation to the LSCSD over the formation of a new waterworks district. The Commissioner's Handbook provides that the Commission may consider a waiver of its policies (Section 3.1.1.2) and has included on the adopted LAFCo Fee Schedule a \$2,650 fee for such a request. The Commission may wish to consider directing the applicant to revise the application to include a request to waive this policy.

Voter Approval

Based on staff's review of LAFCo law and the waterworks district principal act, it appears that formation of the proposed district is subject to voter approval. Should the Commission approve the formation of the new waterworks district, voters could be given

up to two opportunities to weigh in. According to the County Elections Division, there are currently 1,104 registered voters within the proposed waterworks district boundaries.

The first opportunity for voters to weigh in would occur during protest proceedings that would follow Commission approval of the formation. During these proceedings, voters would be allowed to submit written opposition to the formation of the district for a period that can range from 21-60 days. The protest period culminates with a protest hearing conducted by the Commission after which the number of qualifying and timely written protests would be counted. Should a majority of voters (at least 553 voters) submit written opposition to the formation, the formation would be terminated. If a majority of voters do not submit written opposition, the formation would be subject to a special election. The cost of the election would be borne by the applicant.

Potential Commission Direction

As noted, the formation would be terminated if during the protest proceedings, at least 553 voters submit qualifying written protests against the proposal. Otherwise, the formation would be decided during an election. Should the Commission approve the formation, it might wish to consider foregoing the protest proceedings entirely in favor of an election; however, the Commission must first receive consent from the applicant to do so. The Commission may wish to encourage the applicant to consent to the waiver of protest proceedings should the Commission choose to do so.

Attachments: (1) Letter to Reddy Pakala, dated January 22, 2014
(2) Section 3.1.5 of the Commissioner's Handbook



VENTURA LOCAL AGENCY FORMATION COMMISSION

COUNTY GOVERNMENT CENTER • HALL OF ADMINISTRATION

800 S. VICTORIA AVENUE • VENTURA, CA 93009-1850

TEL (805) 654-2576 • FAX (805) 477-7101

WWW.VENTURA.LAFCO.CA.GOV

January 23, 2014

ATTACHMENT 1

R. R. Pakala
County of Ventura Public Works Agency
Water and Sanitation Department
P.O. Box 250
Moorpark, CA 93020-0250

SENT VIA ELECTRONIC MAIL

RE: LAFCo 13-16 County Waterworks District No. 38 – Formation

Dear Mr. Pakala:

Thank you for the recent submittal of the above-referenced proposal to form a waterworks district in the Lake Sherwood community. The new district is proposed to assume potable water service from the Lake Sherwood Community Services District. As you know, we issued a Notice of Receipt of Application on January 8 and began reviewing the application for completeness. Once the application is determined to be complete, LAFCo will issue a Certificate of Filing. The issuance of the Certificate of Filing begins the formal review process for the proposal.

State law includes various code sections that apply to the formation of a district. One of these is Revenue and Taxation Code § 99, which contains provisions regarding the exchange of property tax revenues. Pursuant to this code section, the Board of Supervisors must adopt a “final exchange resolution” that specifies “how the annual tax increment shall be allocated in future years.” This code section also provides that LAFCo “shall not issue a certificate of filing...” until the adopted resolution is presented to the LAFCo Executive Officer. Therefore, until the final resolution is adopted and presented to LAFCo, state law precludes us from deeming the application complete and beginning the formal review of it.

Please feel free to contact me should you have any questions.

Sincerely,

Kai Luoma
Deputy Executive Officer

c: LAFCo Commissioners



SECTION 3.1.5 PREFERRED SERVICE PROVIDERS

LAFCo shall consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference:

- (1) Annexation to an existing city.
- (2) Annexation to an existing multiple purpose special district.
- (3) Annexation to an existing single purpose district.
- (4) Consolidation of existing districts.
- (5) Annexation to a subsidiary district or County Service Area of which the Board of Supervisors is the governing body.
- (6) Formation of a new County Service Area.
- (7) Incorporation of a new city.
- (8) Formation of a new multiple purpose district.
- (9) Formation of a new single purpose district.



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: February 19, 2014

Agenda Item 11

TO: LAFCo Commissioners
FROM: Kai Luoma, AICP, Executive Officer 
SUBJECT: Cancellation of the March 19, 2014 Regular Meeting

RECOMMENDATION:

Cancel the March 19, 2014 regular LAFCo meeting and direct staff to provide notice of cancellation to the County, all cities, independent special districts and other interested parties as required by law.

DISCUSSION:

Due to the fact that there are no pending applications for Commission action as of the date this report was prepared, staff is recommending that the Commission cancel the March meeting. The next scheduled meeting would occur on April 16, 2014.

COMMISSIONERS AND STAFF

COUNTY:
Linda Parks, Chair
John Zaragoza
Alternate:
Steve Bennett

CITY:
Carl Morehouse
Janice Parvin
Alternate:
Carol Smith

DISTRICT:
Bruce Dandy
Gail Pringle
Alternate:
Elaine Freeman

PUBLIC:
Linda Ford-McCaffrey, Vice Chair
Alternate:
Lou Cunningham

Executive Officer:
Kai Luoma, AICP

Analyst/Dep. Exec. Officer
Vacant

Office Mgr/Clerk
Debbie Schubert

Legal Counsel
Michael Walker



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: February 19, 2014

Agenda Item 12

**LAFCo CASE
NAME & NO:**

LAFCo 13-14S and LAFCo 13-14: Ventura River County Water District (VRCWD) Sphere of Influence Amendment and Reorganization – Boundary Cleanup (Parcels A-F)

PROPOSAL:

The proposal includes the following requested actions to allow for the annexation of three Assessor parcels and the detachment of 66 Assessor parcels:

Sphere of Influence Amendments:

- To remove 6.71 acres containing two single family residential Assessor parcels and a portion of the Ventura Avenue right of way.
- To remove an approximately 31-acre portion of a 40-acre Assessor parcel that is currently bisected by the sphere of influence.
- To include an 11.76-acre Assessor parcel that is currently within the VRCWD boundary and receiving service but outside the sphere of influence.

Reorganization:

- Parcel A: Annexation of a 9.54-acre Assessor parcel on which a VRCWD-owned tank and booster station are located.
- Parcel B: Detachment of 6.71 acres containing two single family residential Assessor parcels and a portion of the Ventura Avenue right of way. These parcels are being served by Casitas Municipal Water District (Casitas).
- Parcel C: Detachment of approximately 187 acres containing various rights-of-way and 63 Assessor parcels developed with single family residences and/or open space uses. Casitas provides service to these parcels.
- Parcel D: Annexation of a 4.54-acre Assessor parcel used for flood control purposes. VRCSD provides irrigation water for landscaping.
- Parcel E: Detachment of a 0.51-acre Assessor parcel on which a well, no longer owned by VRCWD, is located and an associated narrow strip of territory located on adjacent property to the east.

COMMISSIONERS AND STAFF

COUNTY:
Linda Parks, Chair
John Zaragoza
Alternate:
Steve Bennett

CITY:
Carl Morehouse
Janice Parvin
Alternate:
Carol Smith

DISTRICT:
Bruce Dandy
Gail Pringle
Alternate:
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PUBLIC:
Linda Ford-McCaffrey, Vice Chair

Alternate:
Lou Cunningham

Executive Officer:
Kai Luoma, AICP

Analyst/Dep. Exec. Officer
Vacant

Office Mgr/Clerk
Debbie Schubert

Legal Counsel
Michael Walker

- Parcel F: Annexation of an undeveloped 3.10-acre Assessor parcel, a portion of the Ojai Valley Bike Trail, and a portion of the Hermosa Drive right of way to allow for the construction of a single family residence.

LOCATION: Attachment 1 is a vicinity map of the proposal area. Attachment 2 is a map of the proposed sphere of influence amendments. Attachments 3 and 4 are maps depicting the parcels that are to be detached from, and annexed to, the VRCWD, respectively.

Parcels A-D are located in unincorporated area generally in the vicinity of Oak View and south of the City of Ojai. Parcel C is generally located along the west side of Creek Road in the vicinity of Kenewa Street and Tewa Court. Parcel E is located west of the Community of Casitas Springs. Parcel F is located within the City of Ojai.

PROPONENTS: VRCWD by resolution.

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

PARCEL INFORMATION: See Attachment 5.

RECOMMENDATIONS

- A. Adopt the attached resolution LAFCo 13-14S making determinations and approving the sphere of influence amendment for the Ventura River County Water District.
- B. Adopt the attached resolution LAFCo 13-14 making determinations and approving the Ventura River County Water District Reorganization – Boundary Cleanup (Parcels A-F).

GENERAL ANALYSIS

1. Land Use

Existing land uses within the proposal area are:

Parcel	General Plan	Zoning	Use
A	Open space	Agriculture Exclusive	VRCWD-owned tank and booster station
B	Open space / Rural	Open space, rural exclusive	Single family residential
C	Open space / Rural	Open space, rural agriculture, rural exclusive	Residential, open space, limited agriculture
D	Open space	Open space	Flood control
E	Open space	Open Space	Well site
F	City of Ojai – Medium high density residential	City of Ojai – Single family residential, Medium low density	Vacant residential parcel

Conformity with Plans

The existing uses are consistent with the applicable general plans and zoning. The proposal will not alter land use or zoning designations.

Surrounding Land Uses, Zoning, and General Plan Designations

The surrounding land uses for each of the six parcels within the proposal area are generally consistent with the uses within the proposal area.

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

The proposal area contains a minimal amount of agricultural activity, primarily consisting of a 6-acre orchard within Parcel C. Several properties within Parcel C are relatively large lots developed with single family residential uses with much of the remainder of the properties undeveloped. The proposal area includes no land under a Williamson Act contract. The proposal will detach Parcel C from the VRCWD, as the properties within Parcel C receive water service from Casitas. There will be no changes to existing service providers and no effects to agricultural lands.

3. Population

According to the County Registrar of Voters, there are more than 12 registered voters in the proposal area. As such, the proposal area is considered to be inhabited.

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

VCRWD provides no service to those parcels that are proposed to be detached (Parcels B, C, and E). Water service to these parcels is provided by another service provider. The purpose of annexing Parcel A is to bring a VRCWD-owned property on which a water tank and booster pump are located within the District's boundary. Parcel D, owned by the Ventura County Watershed Protection District and used for flood control purposes, is proposed to be annexed because it is currently receiving service from VRCWD to irrigate landscaping. The proposal includes no new service to Parcels A-E and, thus, there are no associated issues of cost, adequacy, or availability pertaining to VCRWD service to these parcels.

The only new service that would result from the proposal would be that to Parcel F, which is proposed to be annexed in order to allow for the construction of a single family residence on an existing residential lot. The VRCWD has indicated that it has adequate supply and infrastructure to serve this property.

5. Boundaries and Lines of Assessment

County Surveyor review and certification of the map and legal description 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 are in progress but have not been completed as of the date this report was finalized.

6. Environmental Impact of the Proposal

The 66 Assessor parcels that are proposed to be detached (Parcels B, C and E) are not currently served by VRCWD and will not be served by VRCWD in the future. The detachment of these parcels will not alter current water service to these parcels in any way. The purpose of annexing Parcel A is to bring a VRCWD-owned property on which a water tank and booster pump are located within the District's boundary. No development or any other modifications to Parcel A are proposed. Parcel D, owned by the County Watershed Protection District and used for flood control purposes, is proposed to be annexed because it is currently receiving service from VRCWD to irrigate landscaping. No development or any other modifications to Parcel D are proposed. Thus, it can be seen with certainty that the annexation and/or detachment of Parcels A-E will not result in an adverse effect on the environment.

The annexation of Parcel F is proposed in order to provide water service to allow for the construction of a single family residence on a lot zoned for residential use. The annexation of individual small parcels for the construction of a single family residence in a residential zone is exempt from CEQA pursuant to CEQA Guidelines

§ 15319(b) and § 15303. Thus, staff has determined that the proposal is categorically exempt from CEQA.

Staff received a letter in opposition to the proposal (Attachment 6). The author of the letter owns property adjacent to Parcel A. The author's property is within the VRCWD boundaries and will not be affected by the proposal. Among other things, the author requests that an environmental impact report be prepared for the proposal. However, the author identifies no potentially significant impact to the environment and provides no evidence that the proposal could result in a potentially significant impact to the environment. Therefore, it has not been demonstrated that the preparation of an EIR is warranted.

7. Regional Housing Needs

The proposal will not affect existing land use designations or zoning. The proposal will have no effect on the County's regional housing needs.

8. Environmental Justice

No issues of environmental justice have been identified.

SPECIAL ANALYSIS

Sphere of Influence Determinations

The proposed sphere of influence amendment includes the following:

- To remove 6.71 acres containing two single family residential Assessor parcels and a portion of the Ventura Avenue right of way. This same area is proposed to be detached from the VRCWD as Parcel B.
- To remove an approximately 31-acre portion of a 40-acre Assessor parcel that is currently bisected by the sphere of influence. These 31 acres are the only portion of the 187-acre Parcel C that are within the sphere of influence. The remainder of Parcel C was removed from the sphere of influence as part of the VRCWD sphere review and update in 2004.
- To include an 11.76-acre Assessor parcel that is currently within the VRCWD boundary and receiving service but outside the sphere of influence.

Government Code §56425(e) requires that in determining the sphere of influence of each local agency the Commission shall consider and prepare a written statement of its determinations with respect to certain factors prior to making a decision:

The present and planned land uses in the area, including agricultural and open space lands.

The two Assessor parcels that comprise the 6.71 acres that are proposed to be removed from the sphere of influence each contain a single family residence. The 31 acres that are proposed to be removed contain undeveloped land. The 11.76-acre Assessor parcel that is proposed to be included within the sphere contains a single family residence. No changes to current or future land uses are proposed.

The present and probable need for public facilities and services in the area.

There is no present or probable need for VRCWD facilities or services within the area to be removed from the sphere of influence. Water service is already being provided by the VRCWD to the 11.76-acre parcel that is proposed to be included within the sphere of influence.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

Present capacity and adequacy of service are not applicable to the area proposed to be removed from the sphere of influence. Water service is already being provided by the VRCWD to the 11.76-acre parcel that is proposed to be included within the sphere of influence.

The existence of any social or economic communities of interest in the area that the Commission may determine are relevant to the agency.

Staff has received no information to indicate that the sphere of influence amendments would adversely affect any social or economic communities of interest.

COMMISSION PROCEEDINGS – PROCESS CONSIDERATIONS

Pursuant to Govt. Code Section 56663, the Commission may waive protest proceedings entirely if the following criteria are met:

- (1) Mailed notice has been given to landowners and registered voters within the affected territory.
- (2) The mailed noticed discloses that unless written opposition to the proposal is received before the conclusion of commission proceedings, the commission intends to waive protest proceedings.
- (3) Written opposition from landowners and registered voters within the affected territory is not received before the conclusion of commission proceedings.

As of the writing of this staff report, staff has received no written opposition to the proposal from landowners or voters within the proposal area. Staff recommends that should the Commission approve the proposal, it waive protest proceedings entirely. The resolution approving the annexation contains the appropriate language to waive protest proceedings.

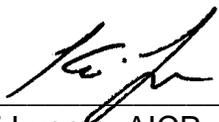
As noted, Attachment 6 is a letter received by staff opposing the proposal. The author also opposes the Commission's intention to waive protest proceedings. Because the author is not a landowner or voter within the proposal area, the opposition to the Commission's intent to waive protest proceedings need not be a factor in the Commission's decision whether to do so.

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 the materials submitted, determines that the boundaries of the reorganization proposal should be modified, or that the proposal should be approved subject to any changes or additions to the terms and conditions recommended, a motion to approve should clearly specify any boundary changes and/or any changes or additions to the terms and conditions of approval.

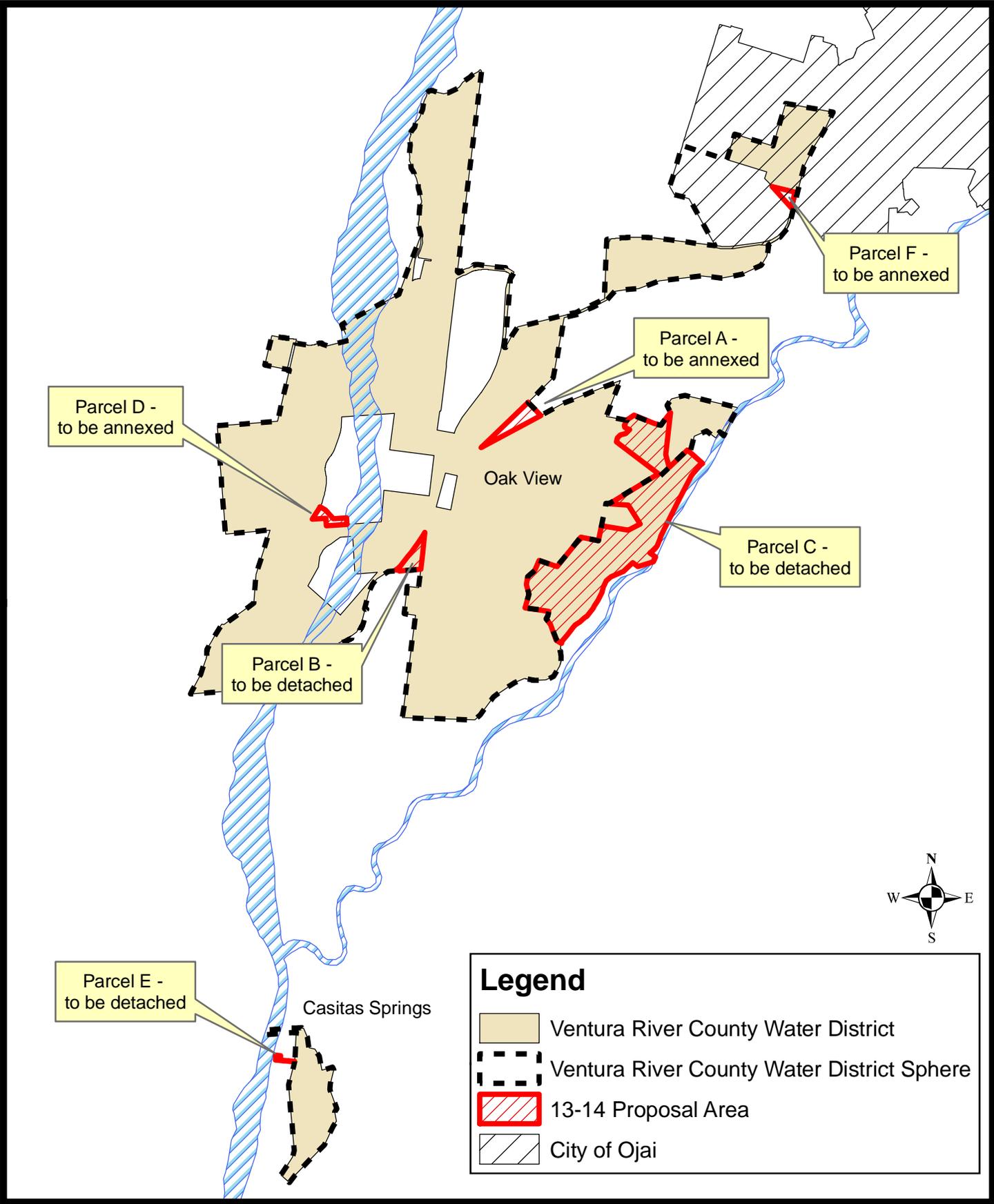
- C. If the Commission, following public testimony and review of materials submitted, wishes to deny or modify the reorganization proposal, a motion to deny should include direction that the matter be continued to the next meeting and that staff prepare a new report consistent with the evidence submitted and the anticipated decision.

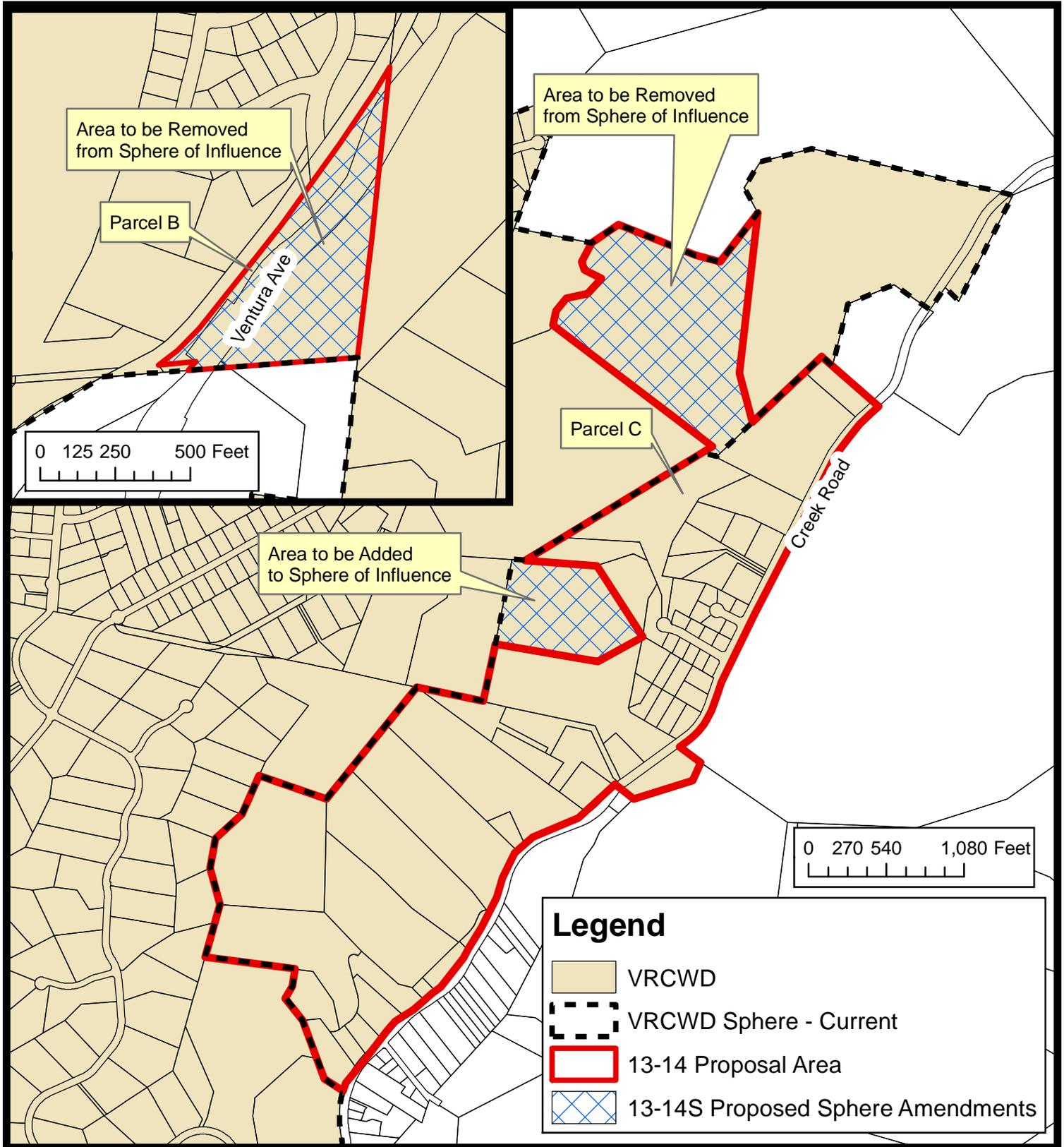
BY: 

Kai Luoma, AICP
Executive Officer

- Attachments: (1) Vicinity Map *
- (2) Map of Sphere of Influence Amendment Area
 - (3) Map of Proposal Area – Areas to be Detached
 - (4) Map of Proposal Area – Areas to be Annexed
 - (5) List of parcels within the proposal area
 - (6) Letter from Angela Small Booth, dated January 29, 2014
 - (7) LAFCo 13-14S Resolution
 - (8) LAFCo 13-14 Resolution

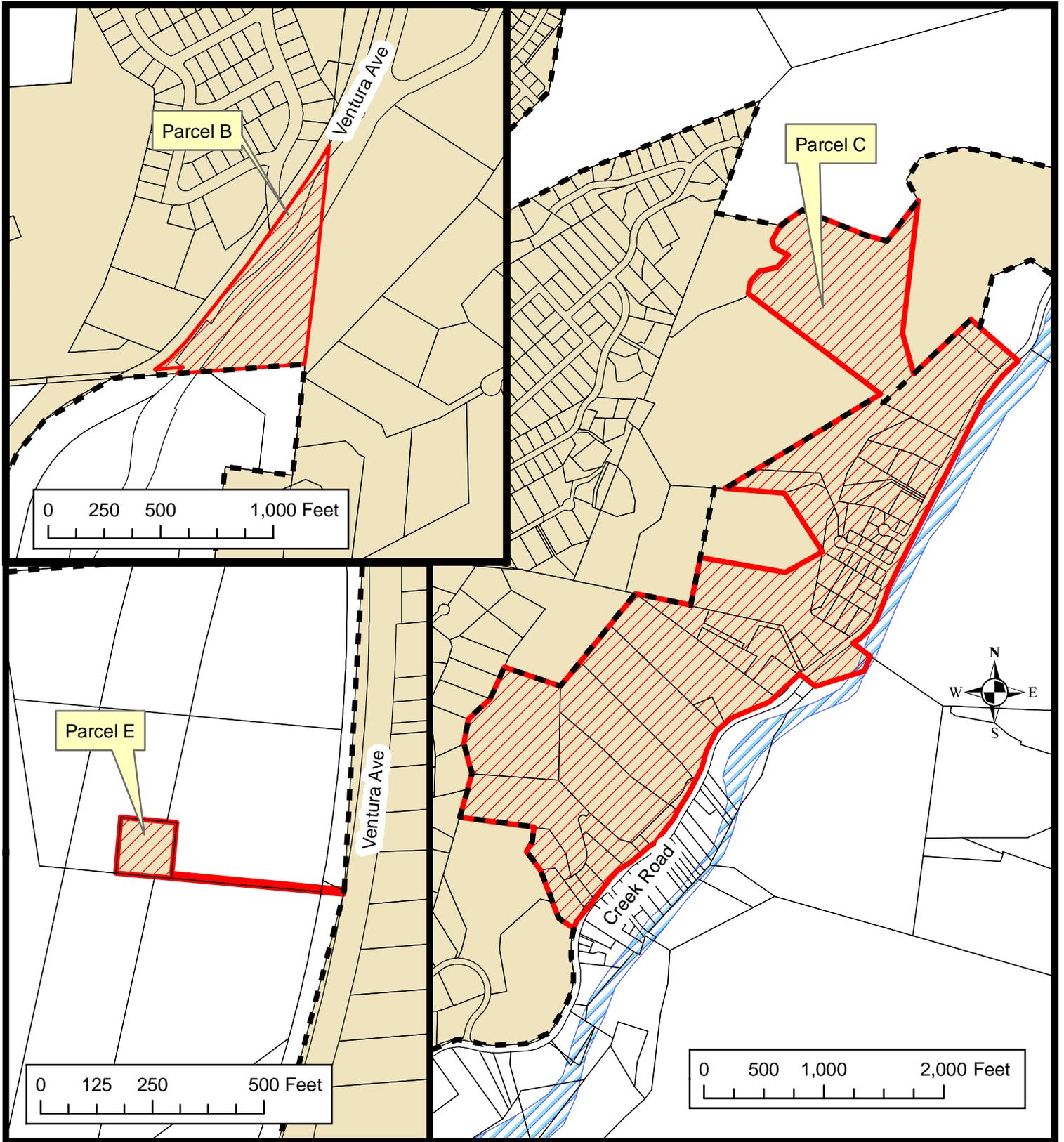
* LAFCo makes every effort to offer legible map files with the online and printed versions of our reports, however sometimes the need to reduce oversize original maps and/or other technological/software factors can compromise readability. Original maps are available for viewing at the LAFCo office by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





LAFCo 13-14S
Ventura River County Water District
Sphere of Influence Amendments
Boundary Cleanup



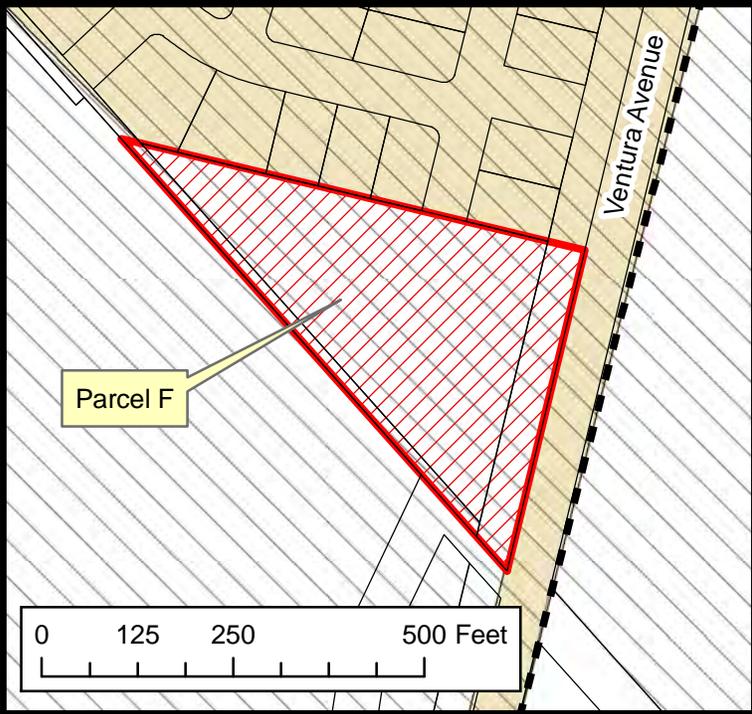
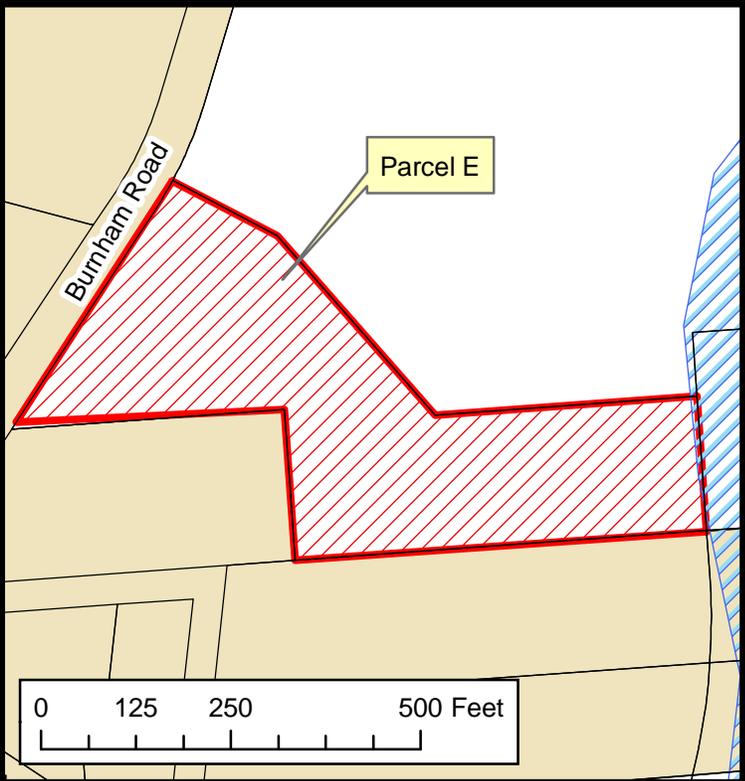
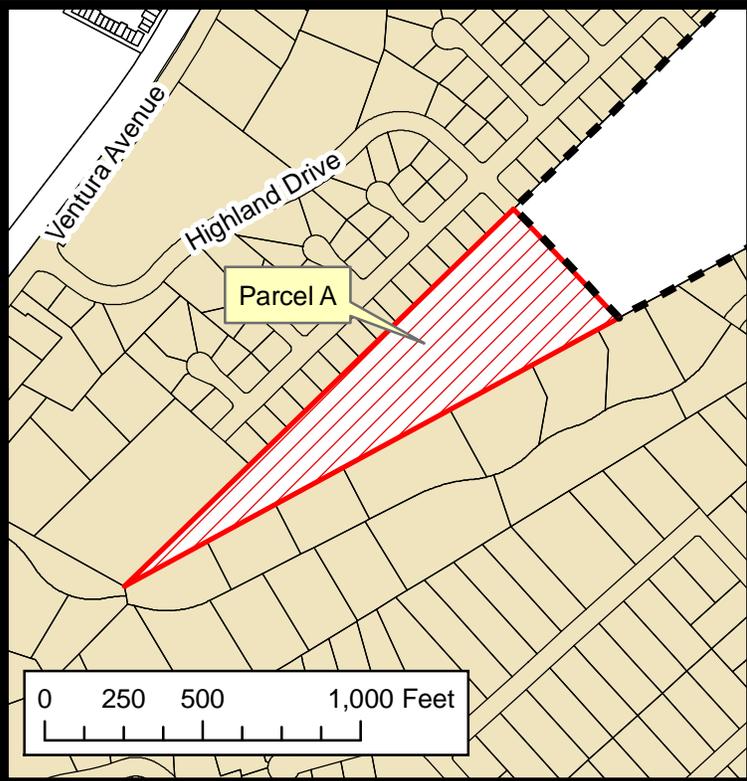


Legend

-  VRCWD
-  VRCWD Sphere - Current
-  Areas to be Detached

LAFCo 13-14
Ventura River County Water District
Reorganization - Boundary Cleanup
Detachments





Legend

-  Ventura River County Water District
-  Ventura River County Water District Sphere
-  Areas to be Annexed
-  City of Ojai

LAFCo 13-14
Ventura River County Water District
Reorganization - Boundary Cleanup
Annexations



LAFCo 13-14**ATTACHMENT 5**

APN	Owner	Address	Street	
PARCEL A				
033015055 5	RIVER VENTURA CO WATER DIST			
PARCEL B				
031016012 5	HANSON JON H	11009	N VENTURA	AV
031016013 5	GUZMAN GUADALUPE JR	10980	VENTURA	AV
PARCEL C				
033027004 0	MALLOY CHRISTOPHER E-CARLA M	11013	CREEK	RD
033027034 0	SHUMWAY HEIDE TRUST	11411	CREEK	RD
033027035 0	JONES CARY M	11415	N CREEK	RD
033027039 0	COLON MIGUEL JR-JACKLIN	11211	CREEK	RD
033027044 0	THOMAS PAUL B-KENNA H TR	11223	N CREEK	RD
033027047 0	WHEELER RICHARD D-BARBARA A TR	11209	N CREEK	RD
033027048 0	WHEELER RICHARD D-BARBARA A TR			
033027049 0	HALEY BRYAN C	11231	N CREEK	RD
033027050 0	LANG GARY-RUTH PASTINE	11225	N CREEK	RD
033027053 0	BRANSKY DAVID A-AMY J	11217	CREEK	RD
033027054 0	BOYD CRAIG K-LEILA A	11215	N CREEK	RD
033027055 0	HROCK VICTOR D	11221	CREEK	RD
033027056 0	WILKINSON PAUL A-PAULINE TR	11219	CREEK	RD
033027059 5	BELLO ALFREDO-MONTELLE TR	11055	CREEK	RD
033027063 0	PARRISH DONALD J-MARGRET L TR	1577	KENEWA	ST
033027067 0	BOGENBERGER JAKOB	1567	KENEWA	ST
033027068 0	PARRISH DONALD-MARGRET TR			
033027069 5	PARRISH DONALD J-MARGRET L TR	1575	KENEWA	ST
033040003 5	OLSON ARLYN F-LYNNE V	11405	N CREEK	RD
033040007 5	EVANS CODY-BERIT	11311	CREEK	RD
033040008 5	BIGLER KRISTINE M TR	11251	CREEK	RD
033040009 5	BIRBECK CHRISTOPHER-KAREN TR	11249	CREEK	RD
033040010 5	EVANS MARY J	11243	CREEK	RD
033040011 5	BURRIS FREDERICK-KIMBERLEE	1691	TEWA	CT
033040012 5	VOGELBAUM RONALD M	1697	TEWA	CT
033040013 5	WOOD FRANK P-CAROLE S	1685	TEWA	CT
033040014 5	NIX RODNEY D-KAREN S TR	1682	TEWA	CT
033040015 5	BELSHE LAWRENCE G-CAROLYN	1688	TEWA	CT
033040016 5	BASKIN ROBERT M-DIANA TR	1696	TEWA	ST
033040017 5	MC NAIR RICHARD P-SIOBHAN M	1699	KENEWA	ST
033040018 5	BLANK PURSUANT TO CA GC6254.21			
033040019 5	RUBIK REAL EST HOLDINGS LLC	1681	KENEWA	ST
033040020 5	SWENDSEID J CHAD-FRANCES TR	1677	KENEWA	ST
033040021 5	VUJEA TERRI A TR	1579	KENEWA	ST
033040023 5	MC FARLIN JOHN-KATHLEEN J	1676	KENEWA	ST
033040024 5	BABCOCK BARRY L-MARY C	1680	KENEWA	ST
033040025 5	MARKLEY GARY L-SHARON A TR	1686	KENEWA	ST
033040026 5	CASSIDY LARRY D-MELINDA A	1690	KENEWA	ST

033040027	5	VERKUIL JAMES A-LINDA E TR	1698	KENEWA	ST
033040028	5	MESKER RONALD JR-DEBORAH L	11333	CREEK	RD
033040029	5	MATHIEU PHILLIPPE M-DEBORAH	11375	N CREEK	RD
033040030	5	MAHL CAROLINE F SURV TR	11355	N CREEK	RD
034002007	5	BLANK PURSUANT TO CA GC6254.21			
034002008	5	BAUMGARTNER CECIL	11021	CREEK	RD
034002009	5	EUBANKS JOHN W JR-MARY	11023	CREEK	RD
034002010	5	GLASS STUART I	10981	CREEK	RD
034002012	5	HOSKINS LARRY A-BARBARA N TR	11019	CREEK	RD
034004009	5	WACHTELL FAM PART LLP	10855	OAK KNOLL	RD
034004010	0	NELSON FAM CREDIT SHEL T B TR	10802	OAK KNOLL	DR
034004012	0	NELSON FAM CREDIT SHEL T B TR			
034026014	5	GARNER ROWENA RES TR	10812	ENCINO	DR
034027002	5	BOWMAN REID H-CLAIRE R TR	10901	CREEK	RD
034027003	5	WACHTELL THOMAS-ESTHER TRUST	10883	OAK KNOLL	RD
034027004	5	WACHTELL FAMILY PARTNERSHIP	10829	OAK KNOLL	DR
034027005	5	DAVIS RANDY K-NORA J			
034027006	5	BOWMAN REID H-CLAIRE R TR			
034028002	0	YOUNG CRAIG A-ALISON M	10790	N OAK KNOLL	RD
034028003	0	MOORE MICHAEL G-DONNA J	10786	OAK KNOLL	RD
034028004	5	WILSON STEVEN C-JANICE F	10778	OAK KNOLL	RD
034028005	5	PATTON KATHERINE M	10774	OAK KNOLL	RD
034028006	5	MCCONNELL KENNETH-VIRGINIA	10737	OAK KNOLL	DR
034028007	5	PATTON KATHERINE M ET AL			
034028008	5	YOUNG CRAIG A-ALISON M			
PARCEL D					
032020211	5	VENTURA COUNTY FL CTRL DIST			
PARCEL E					
061016004	0	PORTER SALLIE L DEC TR B			
PARCEL F					
017032409	5	JUSTUS LONN-COLETTE TR			

Law Offices of Angela Small Booth

9107 Wilshire Blvd., Suite 450
Beverly Hills, CA 90210
310-497-1351

2580 E. Main Street, Suite 201
Ventura, CA 93003
805-765-5413

January 29, 2014

Kai Luoma
Deputy Executive Officer
Ventura LAFCo
800 S. Victoria Avenue, L#1850
Ventura, CA 93009-1850

Re: Written Opposition to Proposal and to LAFCo's intention to waive protest proceedings regarding all matters concerned with the February 19, 2014 hearing concerning LAFCo 13-14S and LAFCo13-14 Ventura River County Water District (VCRWD) Sphere of Influence Amendment and Reorganization – Boundary Cleanup (Parcels A-F)

Dear Mr. Luoma:

As I told you on the telephone on January 29, 2014, I received a Notice of Hearing scheduled for February 19, 2014 (the "Notice") on January 29, 2014. I hereby give you notice of my written opposition to the proposal and to LAFCo's intention to waive protest proceedings regarding all matters concerned with the February 19, 2014 hearing concerning LAFCo 13-14S and LAFCo13-14 Ventura River County Water District (VCRWD) Sphere of Influence Amendment and Reorganization – Boundary Cleanup (Parcels A-F). The Notice is completely devoid of information sufficient to inform myself, or any other recipient, of the actual nature of the proceedings or the impact of the proposed actions if adopted.

The complete absence of explanatory information presented in terms residents may understand constitutes an inadequate notice under California Government Code 54950 *et. seq, inter alia*. Reference to parcels to be removed, detached or annexed in general without identifying information or maps is worthless. Your statement "Don't worry this doesn't affect you," does not reassure me, especially given that land adjacent to my home is to be transferred. Government Code 54950 states, "The people in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know". Further, there is no evidence Ventura LAFCo has complied with California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 *et seq.*) and the related CEQA Guidelines (Title 14, California Code of Regulations Section 15000 *et seq.*) I hereby request an Environment Impact Report be made.

Sincerely,
/s/
Angela Small Booth

Cc: Supervisor Steve Bennett

LAFCo 13-14S

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE VENTURA RIVER COUNTY
WATER DISTRICT SPHERE OF INFLUENCE
AMENDMENT – BOUNDARY CLEANUP**

WHEREAS, Government Code Section 56425 et seq. requires the Ventura Local Agency Formation Commission (LAFCo or Commission) to develop and determine the sphere of influence of each local governmental agency within Ventura County; and

WHEREAS, a written request has been filed with the Executive Officer of LAFCo pursuant to Government Code Section 56428 for the amendment of the Ventura River County Water District (VRCWD) sphere of influence; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence amendment including, but not limited to, testimony at the public hearing on February 19, 2014 and the LAFCo Staff Report and recommendation; and

WHEREAS, no change in regulation, land use or development will occur as a result of amending the sphere of influence for the VRCWD; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of this action by the Commission.

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 dated February 19, 2014 are adopted.
- (2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:

The present and planned land uses in the area, including agricultural and open space lands.

The two Assessor parcels that comprise the 6.71 acres that are proposed to be removed from the sphere of influence each contain a single family residence. The 31 acres that are proposed to be removed contain pasture land. The 11.76-acre Assessor parcel that is proposed to be included within the sphere contains a single family residence. No changes to current or future land uses are proposed.

The present and probable need for public facilities and services in the area.

There is no present or probable need for VRCWD facilities or services within the area to be removed from the sphere of influence. Water service is already being provided by the VRCWD to the 11.76-acre parcel that is proposed to be included within the sphere of influence.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

Present capacity and adequacy of service is not applicable to the area proposed to be removed from the sphere of influence. Water service is already being provided by the VRCWD to the 11.76-acre parcel that is proposed to be included within the sphere of influence.

The existence of any social or economic communities of interest in the area that the Commission may determine are relevant to the agency.

Staff has received no information to indicate that the sphere of influence amendments would adversely affect any social or economic communities of interest.

- (3) The sphere of influence amendment for the VRCWD is hereby approved as generally depicted on Exhibit A attached hereto.
- (4) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCo by the County of Ventura as the official sphere of influence record for the VRCWD amended consistent with this action.
- (5) In accordance with staff's determination that the subject proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15319(b) and 15303 of the CEQA Guidelines, the Commission hereby finds the change of organization to be categorically exempt.
- (6) The Commission directs staff to file a Notice of Exemption under Section 15062 of the CEQA Guidelines.
- (7) This sphere of influence amendment approval shall not become effective until a Certificate of Completion has been recorded for "LAFCo 13-14 Ventura River County Water District Reorganization – Boundary Cleanup (Parcels A-F)".

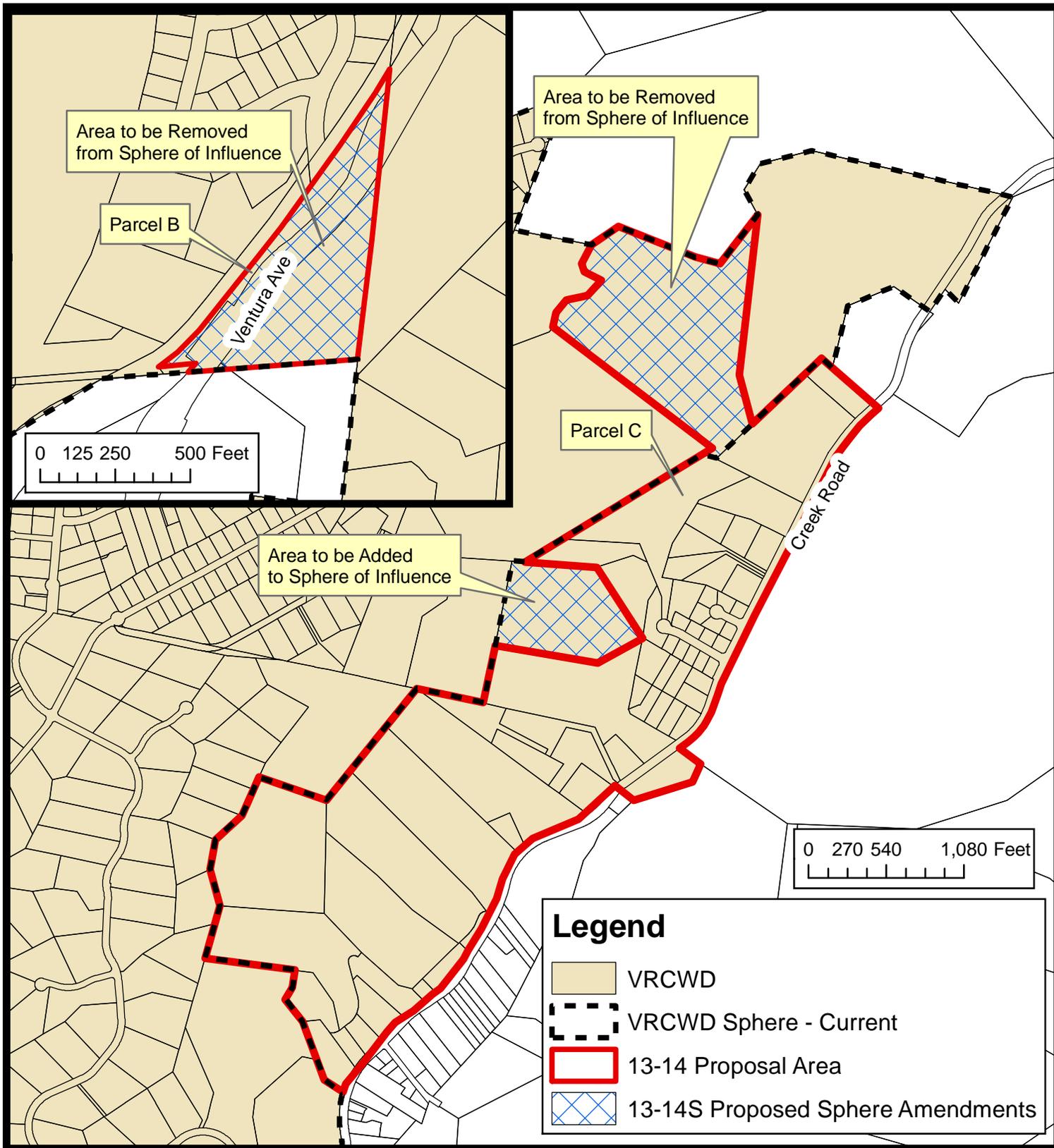
This resolution was adopted on February 19, 2014.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ford-McCaffrey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Morehouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Pringle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Cunningham	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Freeman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: _____
Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: Ventura River County Water District
Ventura County Surveyor
Ventura County Planning



LAFCo 13-14S
Ventura River County Water District
Sphere of Influence Amendments
Boundary Cleanup



LAFCO 13-14

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE VENTURA RIVER COUNTY
WATER DISTRICT REORGANIZATION – BOUNDARY
CLEANUP (PARCELS A-F)**

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

WHEREAS, the proposal was duly considered on February 19, 2014; 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, spheres of influence and applicable local plans and policies; and

WHEREAS, all landowners within the affected territory have not consented to the proposal; and

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

WHEREAS, information satisfactory to the Commission has been presented that no landowner or voter within the affected territory has submitted written opposition to the proposal; and

WHEREAS, the Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the Ventura River County Water 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 dated February 19, 2014 are adopted.
- (2) The Commission finds that the proposal will lead to planned, orderly, and efficient development.
- (3) The change of organization is hereby approved, and the boundaries are established as generally set forth in the attached Exhibit A.

- (4) The affected territory is inhabited as defined by Government Code §56046.
- (5) The subject proposal is assigned the following distinctive short form designation: **LAFCO 13-14 VENTURA RIVER COUNTY WATER DISTRICT REORGANIZATION – BOUNDARY CLEANUP (PARCELS A-F)**
- (6) In accordance with staff's determination that the subject proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15319(b) and 15303 of the CEQA Guidelines, the Commission hereby finds the change of organization to be categorically exempt.
- (7) The Commission directs staff to file a Notice of Exemption under Section 15062 of the CEQA Guidelines.
- (8) The Commission waives conducting authority proceedings pursuant to Government Code § 56663.
- (9) **This change of organization shall not be recorded until all LAFCo fees have been paid and until fees necessary for filing with the State Board of Equalization have been submitted to the Executive Officer.**
- (10) **This annexation shall not be recorded until maps and legal descriptions consistent with this approval have been approved by the Ventura County Surveyor.**

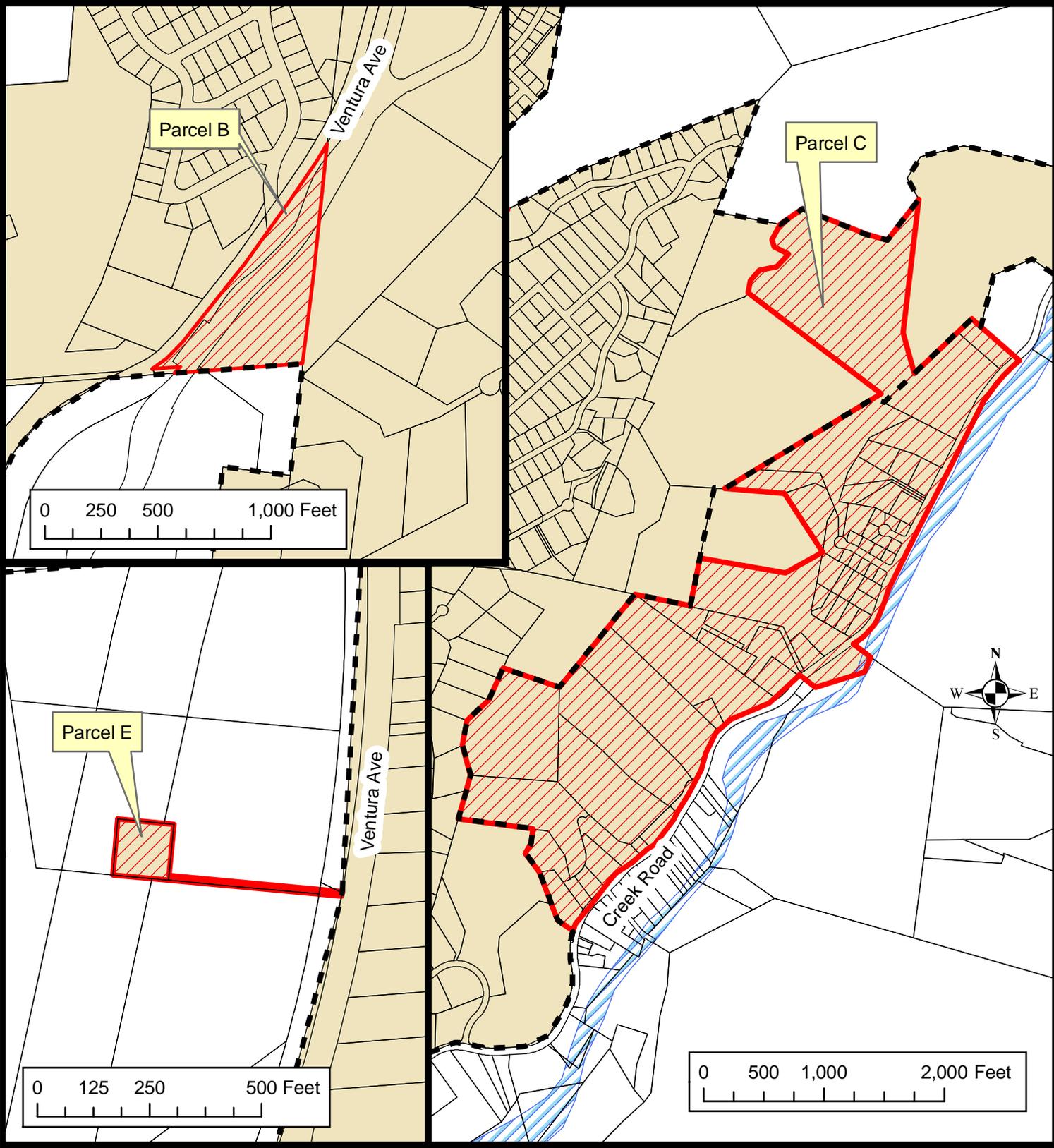
This resolution was adopted on February 19, 2014.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ford-McCaffrey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Morehouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Pringle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Cunningham	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Freeman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: _____
Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

- c:: Ventura River County Water District
- City of Ojai
- Ventura County Assessor
- Ventura County Auditor
- Ventura County Surveyor
- Ventura County Planning
- Ventura County Elections-Registrar of Voters

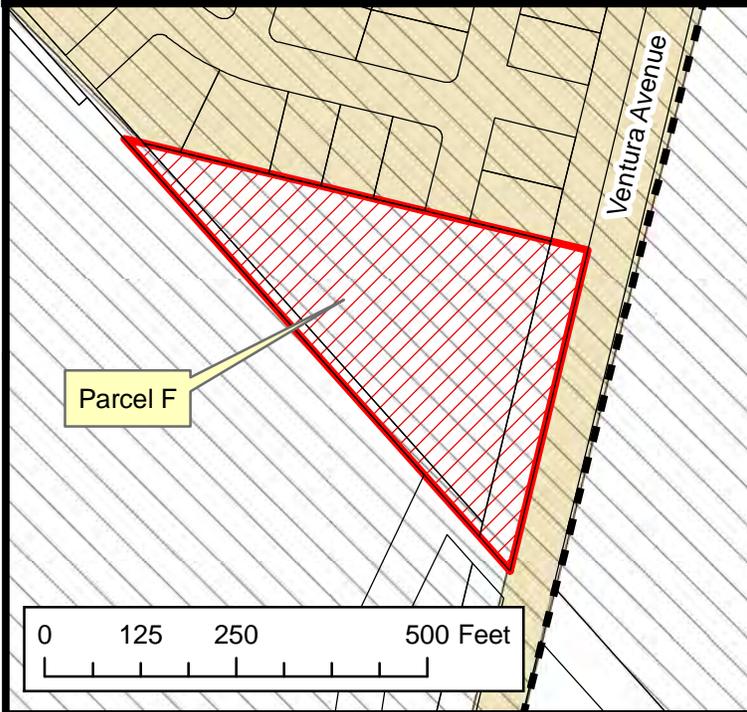
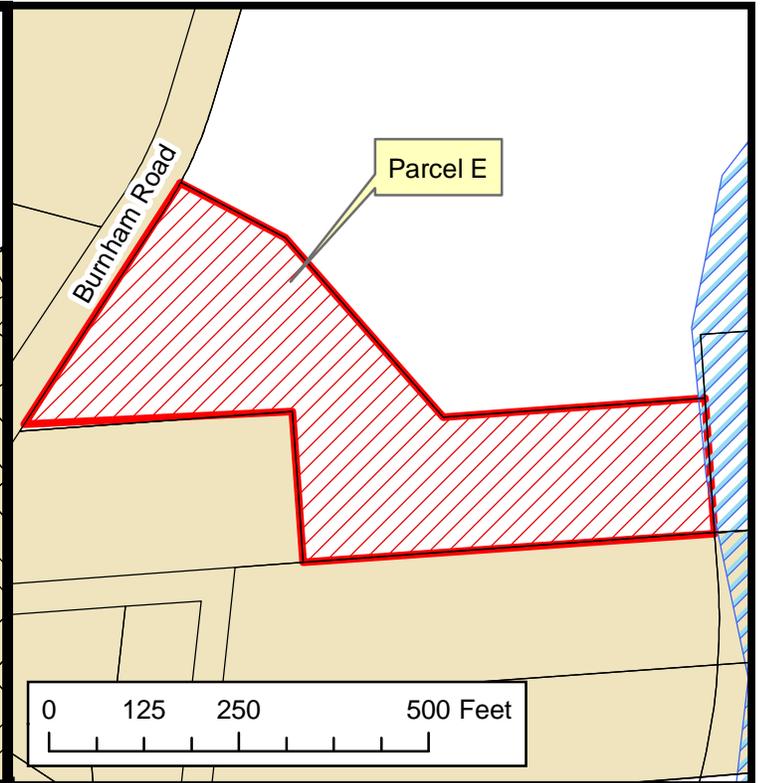
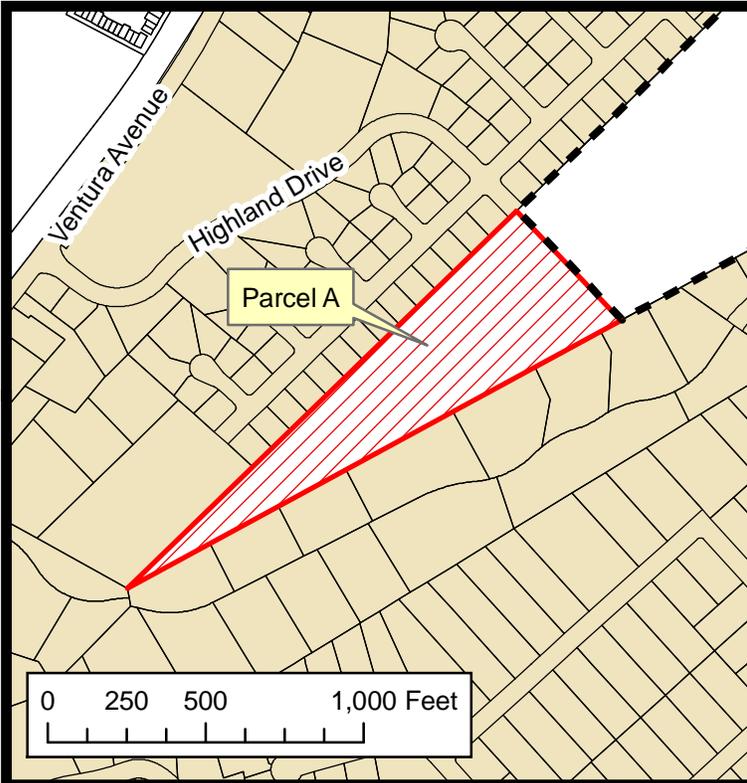


Legend

-  VRCWD
-  VRCWD Sphere - Current
-  Areas to be Detached

LAFCo 13-14
 Ventura River County Water District
 Reorganization - Boundary Cleanup
 Detachments





Legend

-  Ventura River County Water District
-  Ventura River County Water District Sphere
-  Areas to be Annexed
-  City of Ojai

LAFCo 13-14
Ventura River County Water District
Reorganization - Boundary Cleanup
Annexations

