



## PUBLIC HEARING ITEMS

8. City of Thousand Oaks – Rancho Potrero
- a. LAFCo 10-06S1 City of Thousand Oaks Sphere of Influence Amendment – Rancho Potrero Specific Plan
  - b. LAFCo 10-06S2 Conejo Recreation and Park District Sphere of Influence Amendment – Rancho Potrero Specific Plan
  - c. LAFCo 10-06 City of Thousand Oaks Reorganization – Rancho Potrero Specific Plan

To amend the spheres of influence for the City of Thousand Oaks and the Conejo Recreation and Park District in order to annex three parcels totaling approximately 326 acres to the City of Thousand Oaks and the Conejo Recreation and Park District and detach the same area from the Ventura County Resource Conservation District and County Service Area No. 32 to allow for the continued operation of an equestrian center and the preservation of open space. APNs: 694-0-060-305, -325, and -335. The parcels are located on the south side of Potrero Road at the intersections of Potrero Road/Rancho dos Vientos and Potrero Road/Via Andrea, southwest of the City of Thousand Oaks.

RECOMMENDED ACTION: Continue to September 15, 2010

9. Calleguas Municipal Water District – California Conservation Corp
- a. LAFCo 10-07S Calleguas Municipal Water District Sphere of Influence Amendment – California Conservation Corp
  - b. LAFCo 10-07 Calleguas Municipal Water District Annexation – California Conservation Corp

To amend the sphere of influence for the Calleguas Municipal Water District and annex approximately 17 acres to provide potable water service to a California Conservation Corps facility consisting of approximately 48,000 square feet of offices, classrooms, staff dormitory, storage, a kitchen, and dining facilities. APN: 147-0-050-215 located at 3200 Wright Road, Camarillo.

RECOMMENDED ACTION: Approval (A and B)

10. LAFCo 10-04S Ventura County Service Area No. 34 Municipal Service Review (MSR) and Sphere of Influence Establishment (Continued from June 9, 2010)
- a. Accept the Ventura County Service Area No. 34 MSR report, with any corrections and additions requested and accepted at the public hearing, authorize the Executive Officer to make other minor, non-substantive changes, and direct staff to prepare and distribute a final MSR Report titled *Ventura County Service Area No. 34*, including determinations adopted by the Commission.
  - b. Adopt a resolution relating to the Ventura County Service Area No. 34 Municipal Service Review approving statements of determinations as required by Government Code §56430.

- c. As lead agency, adopt a Negative Declaration determining that the preparation of a municipal service review and the establishment of a sphere of influence for Ventura County Service Area No. 34 will not have a significant effect on the environment.
- d. Adopt a resolution (LAFCo 10-04S) making determinations and establishing a sphere of influence for Ventura County Service Area No. 34.

RECOMMENDED ACTION: Approval (A, B, C and D)

- 11. LAFCo 10-08S Ventura County Service Area No. 3 Municipal Service Review (MSR) and Sphere of Influence Update (Continued from June 9, 2010)
  - a. Accept the Ventura County Service Area No. 3 MSR report, with any corrections and additions requested and accepted at the public hearing, authorize the Executive Officer to make other minor, non-substantive changes, and direct staff to prepare and distribute a final MSR Report titled *Ventura County Service Area No. 3*, including determinations adopted by the Commission.
  - b. Adopt a resolution relating to the Ventura County Service Area No. 3 Municipal Service Review approving statements of determinations as required by Government Code §56430.
  - c. Adopt a resolution (LAFCo 10-08S) making determinations and updating the sphere of influence for Ventura County Service Area No. 3

RECOMMENDED ACTION: Approval (A, B and C)

**ACTION ITEMS**

- 12. Santa Paula-Fillmore Greenbelt  
Adopt a resolution recognizing and endorsing revisions to the Santa Paula-Fillmore Greenbelt as revised by the County of Ventura and the Cities of Santa Paula and Fillmore.

RECOMMENDED ACTION: Approval

- 13. County of Ventura CEQA Initial Study Assessment Guidelines  
Discussion of LAFCo staff comments on the draft update of the County of Ventura Initial Study Assessment Guidelines and direction as appropriate.

RECOMMENDED ACTION: Discussion and Action

- 14. CALAFCO Board of Directors Nominations  
Authorize the Chair to submit nominations for the CALAFCO Executive Board, as approved by the Commission.

RECOMMENDED ACTION: Authorize the Chair to submit nominations

15. CALAFCO Awards Nominations

Authorize the Chair to submit nominations for the 2010 CALAFCO Awards, as approved by the Commission.

RECOMMENDED ACTION: Authorize the Chair to submit Nominations

**EXECUTIVE OFFICER'S REPORT**

Legislation update

Next Regular LAFCo Meeting September 15, 2010

CALAFCO conference October 6-8, 2010

**INFORMATIONAL ITEMS**

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

**WEB ACCESS:**

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

[www.ventura.lafco.ca.gov](http://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, 4<sup>th</sup> 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](http://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.

**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.

**MINUTES**

REGULAR MEETING

Wednesday, June 9, 2010, 9:00 A.M.

Hall of Administration, Board of supervisors' Hearing Room  
800 S. Victoria Avenue, Ventura

**Agenda Item 6**

1. Call to Order

Chair Long called the meeting to order at 9:00 A.M.

2. Pledge of Allegiance

Leroy Smith led the pledge of allegiance.

3. Roll Call

The Clerk called the roll. The following Commissioners and Alternates were present:

- Commissioner Cunningham
- Commissioner Lange
- Commissioner Long
- Commissioner Morehouse
- Commissioner Parvin
- Alternate Commissioner Hess
- Alternate Commissioner Pringle\*

\*As a result of a vacancy created by the death of Commissioner Lotts, Alternate Commissioner Pringle sat as a voting special district member.

4. Commission Presentations and Announcements

On behalf of the Commission, Chair Long presented Leroy Smith with a Certificate of Appreciation and thanked him for his assistance to the Commission since 2004.

5. Public Comments

There were no public comments.

COMMISSIONERS AND STAFF

**COUNTY:**

Kathy Long, Chair  
Linda Parks  
Alternate:  
Steve Bennett

**CITY:**

Carl Morehouse  
Janice Parvin  
Alternate:  
Thomas Holden

**SPECIAL DISTRICT:**

George Lange  
Vacant  
Alternate:  
Gail Pringle

**PUBLIC:**

Lou Cunningham, Vice Chair  
  
Alternate:  
Kenneth M. Hess

**Executive Officer:**  
Kim Uhlich

**Dep. Exec. Officer**  
Kai Luoma

**Office Mgr/Clerk:**  
Debbie Schubert

**Office Assistant**  
Martha Escandon

**Legal Counsel:**  
Leroy Smith

## CONSENT ITEMS

### 6. Minutes of the Ventura LAFCo May 19, 2010 Regular Meeting

MOTION: Approval as recommended: Parvin  
SECOND: Morehouse  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

## PUBLIC HEARING ITEMS

### 7. LAFCo Final Budget for FY 2010-11

Chair Long opened the public hearing. Kim Uhlich presented the staff report and introduced County Auditor-Controller staff member Kathleen O'Keefe who gave a brief presentation regarding the new GASB 54 requirements. With no one wishing to give public comment, Chair Long closed the public hearing.

MOTION: Approval as recommended (A & B): Morehouse  
SECOND: Lange  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

### 8. LAFCo Fee Schedule Update

Chair Long opened the public hearing. Kai Luoma presented the staff report. With no one wishing to give public comment, Chair Long closed the public hearing.

MOTION: Approval as recommended (A & B): Morehouse  
SECOND: Parvin  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

### 9. Sphere of Influence Review for Ventura County Service Areas Nos. 3, 4, & 14

Chair Long opened the public hearing. Kim Uhlich presented the staff report. With no one wishing to give public comment, Chair Long closed the public hearing.

MOTION: Approval as recommended (A) and Continue the Public Hearing for Ventura County Service Area No. 3 until July 21, 2010 (B): Lange  
SECOND: Cunningham  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle

AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

10. LAFCo 10-05S Ojai Valley Sanitary District - Sphere of Influence Update  
Chair Long opened the public hearing. Kim Uhlich presented the staff report.  
With no one wishing to give public comment, Chair Long closed the public hearing.

MOTION: Approval as recommended: Cunningham  
SECOND: Pringle  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

11. Ventura County Service Area No. 34 Municipal Service Review (MSR) Report and Sphere of Influence Establishment  
Chair Long opened the public hearing. Kim Uhlich recommended that the public hearing be continued to the July 21, 2010 meeting. There were no public comments.

MOTION: Continue the public hearing to the July 21, 2010 meeting:  
Parvin  
SECOND: Cunningham  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

## **ACTION ITEMS**

12. County of Ventura CEQA Initial Study Assessment Guidelines  
County Counsel Leroy Smith recused himself from advising the Commission on this matter as the Ventura County Counsel is also counsel for the County Agricultural Commissioner and Resource Management Agency.  
Kai Luoma presented the staff report and asked the Commission for direction.

MOTION: Direct Staff to forward comments in writing to the County Planning Division; provide a copy of the comments to the Commission, and to place the matter on the LAFCo July 21, 2010 agenda: Morehouse  
SECOND: Cunningham  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

13. Transfer of Unclaimed Trust Funds to Revenue

Kim Uhlich presented the staff report.

MOTION: Approval as recommended: Parvin  
SECOND: Pringle  
FOR: Cunningham, Lange, Long, Morehouse, Parvin, Pringle  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 6/0/0

\*Alternate Commissioner Pringle left the meeting to fulfill a prior obligation.

14. CALAFCO Bylaws Amendment Concerning Election of Board Members

Kim Uhlich presented the staff report.

MOTION: Approval as recommended: Morehouse  
SECOND: Parvin  
FOR: Lange, Long, Morehouse, Parvin  
AGAINST: Cunningham  
ABSTAIN: None  
MOTION PASSED 4/1/0

15. Tierra Rejada Greenbelt – Adopt a resolution recognizing and endorsing revision to the greenbelt.

Kim Uhlich presented the staff report.

MOTION: Approval as recommended: Cunningham  
SECOND: Morehouse  
FOR: Cunningham, Lange, Long, Morehouse, Parvin  
AGAINST: None  
ABSTAIN: None  
MOTION PASSED 5/0/0

## EXECUTIVE OFFICER'S REPORT

Kim Uhlich reported the status of the following legislative bills of interest to CALAFCO: AB 419, which supplements existing law to require cities and counties to place proposals approved by LAFCo and subject to election on the ballot in a timely manner; AB 853, which provides a mechanism for residents who live in disadvantaged communities to petition to a Board of Supervisors to be annexed to a city if the community is within an existing city sphere of influence and lacks wastewater, drinking water services, storm drainage, paved streets, sidewalks, or streetlights, or subject to a serious infrastructure-related health hazard; AB 2795, a CALAFCO-sponsored bill which makes various nonsubstantive changes to LAFCo law; SB 894, a Senate Local Government Committee Omnibus Bill that makes nonsubstantive changes to local government laws and contains one minor item related to LAFCo; and SB 1023, which is supported by CALAFCO, the Ventura LAFCo and the Montalvo Municipal Improvement District and would authorize LAFCo to approve an expedited reorganization of any resort improvement and municipal improvement district into a community services district. The next LAFCo meeting is July 21, 2010.

## COMMISSIONER COMMENTS

Commissioner Lange indicated that he would be seeking the advice of LAFCo Counsel regarding potential conflicts associated with the Commission's pending consideration of the Rancho Potrero reorganization proposal. Commissioner Lange encouraged the Commission to attend the next CALAFCO Board meeting scheduled to occur on **August 13** at Temescal Gateway Park in Pacific Palisades. Chair Long asked staff to send a written reminder with details about the meeting place and time. She also reminded the Commission to send in their Executive Officer performance evaluations as early as possible and that she would be absent at the July 21, 2010 LAFCo meeting.

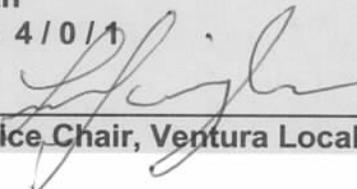
## ADJOURNMENT

Chair Long adjourned the meeting at 10:28 A.M.

**These Minutes were approved on July 21, 2010 with the UNDERLINED correction in COMMISSIONER COMMENTS:**

Motion: Lange  
Second: Parvin  
Ayes: Cunningham, Lange, Morehouse, Parvin  
Nos: None  
Abstains: **Freeman**  
Motion **Passes 4 / 0 / 1**

7-21-10  
Dated:

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



**STAFF REPORT**

Meeting Date: July 21, 2010  
(Consent)

**Agenda Item 7**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** Budget to Actual Report FY 2009-10: May, 2010

**RECOMMENDATION:**

Receive and file the Budget to Actual report for May, 2010

**DISCUSSION:**

The attached report reflects revenue and expenditures for May, 2010. No adjustments or transfers between expenditure objects or from contingencies are necessary or recommended.

Actual miscellaneous revenue from application fees (account code 9772) continues to fall well short of the budgeted amount. As staff indicated in the staff report for the Final Budget for FY 2010-11 presented at the June, 2010 LAFCo meeting, this is due to a fewer than anticipated applications being submitted. However, staff does not anticipate that this shortfall will require a transfer of revenue from the contingency account, but will be offset by actual expenditures falling below budgeted amounts. Staff will continue to keep the Commission updated regarding revenue and expenditure information through the remainder of the fiscal year.

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Elaine Freeman <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith

**STAFF REPORT**  
 Meeting Date: July 21, 2010

**Agenda Item 8**

**TO:** LAFCo Commissioners

**FROM:** Kim Uhlich, Executive Officer *KU*

**SUBJECT:** City of Thousand Oaks – Rancho Potrero

- a. LAFCo 10-06S1 City of Thousand Oaks Sphere of Influence Amendment – Rancho Potrero Specific Plan
- b. LAFCo 10-06S2 Conejo Recreation and Park District Sphere of Influence Amendment – Rancho Potrero Specific Plan
- c. LAFCo 10-06 City of Thousand Oaks Reorganization – Rancho Potrero Specific Plan

**RECOMMENDATION:**

Continue action on the subject applications to September 15, 2010.

**DISCUSSION:**

Following the publication of a notice of the public hearing for the subject applications for the July LAFCo meeting, staff learned that Commissioner Lange would be out of state in the latter half of July. As the proposal directly affects the sphere of influence and boundaries of the Conejo Recreation and Park District and Commissioner Lange is otherwise legally eligible to participate in the Commission’s decision regarding the subject proceedings, he requested that the item be continued to the September meeting. Pursuant to the information provided in the legal notice, this matter must be on the July agenda. It is therefore recommended that the Commission take action continue this matter to the September 15 LAFCo meeting.

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Elaine Freeman <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon	<b>Legal Counsel:</b> Leroy Smith



**Agenda Item 9**

**STAFF REPORT**

Meeting Date: July 21, 2010

**LAFCo CASE  
NAME & NO:**

- A. LAFCo 10-07S Calleguas Municipal Water District Sphere of Influence Amendment – California Conservation Corps
- B. LAFCo 10-07 Calleguas Municipal Water District Annexation – California Conservation Corps

**PROPOSAL:**

- A. LAFCo 10-07S – To amend the sphere of influence for the Calleguas Municipal Water District to include approximately 15 acres and portions of the Wright Road and Beardsley Road rights of way to allow for the site to be annexed.
- B. LAFCo 10-07 – To annex approximately 15 acres and portions of the Wright Road and Beardsley Road rights of way to the Calleguas Municipal Water District in order to provide water service to a California Conservation Corps facility approved by the State of California.

**SIZE:**

Approximately 17 acres (including rights of way)

**LOCATION:**

The site is located near the western corner of the intersection of Wright and Beardsley Roads, west of Camarillo.

The proposal area is within the boundaries of the United Water Conservation District, County Service Area No. 32, and the Fox Canyon Groundwater Management Agency.

**PROPONENT:**

The Calleguas Municipal Water District by resolution.

**NOTICE:**

This matter has been noticed as prescribed by law.

COMMISSIONERS AND STAFF

**COUNTY:**

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

**CITY:**

Carl Morehouse  
Janice Parvin  
*Alternate:*  
Thomas Holden

**SPECIAL DISTRICT:**

George Lange  
Elaine Freeman  
*Alternate:*  
Gail Pringle

**PUBLIC:**

Louis Cunningham, Vice Chair  
Vice Chair  
*Alternate:*  
Kenneth M. Hess

**Executive Officer:**  
Kim Uhlich

**Dep. Exec. Officer:**  
Kai Luoma

**Office Mgr/Clerk:**  
Debbie Schubert

**Office Assistant**  
Martha Escandon

**Legal Counsel:**  
Michael Walker

**PARCEL INFORMATION & PROPONENTS FOR PURPOSES OF THE CALIFORNIA POLITICAL REFORM ACT (FPPC):**

Assessor's Parcel Number	Property Address	Property Owner/Assessee
147-0-050-215	3200 Wright Road	State of California School for Girls

**RECOMMENDATION**

- A. Adopt the attached resolution (LAFCo 10-07S) making determinations and approving the Calleguas Municipal Water District Sphere of Influence Amendment – California Conservation Corps
  
- B. Adopt the attached resolution (LAFCo 10-07) making determinations and approving the Calleguas Municipal Water District Annexation – California Conservation Corps.

**BACKGROUND**

As the Commission is aware, staff from LAFCo, the California Department of General Services, and the Cities of Camarillo and Oxnard have been working for several years to address the need for domestic water and wastewater service for a newly constructed California Conservation Corps (CCC) facility located west of Camarillo. The facility consists of nine buildings totaling approximately 48,000 square feet. The buildings include offices, classrooms, a dormitory, a cafeteria, workshops, and equipment storage. Attachment 2 is an aerial photo of the facility taken earlier this year.

Since approximately 1978, the Cities of Camarillo and Oxnard has been providing water and wastewater service, respectively, to the adjacent Youth Correctional Facility, which is located on the same legal lot as the CCC facility. The City of Camarillo has determined that the provision of water to the CCC facility does not constitute a new or extended water service because the current demand from the CCC facility, when combined with the demand from the youth correctional facility, will not exceed the peak historical demand from the youth correctional facility. However, as part of the City of Camarillo's agreement with the Calleguas Municipal Water District (CMWD) to receive imported water from the Metropolitan Water District (MWD), all territory that receives water from the City must also be within the boundaries of both CMWD and MWD. The portion of the parcel on which the CCC is located is not within the boundaries of MWD and is not within the boundaries and sphere of influence of CMWD. Though LAFCo has no authority over the boundaries of the MWD, any changes to CMWD boundaries and sphere of influence must be approved by LAFCo. CMWD has submitted an application to MWD to annex the proposal area to MWD.

## GENERAL ANALYSIS

### 1. Land Use

Site Information:

Land Use		Zoning	County General Plan
Existing	Approved		
CCC Facility	CCC Facility	Agriculture Exclusive (AE) - 40 acre minimum lot size	Agricultural - 40 acre minimum lot size

The CCC facility is not an allowed use under the County's General Plan and zoning, however; due to the State's sovereign immunity, it is not subject to local land use plans and policies and is not required to seek approval of the project from the County.

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

Lands to the north, south, and east are used for agriculture and are designated by the County's General Plan as Agricultural. Residential development within the City of Camarillo is located approximately 1,000 feet east of the proposal area. The State of California's Ventura Youth Correctional Facility (formerly known as the School for Girls) is located immediately west of the proposal area on land designated by the General Plan as State or Federal Facility.

#### Topography, Natural Features and Drainage

The site is generally flat.

#### Conformity with Plans

The site and the CCC facility are owned and operated by the State of California. The State is not subject to local land use plans and policies.

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

#### Agricultural Land and Agriculture

The proposal area is not considered to be agricultural land or prime agricultural land as defined by LAFCo law. Govt. Code § 56016 defines "agricultural lands" as land that is either producing an agricultural commodity, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program, none of which apply to the proposal area.

For LAFCo purposes, "prime agricultural land" is defined by Govt. Code § 56064, and means, "land...that has not been developed for a use other than an agricultural

use...” The proposal area is developed with the CCC facility, a non agricultural use. In addition, the soils underlying the CCC facility are rated as “Grade Three - Fair” by the Storie Index. Only grades one and two are considered to be prime agricultural land.

The proposal will not result in the conversion of agricultural lands or prime agricultural land.

### Open Space

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

### **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 area is considered to be uninhabited.

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

The City of Camarillo currently provides potable water to the adjacent youth correctional facility via a water line along Wright Road. In order for the City to provide water service to the CCC, the facility must first be located within CMWDs service boundaries. The District, as well as the City, have represented that they both have the capacity to provide service to the proposal area. On-going maintenance and operational costs will be financed through user fees. There will be no change to any other existing services.

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

The proposal area includes approximately 15 acres of a 40-acre assessor parcel. The 40-acre assessor parcel and the abutting assessor parcel on which the youth correctional facility is located (APN 147-0-050-215) constitute a single legal lot of approximately 110 acres. The proposal area does not entirely conform to legal lot lines or lines of assessment. Commissioner’s Handbook Section 3.1.3.2 provides that “LAFCo shall modify, condition or deny proposals creating boundaries that are not definite and certain or do not conform to lines of assessment or ownership.” In addition, Section 4.1.2.2 provides, “Sphere of influence boundaries should coincide with lines of assessment or ownership.” However, pursuant to Sections 3.1.1.2 and 4.1.1.2, polices within the Handbook are not mandatory or binding. They are “general guidelines for the Commission to follow” that “shall be given great weight as a part of the Ventura LAFCo’s consideration of proposals.” The Commission may choose to waive one or more policies provided that there is a written record setting forth the reasons for the waiver.

The youth correctional facility is currently within the boundaries of the Calleguas MWD and has been receiving water from the City of Camarillo and sewer service from the City of Oxnard since approximately 1978, prior to the changes in state law that now require such out-of-agency services to receive LAFCo approval. The City of Camarillo has determined that the provision of water to the CCC facility does not constitute a new or extended water service because the demand from the CCC facility, when combined with the current demand from the youth correctional facility, will not exceed the peak historical demand from the youth correctional facility. If the overall demand were to exceed the historical peak, it would be considered an extended service which would be subject to LAFCo's approval of an out of agency service agreement. Because the City is authorized to provide water only to areas within Calleguas MWD's service boundaries, minimizing the proposal area to include only the territory underlying the CCC facility will ensure that only the two facilities at the site could be served, thus limiting overall demand at the site so that it remains below the historic peak demand.

The Commission may choose to approve the proposal subject to a condition that the proposal area be subdivided to create a new legal lot. However, if the proposal area were to be an independent legal lot, City of Camarillo staff have indicated that the City would likely consider the provision of water to it to be a new service. The City of Oxnard may also consider sewer service to a new lot to be a new service. Each new service would require an out of agency service agreement (OASA) approved by LAFCo. It appears that LAFCo would be unable to approve such requests because, in the absence of a threat to public health and safety, LAFCo may only approve an OASA if the property that is to receive the service is within the service provider's sphere of influence. Thus to approve an OASA for each city, the proposal area would need to be in the spheres of both cities simultaneously, which is contrary to the purpose of spheres of influence. In addition, the reason for discouraging the annexation of portions of lots is to avoid scenarios where lots are bisected by differing jurisdictional boundaries and/or assigned multiple tax rate areas. In this instance, the entire site will remain under state jurisdiction and the state is exempt from paying property taxes. Thus, little purpose would be served in subdividing the proposal area. Only if the state were to sell the undeveloped portions of the property to a non-public entity would a subdivision be necessary. The State has not indicated any plans to do so.

Finally, the Commission has, in the past, accommodated public agencies seeking LAFCo approval in order to construct public facilities. The wastewater treatment plants for the Cities of Santa Paula and Fillmore are recent examples where the Commission approved annexation requests that were not entirely consistent with LAFCo policies encouraging annexations to follow lines of ownership or assessment. For these reasons, staff recommends that the Commission waive policies 3.1.3.2 and 4.1.2.2 pursuant to policies 3.1.1.2 and 4.1.1.2.

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 is in progress but has not been completed as of the date this report was finalized. The attached Resolution includes a condition that predicates recordation of the proposal (completion of reorganization proceedings) upon the approval of an acceptable map and legal description.

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

The assessed land value of the subject parcel per the 2009-2010 tax roll is \$0.00. According to the County Assessor, upon annexation, the proposal area will go into an existing tax rate area.

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

The State Department of General Services is the lead agency under CEQA and in May 2001 approved a Mitigated Negative Declaration (MND) that addressed impacts associated with development of the CCC facility. On November 19, 2008, the Calleguas MWD adopted an addendum to the MND to add clarifying, non-substantive language to the water section. The MND document and addendum were previously distributed to the Commission under separate cover.

The MND identified potentially significant but mitigable impacts relating to air quality, geology and soils, and hazards/hazardous materials. It is recommended that the Commission review and consider the information in the MND and the addendum and adopt the Lead Agency's findings and mitigation measures (contained in Attachment 3) and the mitigation monitoring program (Attachment 4).

## **8. Regional Housing Needs**

No additional housing opportunities will be created or eliminated as a result of the proposal. The proposal will have no adverse effect on the fair share of the regional housing needs for the County.

## **9. Environmental Justice**

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 sewer service.

## **SPECIAL ANALYSIS**

### **Sphere of Influence Determinations**

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 State of California has approved and is nearing completion of the construction of a California Conservation Corps facility. The proposal will allow the provision of water service to the facility. The proposal will allow no changes to land use, zoning, or allowable uses on the site. No agricultural or open space lands will be adversely affected.

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

There is a need for water service, as the approved facility is nearing completion and potable water is required for it to be occupied.

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

The Calleguas Municipal Water District and the City of Camarillo have represented that each has the capacity to provide water service to the proposal area.

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

The Sphere of Influence Amendment applies only to the subject proposal area. The Sphere of Influence Amendment does not affect any social or economic community of interest.

**COMMISSION PROCEEDINGS – PROCESS CONSIDERATIONS**

An area is considered to be “uninhabited” if fewer than twelve registered voters reside within it. As no voters reside within the proposal area, it is considered uninhabited. Pursuant to Govt. Code §56663, in the case of uninhabited territory, the Commission may waive protest proceedings entirely if both of the following apply:

- All landowners within the affected territory have given written consent to the change of organization, and
- No subject agency has submitted written opposition to a waiver of protest proceedings

Written consent to the proposal from the State of California as the sole property owner has been provided. The only subject agency is Calleguas MWD and, as the applicant, is not expected to oppose the proposal. In consideration of these facts, if the Commission approves the proposal, it is recommended that the Commission waive protest proceedings. The attached resolution (10-07) contains the necessary language for such a waiver.

**ALTERNATIVE ACTIONS AVAILABLE:**

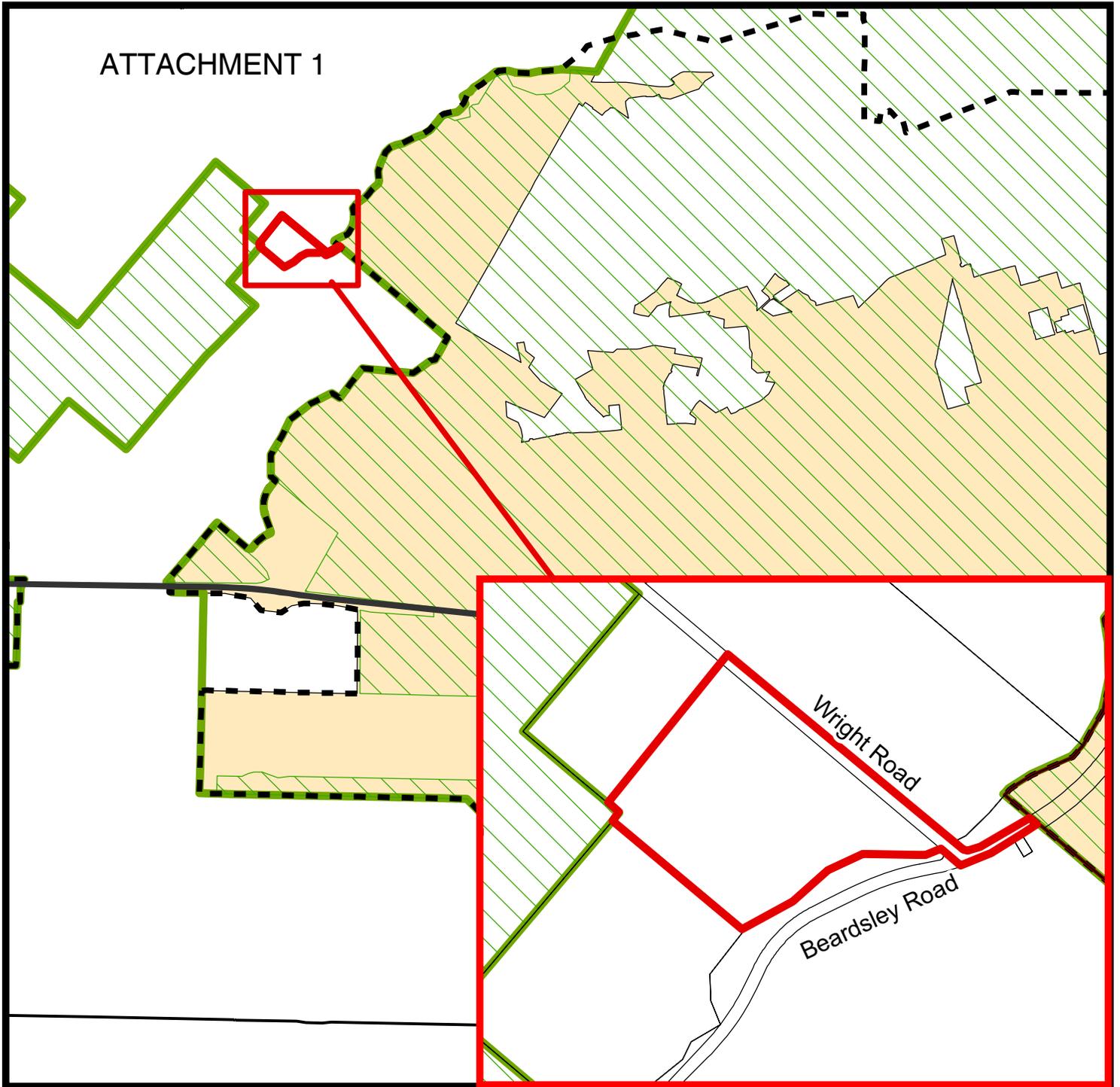
- A. If the Commission, following public testimony and review of the materials submitted, determines that further information is necessary, a motion to continue either the Sphere of Influence Amendment proposal or the Annexation proposal, or both, should state specifically the type of information desired and specify a date certain for further consideration. It should be noted that if the Sphere of Influence Amendment proposal is continued, the Annexation proposal cannot be approved.
- B. If the Commission, following public testimony and review of the materials submitted, determines that the boundaries of either the Sphere of Influence Amendment proposal or the Annexation proposal, or both, should be modified, or that either 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 Sphere of Influence Amendment proposal or the Annexation proposal, or both, 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. It should be noted that if the Commission denies the Sphere of Influence proposal, the Annexation proposal cannot be approved.

BY:   
Kai Luoma, AICP  
Deputy Executive Officer

- Attachments: (1) Vicinity Map \*  
(2) Aerial Map  
(3) Mitigated Negative Declaration  
(4) Mitigation Monitoring Program  
(5) LAFCo 10-07S Resolution  
(6) LAFCo 10-07 Resolution

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

ATTACHMENT 1



LAFCo 10-07S Calleguas Municipal Water District  
Sphere of Influence Amendment  
California Conservation Corps

**Legend**

-  Proposed Sphere of Influence
-  Calleguas Municipal Water Dist.
-  Calleguas MWD Sphere of Influence
-  City of Camarillo
-  Camarillo Sphere of Influence



ATTACHMENT 2



MITIGATED NEGATIVE DECLARATION

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**PROJECT TITLE:** CCC Camarillo Satellite Relocation/Construction Project

**LEAD AGENCY:** State of California, California Conservation Corps

**AVAILABILITY OF DOCUMENTS:** The Initial Study in support of this Mitigated Negative Declaration is available for review at the reference desk of the Ventura County Library – Camarillo Library branch, located at 3100 Ponderosa Drive in Camarillo, California. The public circulation period for this environmental documentation began on April 2, 2001 and ended on May 1, 2001. In addition, a public informational workshop was held on Tuesday, April 17, 2001 from 5:00 p.m. until 8:00 p.m. at the Camarillo Community Center, Rooms #1 and #2, located at 1605 Burnley Street in Camarillo.

**PROJECT DESCRIPTION:** The State of California, California Conservation Corps (CCC) proposes to construct a new satellite facility of approximately 48,600 square feet that would replace its existing satellite facility on the California State University Channel Islands campus. The proposed new facility would consist of an administration building, educational and recreational buildings, four residential buildings, a multi-purpose building, a hazardous materials storage building, and a warehouse. Additionally, development of the site would include about 60,000 square feet of paved surface for service and staging areas, walkways, driveways, and 50 parking spaces. The new facility would accommodate up to 104 corpsmembers and 35 employees.

**FINDINGS:** An Initial Study has been prepared to assess the potential effects of the proposed project on the environment and the significance of those effects. Based on the Initial Study, it has been determined that the proposed project would not have significant effects on the environment. This conclusion is supported by the following findings:

- The proposed project would have no impact on land use and planning, mineral resources, and population and housing. The proposed project also would not induce adverse levels of unanticipated growth or have a significant effect on fiscal resources.
- The proposed project would have a less than significant impact on aesthetics, agricultural resources, noise, public services, recreation, transportation/traffic, and utilities and service systems. Compliance with all applicable rules, regulations, permits, and standards would assure that impacts are less than significant for hydrology and water quality. Although the project is anticipated to have a less than significant impact on biological resources and cultural resources, contingency mitigation measures have been recommended in the event that any unforeseen potential impacts to those resources occur.
- Mitigation is required to address impacts related to air quality, geology and soils, and hazards and hazardous materials.

## MITIGATED NEGATIVE DECLARATION

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**MITIGATION MEASURES:** Mitigation measures that are recommended in the Initial Study checklist to minimize environmental impacts include the following:

### Air Quality

**AQ-1:** The CCC and its contractors will incorporate the following actions recommended by the VCAPCD for controlling NO<sub>x</sub> emissions from construction equipment and vehicles:

- Minimize equipment idling time.
- Maintain equipment engines in good condition.
- Phase construction activities to the extent feasible to minimize the amount of equipment operating at any one time, particularly during the smog season (i.e., May through October).
- If feasible, use construction equipment powered with alternative fuels, such as compressed natural gas, liquefied natural gas, or electricity.

**AQ-2:** The CCC and its contractors will incorporate the following actions recommended by the VCAPCD for controlling fugitive dust emissions from grading and excavation:

- Water the area to be graded or excavated before beginning grading or excavating. Use reclaimed water if available. To the extent practicable, water should penetrate sufficiently to reduce fugitive dust during grading.
- Cover truck loads of dirt leaving the site, as required by California Vehicle Code section 23114.
- Treat all graded and excavated material, and active portions of the construction site, including unpaved on-site roadways, to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering and application of environmentally-safe soil stabilization materials, as appropriate.
- Apply soil stabilization methods, such as watering and use of environmentally safe dust control materials, to portions of the site that are inactive for over four days.
- Sweep Wright Road at least once per day, preferably at the end of the day, if visible soil material is carried over to Wright Road.
- Cease grading during high winds, such as "Santa Ana" wind conditions.

## MITIGATED NEGATIVE DECLARATION

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### Geology and Soils

The following measures will be incorporated in order to reduce potential impacts from fault rupture:

- GEO-1:** The CCC will ensure that all project structures are located more than 50 feet away from the active fault traces identified on the May 1, 1998 Alquist-Priolo Earthquake Fault Zone Map for the Camarillo 7½-minute USGS quadrangle.
- GEO-2:** Prior to final engineering and design for the proposed project, the CCC will engage a geologist registered in the State of California to conduct a site-specific investigation of potential surface displacement through the project site. The purpose of this investigation will be to confirm the existence of and accurately identify the actual locations of active fault traces on the project site. If necessary, the CCC will revise the proposed project site layout after the fault traces have been accurately located and surveyed so that no structures are located within 50 feet of such fault traces.

### Hazards and Hazardous Materials

The CCC and its contractors shall do all of the following to prevent the exposure of construction workers to hazardous materials:

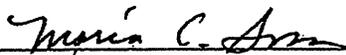
- HAZ-1:** Low Potential Sites: Low potential sites shall be reevaluated if construction parameters (i.e., excavation location and depth) vary significantly from the proposed design. In the event that project parameters are changed, the CCC shall reevaluate sites identified in the Site Assessment as having low impact potential to determine whether they should be reclassified as having moderate or high impact potential. A qualified and approved environmental consultant shall perform the review and evaluation.
- HAZ-2:** Discovery of Previously Unknown Contaminants: The CCC and its contractors will assign personnel to look for visual evidence of contamination during excavation. If visual contamination indicators are observed during construction, the contractor shall comply with all local, state, and federal requirements for sampling, testing, and subsequent removal, transport, and disposal of all hazardous materials. In the event that construction dewatering is required, the contractor shall comply with all applicable regulations and permit requirements. This may include laboratory testing, treatment of contaminated groundwater, or other disposal options.

## MITIGATED NEGATIVE DECLARATION

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A copy of the Initial Study is attached. Questions or comments regarding this Mitigated Negative Declaration and Initial Study may be addressed to:

María C. Sosa, Senior Environmental Planner  
Department of General Services  
Real Estate Services Division  
Professional Services Branch  
1102 "Q" Street, Suite 5100  
Sacramento, California 95814  
(916) 322-3522



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MARÍA C. SOSA, Senior Environmental Planner  
Department of General Services  
Real Estate Services Division  
Professional Services Branch

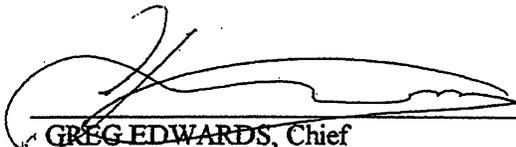
5/8/01

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Date

Pursuant to Section 21082.1 of the California Environmental Quality Act, the State of California, California Conservation Corps has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the proposed project and finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgement and analysis of the California Conservation Corps. The lead agency further finds that the project mitigation measures will be implemented as stated in the Mitigated Negative Declaration.

I hereby adopt this Mitigated Negative Declaration:



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GREG EDWARDS, Chief  
Financial Management Branch  
California Conservation Corps

5/9/01

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Date

**MITIGATION MONITORING PROGRAM**  
**FOR THE PROPOSED CALIFORNIA CONSERVATION CORPS**  
**CAMARILLO SATELLITE RELOCATION/CONSTRUCTION PROJECT**

SCH #2001041006

*Prepared for*

**State of California**  
**California Conservation Corps**

*Prepared at the Direction of*

**State of California**  
**Department of General Services**  
**Real Estate Services Division**  
**Professional Services Branch**

**APRIL 2001**

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## ***Introduction***

The California Environmental Quality Act (CEQA) requires that agencies adopting mitigated negative declarations take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during project implementation (Cal. Pub. Res. Code sec. 21081.6).

This *Mitigation Monitoring Program* will be used by California Conservation Corps (CCC) staff responsible for ensuring compliance with mitigation measures associated with the CCC Camarillo Satellite Relocation/Construction Project.

The *Final Initial Study – Mitigated Negative Declaration* for the proposed project identified measures to mitigate the adverse effects of the project in the areas of air quality, geology and soils, and hazards and hazardous materials.

The table below identifies the adverse impacts and mitigation measures by resource area and by project phase. The table also identifies the specific mitigation monitoring requirements, including the party responsible for implementing the mitigation, the implementation phase, the monitoring activity, the monitoring period, the frequency of monitoring, the party responsible for monitoring the mitigation, and any outside agency coordination.

## CCC Camarillo Satellite Relocation/Construction Project – Mitigation Monitoring Program

Resource	Adverse Impact	Mitigation Proposed			Monitoring Program				
		Mitigation	Responsible Party(ies)	Implementation Phase	Monitoring Activity	Monitoring Period	Frequency	Responsible Party(ies)	Outside Agency(ies)
Air Quality	Emissions of NOx associated with construction of the proposed project could exceed the VCAPCD threshold.	<p>AQ-1: The CCC and its contractor will incorporate the following actions recommended by the VCAPCD for controlling NOx emissions from construction equipment and vehicles:</p> <ul style="list-style-type: none"> <li>• Minimize equipment idling time.</li> <li>• Maintain equipment engines in good condition.</li> <li>• Phase construction activities to the extent feasible to minimize the amount of equipment operating at any one time, particularly during the smog season (i.e., May through October).</li> <li>• If feasible, use construction equipment powered with alternative fuels, such as compressed natural gas, liquefied natural gas, or electricity.</li> </ul>	CCC and Construction contractor	Bidding/ Contracting and Construction	Review bid documents Verify that mitigation measures are implemented as specified	Prior to release of bid documents and during construction	Once prior to release of bid documents, once prior to the issuance of the construction contract, and periodically during the construction period	CCC	VCAPCD

# CCC Camarillo Satellite Relocation/Construction Project – Mitigation Monitoring Program

Resource	Adverse Impact	Mitigation Proposed			Monitoring Program				
		Mitigation	Responsible Party(ies)	Implementation Phase	Monitoring Activity	Monitoring Period	Frequency	Responsible Party(ies)	Outside Agency(ies)
Air Quality cont'd.	Emissions of PM <sub>10</sub> associated with construction of the proposed project could affect nearby receptors.	<p>AQ-2: The CCC and its contractors will incorporate the following actions recommended by the VCAPCD for controlling fugitive dust emissions from grading and excavation:</p> <ul style="list-style-type: none"> <li>Water the area to be graded or excavated before beginning grading or excavating. Use reclaimed water if available. To the extent practicable, water should penetrate sufficiently to reduce fugitive dust during grading.</li> <li>Cover truck loads of dirt leaving the site, as required by California Vehicle Code section 23114.</li> <li>Treat all graded and excavated material, and active portions of the construction site, including unpaved on-site roadways, to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering and application of environmentally-safe soil stabilization materials, as appropriate.</li> <li>Apply soil stabilization methods, such as watering and use of environmentally safe dust control materials, to portions of the site that are inactive for over four days.</li> <li>Sweep Wright Road at least once per day, preferably at the end of the day, if visible soil material is carried over to Wright Road.</li> <li>Cease grading during high winds, such as "Santa Ana" wind conditions.</li> </ul>	CCC and Construction contractor	Bidding/ Contracting and Construction	Review bid documents Verify that mitigation measures are implemented as specified	Prior to release of bid documents and during construction	Once prior to release of bid documents, once prior to the issuance of the construction contract, and periodically during the construction period	CCC	VCAPCD

### CCC Camarillo Satellite Relocation/Construction Project – Mitigation Monitoring Program

Resource	Adverse Impact	Mitigation Proposed			Monitoring Program				
		Mitigation	Responsible Party(ies)	Implementation Phase	Monitoring Activity	Monitoring Period	Frequency	Responsible Party(ies)	Outside Agency(ies)
Geology and Soils	Preliminary research indicates that two traces of the Wright Road Fault may extend onto the southwest part of the project site.	<p>GEO-1: The CCC will ensure that all project structures are located more than 50 feet away from the active fault traces identified on the May 1, 1998 Alquist-Priolo Earthquake Fault Zone Map for the Camarillo 7½-minute USGS quadrangle.</p> <p>GEO-2: Prior to final engineering and design for the proposed project, the CCC will engage a geologist registered in the State of California to conduct a site-specific investigation of potential surface displacement through the project site. The purpose of this investigation will be to confirm the existence of and accurately identify the actual locations of active fault traces on the project site. If necessary, the CCC will revise the proposed project site layout after the fault traces have been accurately located and surveyed so that no structures are located within 50 feet of such fault traces.</p>	CCC	Design	Review final site plan	Design	Once prior to final engineering and design	CCC	Division of the State Architect (DSA)
			CCC	Design	Review findings of site-specific investigation	Design	Once prior to final engineering and design	CCC	DSA

# CCC Camarillo Satellite Relocation/Construction Project – Mitigation Monitoring Program

Resource	Adverse Impact	Mitigation Proposed			Monitoring Program			Outside Agency(ies) Department of Toxic Substances Control (DTSC)
		Mitigation	Responsible Party(ies)	Implementation Phase	Monitoring Activity	Monitoring Period	Frequency	
Hazards and Hazardous Materials	Although there appears to be a minimal risk that the proposed project would result in a significant hazard to the public from upset and accident conditions involving the release of hazardous materials into the environment, the potential for encountering previously unknown hazardous materials in soil or groundwater during construction, particularly excavation, exists for any project.	<p>HAZ-1: Low Potential Sites: Low potential sites shall be reevaluated if construction parameters (i.e., excavation location and depth) vary significantly from the proposed design. In the event that project parameters are changed, the CCC shall reevaluate sites identified in the Site Assessment as having low impact potential to determine whether they should be reclassified as having moderate or high impact potential. A qualified and approved environmental consultant shall perform the review and evaluation.</p> <p>HAZ-2: Discovery of Previously Unknown Contaminants: The CCC and its contractors will assign personnel to look for visual evidence of contamination during excavation. If visual contamination indicators are observed during construction, the contractor shall comply with all local, state, and federal requirements for sampling, testing, and subsequent removal, transport, and disposal of all hazardous materials. In the event that construction dewatering is required, the contractor shall comply with all applicable regulations and permit requirements. This may include laboratory testing, treatment of contaminated groundwater, or other disposal options.</p>	CCC	Design	Review project parameters in final site plan and specifications	Design	Once prior to final engineering and design	CCC
			CCC and Contractor	Construction	Observe excavation areas in the construction zone, and, if necessary, ensure compliance with regulatory requirements	Construction	Periodically during the excavation portion of the construction period	CCC and Contractor

## ATTACHMENT 5

### LAFCO 10-07S

#### **RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE CALLEGUAS MUNICIPAL WATER DISTRICT SPHERE OF INFLUENCE AMENDMENT – CALIFORNIA CONSERVATION CORPS**

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

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

WHEREAS, the proposal was duly considered on July 21, 2010; 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 documents, spheres of influence and applicable local plans and policies; and

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

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

WHEREAS, the Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the Calleguas Municipal Water District and within the affected territory, and the organization of local governmental agencies within Ventura County; and

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 July 21, 2010 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 State of California has approved and is nearing completion of the construction of a California Conservation Corps facility . The proposal will allow the provision of water service to the facility. The proposal will allow no changes to land use, zoning, or allowable uses on the site. No agricultural or open space lands will be adversely affected.

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

There is a need for water service, as the approved facility is nearing completion and potable water is required for it to be occupied.

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

The Calleguas Municipal Water District and the City of Camarillo have represented that each has the capacity to provide water service to the proposal area.

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

The Sphere of Influence Amendment applies only to the subject proposal area. The Sphere of Influence Amendment does not affect any social or economic community of interest.

- (3) The Commission determines that establishing a sphere of influence that includes only the territory occupied by the California Conservation Corps facility, not the entire parcel, will ensure that only the facility will receive water. Annexing only the facility will limit the overall water demand on the parcel, thereby ensuring that the expansion of water service to the California Conservation Corps facility is consistent with §56133 of the Government Code. Pursuant to Commissioner's Handbook Section 4.1.1.2, the Commission hereby waives Section 4.1.2.2, which encourages sphere of influence boundaries to coincide with lines of assessment or ownership.
- (4) The sphere of influence amendment for the Calleguas Municipal Water District is hereby approved, and the boundaries are established as generally set forth in the attached Exhibit A.
- (5) The subject proposal is assigned the following distinctive short form designation:  
**LAFCO 10-07S CALLEGUAS MUNICIPAL WATER DISTRICT SPHERE OF INFLUENCE AMENDMENT– CALIFORNIA CONSERVATION CORPS**

- (6) The Commission, as a responsible agency, has reviewed and considered the information contained in the Mitigated Negative Declaration for the California Conservation Corps Camarillo Satellite Relocation/Construction Project prepared for the California Conservation Corps by the State of California Department of General Services dated May 2001, the Addendum prepared by Calleguas Municipal Water District, as well as all comments received.
- (7) The Commission hereby adopts the findings of the State of California Department of General Services, mitigation measures, and mitigation monitoring program (Attachments 3 and 4 of the Staff Report).
- (8) 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).

This resolution was adopted on July 21, 2010.

AYES:

NOES:

ABSTAINS:

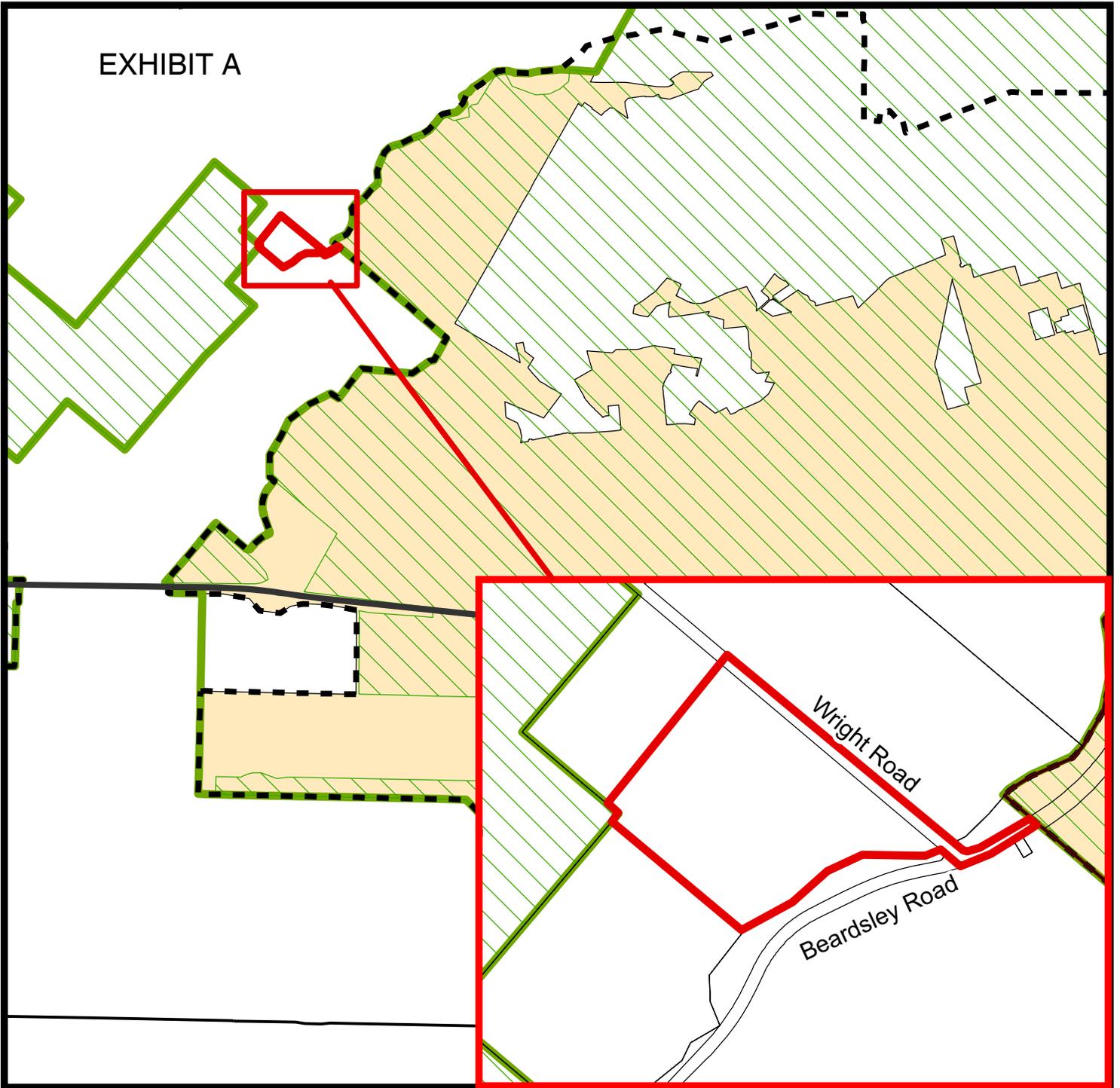
Dated: \_\_\_\_\_

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

Attachments: Exhibit A

Copies: Calleguas Municipal Water District  
State of California School for Girls  
Ventura County Surveyor  
Ventura County Planning

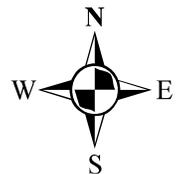
EXHIBIT A



LAFCo 10-07S Calleguas Municipal Water District  
Sphere of Influence Amendment  
California Conservation Corps

**Legend**

-  Proposed Sphere of Influence
-  Calleguas Municipal Water Dist.
-  Calleguas MWD Sphere of Influence
-  City of Camarillo
-  Camarillo Sphere of Influence



## **ATTACHMENT 6**

### **LAFCO 10-07**

#### **RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION – CALIFORNIA CONSERVATION CORPS**

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

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

WHEREAS, the proposal was duly considered on July 21, 2010; 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 documents, spheres of influence and applicable local plans and policies; and

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

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

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the Calleguas Municipal Water District 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 Mitigated Negative Declaration prepared by the Lead Agency; and

WHEREAS the Commission has found that the Mitigated Negative Declaration discloses impacts that are mitigated to a level of insignificance; and

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 July 21, 2010 are adopted.
- (2) The Commission determines that annexing only the territory occupied by the California Conservation Corps facility, not the entire parcel, will ensure that only

the facility will receive water. Annexing only the facility will limit the overall water demand on the parcel, thereby ensuring that the expansion of water service to the California Conservation Corps facility is consistent with §56133 of the Government Code. Pursuant to Commissioner's Handbook Section 3.1.1.2, the Commission hereby waives Section 3.1.3.2, which requires boundaries to conform to lines of assessment or ownership.

- (3) The annexation to the Calleguas Municipal Water District is hereby approved, and the boundaries are established as generally set forth in the attached Exhibit A.
- (4) The affected territory is uninhabited as defined by Government Code §56046.
- (5) The subject proposal is assigned the following distinctive short form designation: **LAFCo 10-07 CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION – CALIFORNIA CONSERVATION CORPS.**
- (6) The Commission, as a responsible agency, has reviewed and considered the information contained in the Mitigated Negative Declaration for the California Conservation Corps Camarillo Satellite Relocation/Construction Project prepared for the California Conservation Corps by the State of California Department of General Services dated May 2001, the Addendum prepared by Calleguas Municipal Water District, as well as all comments received.
- (7) The Commission hereby adopts the findings of the State of California Department of General Services, mitigation measures, and mitigation monitoring program (Attachments 3 and 4 of the Staff Report),.
- (8) 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).
- (9) The Commission waives conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have not submitted written opposition to the waiver of conducting authority proceedings [Government Code §56663].
- (10) This annexation shall not be recorded until all LAFCo fees have been paid and until fees necessary for filing with the State Board of Equalization have been submitted to the Executive Officer.**

This resolution was adopted on July 21, 2010.

AYES:

NOES:

ABSTAINS:

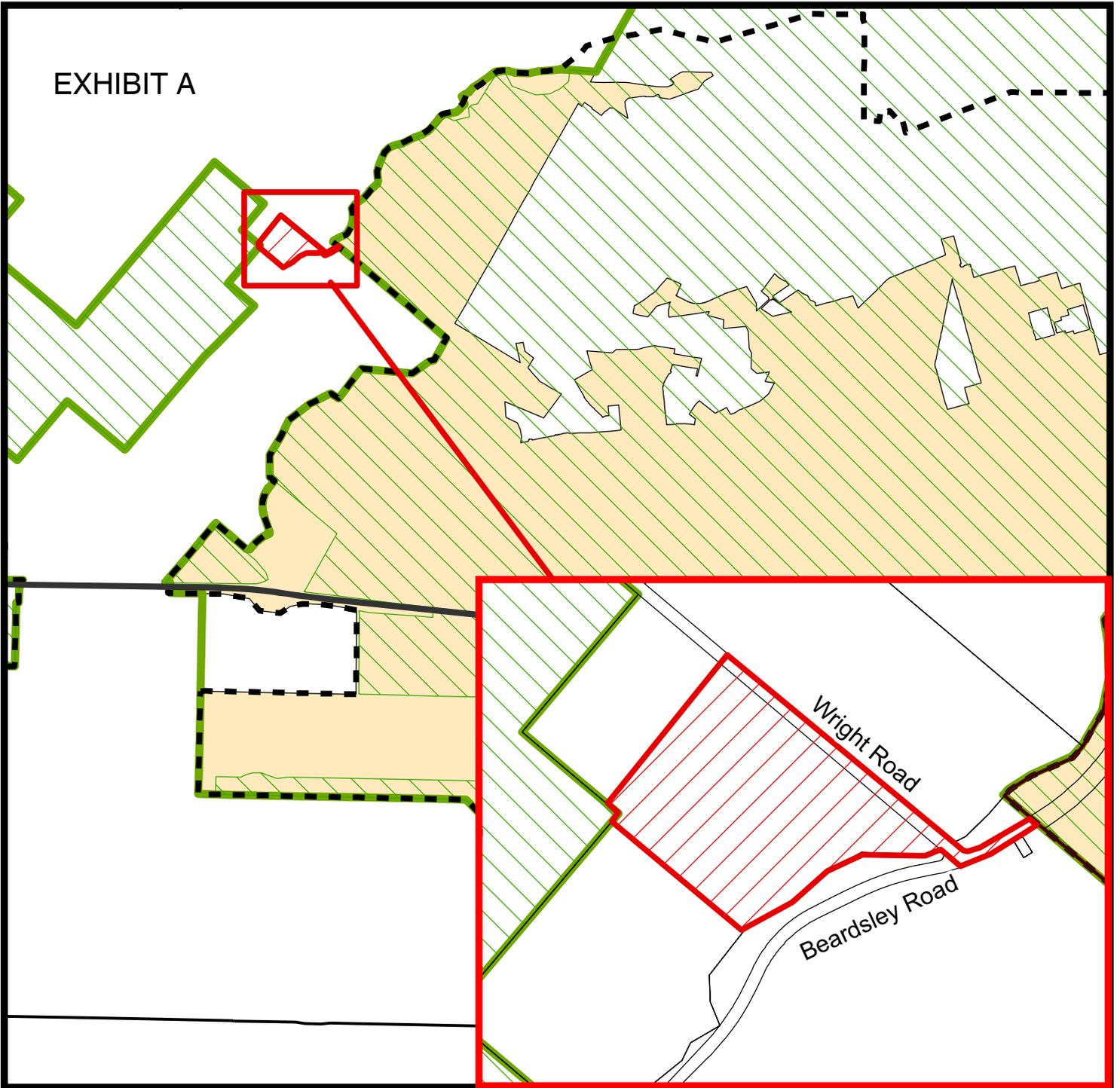
Dated: \_\_\_\_\_

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

Attachments: Exhibit A

Copies: Calleguas Municipal Water District  
State of California School for Girls  
Ventura County Assessor  
Ventura County Auditor  
Ventura County Surveyor  
Ventura County Planning  
Ventura County Elections – Registrar of Voters

EXHIBIT A



LAFCo 10-07 Calleguas Municipal Water District Annexation  
California Conservation Corps

**Legend**

-  Proposal Area
-  Calleguas Municipal Water Dist.
-  Calleguas MWD Sphere of Influence
-  City of Camarillo
-  Camarillo Sphere of Influence





**Agenda Item 10**

**STAFF REPORT**

Meeting Date: July 21, 2010

**TO:** LAFCo Commissioners

**FROM:** Kai Luoma, Deputy Executive Officer 

**SUBJECT:** County Service Area No. 34

- Municipal Service Review Report
- Establishment of a Sphere of Influence (LAFCo 10-04S)

**RECOMMENDATIONS:**

- A. Accept the County Service Area No. 34 Municipal Service Review report, with any corrections and additions accepted at the public hearing, authorize the Executive Officer to make other necessary non-substantive changes, and direct staff to prepare and distribute a final County Service Area No. 34 Municipal Service Review report.
- B. Adopt a resolution relating to the County Service Area No. 34 Municipal Service Review report making findings that the action is exempt under the “general rule” exemption of the California Environmental Quality Act (CEQA) Guidelines (§15061(b)(3)) and approving statements of determinations as required by Government Code §56430.
- C. Adopt a resolution (LAFCo 10-04S) making determinations and establishing the sphere of influence for County Service Area No. 34 and adopting a Negative Declaration.

**DISCUSSION:**

**Background:**

County Service Area No. 34 (CSA or CSA 34) was formed in 2005 in order to construct, operate, and maintain a sanitary sewer collection system for the communities of El Rio and Strickland Acres near the City of Oxnard. The impetus for the formation of CSA 34

**COMMISSIONERS AND STAFF**

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Elaine Freeman <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Louis Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess	
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer:</b> Kai Luoma, AICP	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant:</b> Martha Escandon	<b>Legal Counsel:</b> Michael Walker

was a determination by the California Regional Water Quality Control Board (RWQCB) in 1999 that the underlying groundwater basin was being contaminated by on-going use of individual sewage disposal systems. Pursuant to a RWQCB Resolution adopted the same year, new septic systems on lots under five acres in size are prohibited and discharges from existing septic systems on lots under five acres were prohibited beginning January 1, 2008.

In 2001, the County of Ventura prepared the *El Rio Area Sewer Collection and Disposal System Project Feasibility Report* (Feasibility Report) which concluded that the most feasible and preferred project to provide sanitary sewer service to the communities was a gravity sewer collection system connected to the City of Oxnard's wastewater collection and treatment system. Given the opposition of many community residents to the idea of annexing their lots to the City of Oxnard, the County requested approval from LAFCo to form a CSA that would provide for construction and operation, as well as the financing, of a sewer collection system. To provide for treatment of the wastewater, the City of Oxnard and the County entered into an agreement for the CSA collection system to connect to the City's nearest sewer trunk line in order to transport flow to the City's treatment facility. Based on a determination that annexation to the City was not feasible at any point in the near future, LAFCo approved both the formation of CSA 34 (LAFCo 05-19) and the service agreement between the City and County (LAFCo 05-20) on October 19, 2005.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code §56000 et seq.) mandates that each LAFCo conduct municipal service reviews ("MSRs" or "MSR") prior to or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence (SOI).

No sphere of influence was established for CSA 34 when it was formed. In order for LAFCo to establish a sphere of influence, it must conduct a MSR. However, because the CSA did not provide any services upon formation (the sewer collection system was not yet constructed), no service review could occur. Thus, establishment of the sphere of influence was postponed until services were provided. The CSA began construction of the wastewater collection system in March 2005. The project is now approximately 80 percent complete. Remaining phases are scheduled to be completed in 2011. Now that the CSA is providing service, a comprehensive service review can occur and a sphere of influence established.

#### The MSR Report

Pursuant to state law, the MSR process requires that the Commission prepare written statements with respect to six determinations. The analysis in the MSR (Attachment 1) is divided into six sections which correspond to the six determinations (see sections III.C. through III.H.). Each determination is summarized below (see the MSR for a full discussion of the determinations).

#### Staff Report

County Service Area No. 34 Municipal Service Review

County Service Area No. 34 Establishment of a Sphere of Influence

July 21, 2010

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1. *Growth and population projections for the affected area*

The MSR estimates that residential growth within the boundaries of the CSA will be limited to approximately 160 additional units, which represents approximately 675 people. Commercial and industrial growth potential is significant. It is estimated that the County General Plan would allow for an additional 3.6 million square feet of industrial and commercial development.

2. *Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies*

The Feasibility Report estimated wastewater flow at over 1 million gallons per day. However, using actual flow data provided by the CSA, it is estimated that once fully constructed, the collection system will collect and discharge approximately 490,000 gallons of wastewater per day into the City of Oxnard's collection system. Thus, adequate capacity will be available to accommodate the level of development allowed for under the County's General Plan.

3. *Financial ability of agencies to provide services*

The MSR estimates that upon completion of construction, wastewater flow will be approximately 490,000 gallons per day. The MSR also estimates that the CSA will have the financial ability to provide service as long as flow remains below 530,000 gallons per day, at which point either monthly user fees will need to be increased or levels of service reduced.

4. *Status of, and opportunities for, shared facilities*

The CSA discharges its wastewater into the City of Oxnard's collection system where it is conveyed to the City's treatment plant. The MSR identified no other opportunities for shared facilities.

5. *Accountability for community services needs, including governmental structure and operational efficiencies*

The County Board of Supervisors acts as the governing board for the CSA. Staff from County Public Works, Water and Sanitation Department serve as CSA staff. The CSA's budget is an independent operating fund of the County budget. The current management structure of CSA 34 is adequate to serve the present and future needs of the agency. No other more feasible government structure options were noted for the CSA.

6. *Any other matter related to effective and efficient service delivery, as required by commission policy*

No other matters were identified.

### Recommended Sphere of Influence Boundaries

The CSA's boundary abuts the City of Oxnard boundary to the southwest. The CSA boundary encompasses the developed areas within the unincorporated communities of El Rio and Strickland Acres, along with the industrial area west of Vineyard Avenue (see Map 1 in the attached MSR). LAFCo staff is recommending that the Commission establish a sphere of influence boundary that is, with one exception, coterminous with the CSA's current service boundary (see Map 2 in the MSR or Exhibit A of attached resolution 10-04S).

The one exception is a 120-acre parcel that abuts El Rio to the north owned by the United Water Conservation District (UWCD). All but approximately 3 acres of the parcel contain groundwater recharge basins with the balance of the property containing ancillary structures. A relatively small area, approximately 2 acres in size and located at the southeast corner of the property, is developed with a pump building, a shop, a lunch room and two employee residences. Four septic systems currently serve these structures. Staff from UWCD have expressed concerns about the effect that the continued use of the septic systems may have on groundwater quality and, therefore, wish to abandon the septic systems and annex the parcel to the CSA.

When the CSA was formed the boundary was established to coincide with the area that is subject to a RWQCB prohibition against the use of septic systems on all parcels less than five acres in size. Due to its size, UWCD's parcel is not subject to the septic system prohibition and, thus, was not included in the boundaries of the CSA. However, given that the parcel contains four septic systems concentrated in an approximately 2 acre area, annexation to CSA 34 and removal of the septic tanks would be consistent with the intent of the RWQCB prohibition, which is to eliminate high concentrations of septic systems. Because the site is comprised almost entirely of groundwater recharge basins owned and operated by a public agency, future urban development of the site is not likely. Including the parcel in the sphere of influence would therefore not promote premature urban development or conversion of agriculture or open space lands to urban uses. As such, public sewer service to the facility appears warranted. It is recommended that the sphere of influence include this parcel to accommodate UWCD's desire to annex to CSA 34.

Pursuant to Government Code Section 56425(e) it is recommended that the Commission consider and adopt written statements of its determinations with respect to each of the following:

- (a) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for CSA 34 has no impact on the present and planned land uses in the area. There will be no development, no change in land use and no impact to agricultural and open space lands as a result of the establishment of the sphere of influence. Although the sphere of

Staff Report

County Service Area No. 34 Municipal Service Review

County Service Area No. 34 Establishment of a Sphere of Influence

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influence will encompass one parcel that is not within the boundaries of the County Service Area, the parcel is owned by a public agency, designated as Open Space on the County General Plan Land Use Map, and primarily utilized for groundwater recharge basins. No new development is proposed or anticipated on this parcel in conjunction with the establishment of the sphere of influence.

- (b) *The present and probable need for public facilities and services in the area.* – No changes in public facilities or services provided by the CSA will result from establishment of the sphere of influence. The sphere of influence will accommodate the United Water Conservation District's wish to annex to the CSA so that it can abandon four septic systems which are contributing to groundwater contamination. Thus, there is a probable need for public sewer service for United's facility.
- (c) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The MSR determined that the collection system will utilize approximately half of its estimated capacity upon completion and is thus adequate to serve current and anticipated development within the CSA's boundaries. The recommended sphere of influence exceeds the CSA's current service boundary only to allow for the United Water Conservation District's facility to pursue annexation to the CSA in the future. If United's facility, which currently utilizes four septic systems, were to annex to the CSA, it will not significantly affect the capacity of the CSA's infrastructure or the adequacy of the services it provides.
- (d) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.* – The purpose of the CSA is to provide a public wastewater service to the communities of El Rio and Strickland Acres. Establishment of the sphere of influence will not affect the level of service that is currently provided to these communities nor will it exclude service to any other community of interest.

#### CEQA

The Ventura LAFCo is the lead agency under CEQA for municipal service reviews and establishment of spheres of influence. The Commission must therefore address CEQA requirements before taking any action on either the MSR or sphere of influence.

In staff's opinion it could easily be argued that the municipal service review action being recommended is not a project under CEQA in that the action will not result in a direct or reasonably foreseeable indirect physical change in the environment. Such a determination, however, would not result in any further public CEQA notice of action and potentially could be subject to challenge over an extended period of time. Thus,

staff recommends that the Commission take a more conservative approach by determining that the subject determinations are exempt from CEQA. This will result in the filing of a Notice of Exemption with the County Clerk and, significantly, the establishment of a 30-day deadline for filing legal challenges.

Staff, in conjunction with legal counsel, reviewed both the CEQA Guidelines and the CEQA discussion in the State Guidelines for municipal service reviews. Based on this review it is recommended that the Commission find that each of the recommended municipal service review determinations are exempt from CEQA under what is referred to as the “general rule” exemption. Specifically, CEQA Guidelines §15061(b)(3) provides that a project is exempt from CEQA if:

“The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The recommended resolution relating to the CSA 34 MSR (Attachment 2) contains a finding that the action is exempt from CEQA based on this “general rule” exemption.

The establishment of a sphere of influence for CSA 34 is not exempt from CEQA and is subject to the preparation of an environmental document. Staff prepared an initial study which concluded that the establishment of a sphere of influence will not result in any potentially significant impacts to the environment and a Draft Negative Declaration (ND) was prepared. The ND and initial study were provided to the Commission under separate cover. The ND was circulated for public review between May 16, 2010 and June 7, 2010. No comments were received. The recommended resolution relating to the establishment of the CSA’s sphere of influence and adoption of the ND (Attachment 3) contains a finding that the action will not result in any significant impacts to the environment.

#### MSR Review and Comments

Much of the factual data for the MSR was provided by staff from the County Water and Sanitation Department. Their assistance in reviewing the administrative draft MSR and providing detailed comments was invaluable and appreciated by LAFCo staff.

Responding to a public notice provided by LAFCo staff, the El Rio Municipal Advisory Council (MAC) requested information about the establishment of the CSA sphere of influence. Staff prepared a brief report for the MAC outlining the purpose of the MSR and sphere of influence. The MAC has expressed no concerns regarding the establishment of the sphere, but invited staff to attend the MAC’s July 15 meeting to discuss the MSR and establishment of the sphere of influence.

#### Staff Report

County Service Area No. 34 Municipal Service Review

County Service Area No. 34 Establishment of a Sphere of Influence

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There may be changes, corrections and/or additions to the MSR report and/or the determinations that may be presented between the drafting of this staff report and the close of the public hearing on July 21. It is recommended that any such changes that the Commission finds appropriate be included as a part of the action to accept the service review report and included in the resolution adopting the determinations. After action by the Commission a final report will be prepared reflecting all the changes, corrections and additions noted, plus any minor, non-substantive changes the Executive Officer is authorized to make (corrections of typos, etc.).

- Attachments:
- (1) Municipal Service Review – County Service Area No. 34
  - (2) Resolution adopting CEQA exemption and making determinations for the County Service Area No. 34 municipal service review and approving statements of determinations
  - (3) Resolution LAFCo 10-04S making determinations and establishing the sphere of influence for County Service Area No. 34



Ventura  
Local Agency Formation Commission

# MUNICIPAL SERVICE REVIEW

VENTURA COUNTY SERVICE AREA NO. 34

Public Draft

*Prepared By*

**Ventura Local Agency Formation Commission**  
800 South Victoria Avenue  
Ventura, California 93009-1850

**Considered by the Commission**  
**July 21, 2010**

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## I. EXECUTIVE SUMMARY

A county service area (CSA) is a type of local government which is similar to a special district and governed by the County Board of Supervisors. Typically, CSAs are formed to provide one or more enhanced or extended services that a county does not provide to the same extent on a countywide basis. This report addresses CSA No. 34.

CSA 34 was formed in 2005 in order to construct, operate, and maintain a sanitary sewer collection system for the unincorporated communities of El Rio and Strickland Acres north of the City of Oxnard. In 1999, the California Regional Water Quality Control Board determined that septic systems in the area were contaminating groundwater and, as a result, imposed prohibitions on new private septic systems and on the continued use of existing septic systems beginning January 1, 2008. The CSA was formed to provide property owners with public sewer service.

The law governing Local Agency Formation Commissions (“LAFCo”) requires LAFCo to carry out its responsibilities for planning and shaping the logical and orderly development of local governmental agencies by determining the sphere of influence of each local agency in the county. A sphere of influence is defined as a plan for the probable physical boundaries and service area of a local agency. No sphere of influence was established for CSA 34 when it was formed. In order for LAFCo to establish a sphere of influence, it must conduct a comprehensive service review. However, because the CSA did not provide any services upon formation (the sewer collection system was not yet constructed), no service review could occur. Thus, establishment of the sphere of influence was delayed until services were provided. The CSA began construction of the wastewater collection system in March, 2005. As of the date of this report, the sewer collection system is approximately 80 percent complete. Remaining phases are scheduled to be completed in 2011. Now that the CSA is providing service, a comprehensive service review can occur and a sphere of influence established.

The service review report must include an analysis of the issues and written determinations for each of following:

- Growth and population projections for the affected area
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies
- Financial ability of agencies to provide services
- Status of, and opportunities, for shared facilities
- Accountability for community services needs, including governmental structure and operational efficiencies
- Any other matter related to effective and efficient service delivery, as required by commission policy

The service review process for the CSA began in late 2009. A multi-part questionnaire was sent to the CSA requesting data on quantitative, qualitative, and boundary issues. Additional information was obtained via meetings, e-mail exchanges and phone conversations between LAFCo and CSA staff.

If trends over the past 20 years continue, population growth within the CSA is expected to be relatively flat. Based on the County General Plan, residential development potential is limited. However, industrial, commercial, and institutional development potential is substantial.

A preliminary Feasibility Study prepared in 2001 estimated that the service area would generate a total of approximately 1 million gallons of wastewater per day upon completion of construction. Now that portions of the collection system are complete and flow volume can be measured, the actual

volume is well below that estimated in the feasibility study. Revised estimates based on measured flow are approximately 490,000 gallons per day.

If future wastewater flows should increase to the levels anticipated in the feasibility study, it appears that the CSA's infrastructure would not have the capacity to accommodate anticipated growth within the CSA boundary. If ultimate flows remain at approximately 490,000 gallons per day, the infrastructure is anticipated to be adequate to accommodate future growth.

The CSA discharges its wastewater into the City of Oxnard's collection system where it is conveyed to the City's treatment plant. The City charges the CSA fees for conveyance and treatment of the wastewater. These fees are determined by the volume of wastewater that the CSA discharges into the City's system. At the anticipated rate of approximately 490,000 gallons per day, revenue from user fees will be adequate to cover costs. However, if volume exceeds approximately 530,000 gallons per day, revenues will not be adequate to cover CSA costs and user fees will likely need to be increased or the level of service reduced.

No significant issues regarding the sharing of facilities, governmental structure, and operational efficiencies were noted. With one exception, the sphere of influence should be established coterminous with the CSA boundaries. The exception is a parcel owned by the United Water Conservation District (United), the primary use of which is groundwater recharge pits. The parcel contains a cluster of ancillary buildings that are served by four septic systems. Concerned about groundwater quality, United desires annexation to the CSA in order to receive public sewer service to enable the removal of the septic systems. Including this parcel in the sphere of influence would allow for future annexation.

## II. INTRODUCTION

The law governing Local Agency Formation Commissions (“LAFCo”) requires LAFCo to carry out its responsibilities for planning and shaping the logical and orderly development of local governmental agencies by determining the sphere of influence of each local agency in the county. A sphere of influence is defined as a plan for the probable physical boundaries and service area of a local agency. No sphere of influence can be prepared or updated, however, unless the LAFCo first conducts a municipal service review. California Government Code §56430 provides that municipal service reviews (“service reviews” or “MSRs”) consist of written determinations relating to the following six factors:

1. Growth and population projections for the affected area
2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies
3. Financial ability of agencies to provide services
4. Status of, and opportunities, for shared facilities
5. Accountability for community services needs, including governmental structure and operational efficiencies
6. Any other matter related to effective and efficient service delivery, as required by commission policy

It is important to note that municipal service reviews are:

- The written determinations adopted by a LAFCo for the services provided by cities and special districts. LAFCo service review reports are essentially only studies with recommended determinations for each of the six factors.
- Not applicable to counties (except for special districts governed by a county board of supervisors), and not applicable to private providers of public services, such as private for profit or non-profit health care providers or private companies regulated by the Public Utilities Commission. This is because service reviews are based on the preparation or review and update of spheres of influence and LAFCos do not establish spheres of influence for counties or private service providers.
- Not investigations. While authorized to prepare studies relating to their role as boundary agencies, LAFCos have no investigative authority.

As required by Government Code §56430, the Governor’s Office of Planning and Research (OPR) adopted advisory guidelines for municipal service reviews. Because of the timing of the issuance of the guidelines and widely varying local circumstances, each LAFCo in the state is following its own process and procedures for meeting the municipal service review mandate.

The process used to prepare this service review report involved a multi-part questionnaire that the agency was requested to complete. The application focused on general information about the agency (contact information, governing body, financial, etc.) and on service specific data. The questionnaire was the basis for much of the information in the service review report. Additional information was obtained via meetings, e-mail exchanges, and phone conversations between LAFCo and CSA staff.

### III. SERVICE REVIEW

#### A. Background

##### General

A county service area (CSA) is a type of local government which is similar to a special district and governed by the County Board of Supervisors. CSAs are formed and operate pursuant to the County Service Area Law (Government Code Section 25210 et seq.). Typically, CSAs are formed to provide one or more enhanced or extended services that a county does not provide to the same extent on a countywide basis. CSAs can be formed to include unincorporated territory and, with the consent of an affected city, territory within the boundaries of a city.

Subject to LAFCo approval, CSAs may provide any governmental services and facilities within the CSA which the county is authorized to perform and which the county does not perform to the same extent on a countywide basis, including, but not limited to: police protection, fire protection/emergency services, park and recreation services, library services, water supply, sewer services, road maintenance and sweeping, street landscaping/lighting services, solid waste collection/disposal, animal control, transportation, garbage/refuse collection, emergency medical services, and weed and rubbish abatement. Within CSAs the Board of Supervisors can levy special taxes, assessments, and property based fees.

##### Formation

County Service Area No. 34 (CSA 34) was formed in 2005 in order to construct, operate, and maintain a sanitary sewer collection system for the communities of El Rio and Strickland Acres near the City of Oxnard. The impetus for the formation of CSA 34 was a determination by the California Regional Water Quality Control Board (RWQCB) in 1999 that the underlying groundwater basin, known as the Oxnard Forebay, was being contaminated by pathogens and nitrogen compounds due to the on-going use of individual sewage disposal systems. Pursuant to a RWQCB Resolution adopted the same year, new septic systems on lots under five acres in size are prohibited and discharges from existing septic systems on lots under five acres were prohibited beginning January 1, 2008.

In 2001, the County of Ventura prepared the *El Rio Area Sewer Collection and Disposal System Project Feasibility Report* which concluded that the most feasible and preferred project to provide sanitary sewer service to the communities was a gravity sewer collection system connected to the City of Oxnard's wastewater collection and treatment system. Given the opposition of community residents to the idea of annexing their lots to the City of Oxnard, the County requested approval from LAFCo to form a CSA that would provide for construction and operation, as well as the financing, of a sewer collection system. To provide for treatment of the wastewater, the City of Oxnard and the County entered into an agreement for the CSA collection system to connect to the City's nearest sewer trunk line in order to transport flow to the City's wastewater treatment facility. Based on a determination that annexation to the City was not feasible at any point in the near future, LAFCo approved both the formation of CSA 34 (LAFCo 05-19) and the service agreement between the City and County (LAFCo 05-20) on October 19, 2005.

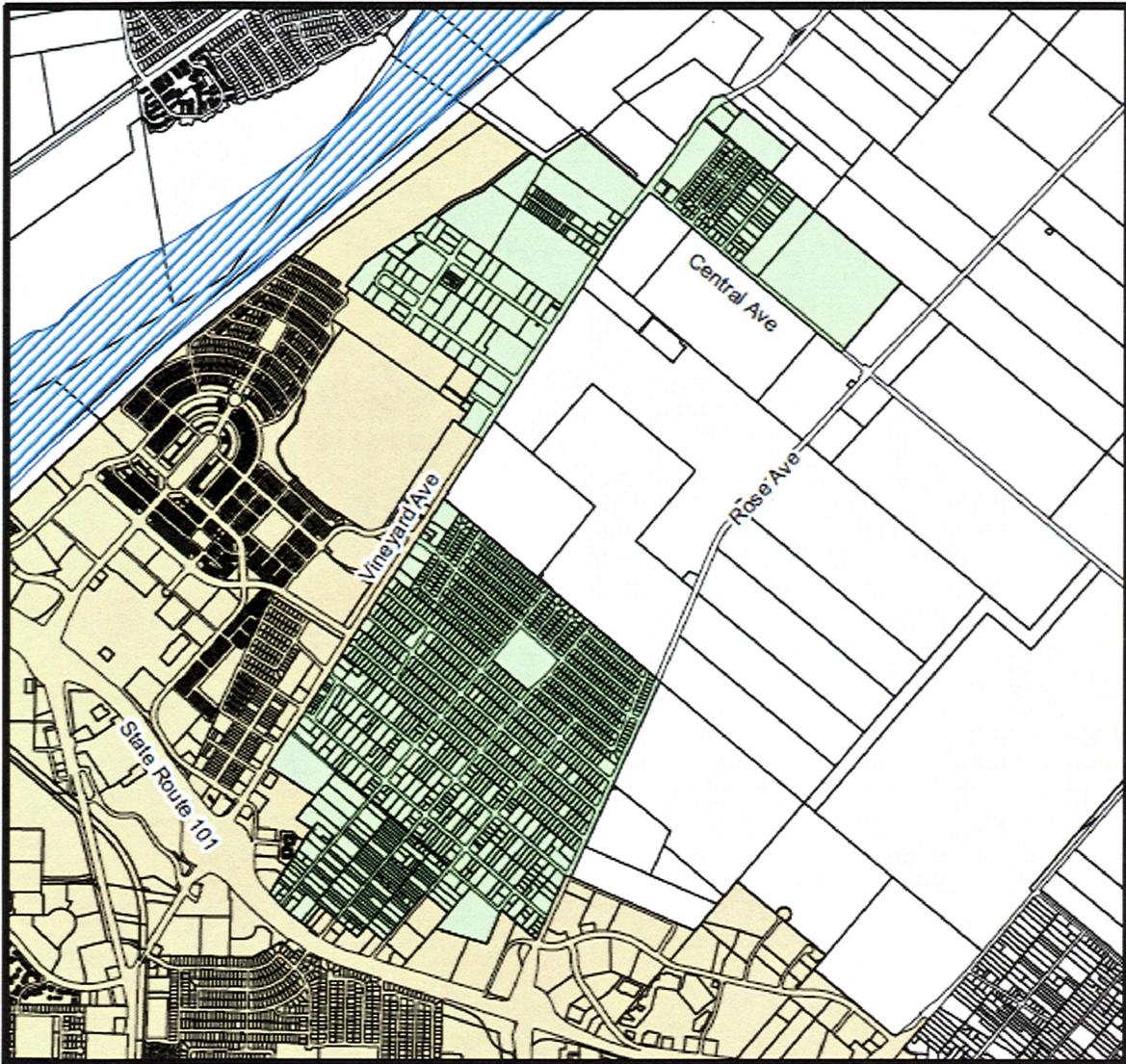
##### Service Area Boundaries

The CSA serves three distinct unincorporated areas north of the City of Oxnard (see Map 1). The largest of the three areas is the El Rio community, which is bounded by the City of Oxnard to the south, Vineyard Avenue to the west, Rose Avenue to the east, and groundwater recharge ponds and agricultural lands to the north. The second area is the Strickland Acres community bordering Central Avenue and Strickland Drive east of Vineyard Avenue, including Rio Mesa High School. The third area is located west of Vineyard Avenue in the industrial area near Montgomery Avenue, Lambert Street and Beedy Street, and includes the Ventura County Juvenile Facilities Complex.

**Sphere of Influence**

No sphere of influence was created at the time the CSA was formed. The reason for this was that LAFCo is required to conduct a municipal service review “before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence” (Government Code Section 56430(c)). MSR’s are comprehensive reviews of an agency’s service capabilities. CSA 34 had no service capabilities when it was formed because the wastewater collection infrastructure had not yet been constructed. As such, there would have been little information available upon which to base a MSR. The CSA has since constructed much of its collection system, with the remaining phase currently under construction and due to be completed in mid 2011. Now that the CSA is nearing completion of its service infrastructure, its current and future service capabilities are known and the preparation of a MSR and establishment of a sphere of influence is warranted.

Map 1



County Service Area No. 34



**Legend**

-  CSA 34
-  City of Oxnard
-  Santa Clara River



**B. Agency Profile**

<b>County Service Area No. 34</b>	
<b>Contact</b>	Cefe Munoz
<b>Mailing Address</b>	6767 Spring Road, Moorpark, CA 93020
<b>Site Address</b>	6767 Spring Road, Moorpark, CA 93020
<b>Phone Number</b>	(805) 378-3020
<b>Fax Number</b>	(805) 529-7542
<b>Email/Website</b>	Cefe.Munoz@ventura.org
<b>Services</b>	
<b>Types of Service</b>	The CSA is authorized to construct, operate, and maintain a sanitary sewer collection system. No other service is authorized.
<b>Governance</b>	
<b>Date Formed</b>	October 19, 2005
<b>Governing Authority</b>	County Board of Supervisors.
<b>Area &amp; Size Information</b>	
<b>Area (approximate)</b>	817 acres
<b>Number of Assessor Parcels</b>	1,486
<b>Current Number of RUEs* Served/Assessed</b>	800 (approx.)
<b>Total Number of RUEs* to be Served/Assessed</b>	1,550 (approx.)
<b>Service Charge per RUE</b>	\$37 per month
<b>Estimated Population</b>	6,193
<b>Staff**</b>	
<b>Executive Management</b>	1
<b>Professional &amp; Support</b>	25
<b>Operations</b>	10
<p>* Residential Unit Equivalent – The equivalent of one single family residence.</p> <p>** CSA 34 is operated by Ventura County Public Works Agency, Water and Sanitation Department staff. The duties associated with each of the positions listed encompass projects and facilities other than CSA 34. The work schedule associated with each position is therefore significantly fewer than 40 hours per week.</p>	

**Agency Profile (continued)**

<b>Summary Financial Information</b>				
<b>Revenue</b>	<b>FY 2008-2009</b>		<b>FY 2009-2010</b>	
<b>Property Taxes</b>	--	--	--	--
<b>Special Tax/Assessments</b>	\$154,232	1.7%	\$166,500	0.70%
<b>Service Charges/Fees</b>	\$33,472	0.4%	\$626,400	2.40%
<b>State Aid/Grants</b>	\$4,668,089	50.4%	\$10,000,000	39.40%
<b>Federal Aid/Grants</b>	\$956,569	10.3%	--	--
<b>Penalties/interest</b>	\$20,630	0.2%	\$13,400	0.05%
<b>Proceeds of LT Debt</b>	\$3,427,695	37.0%	\$14,600,000	57.50%
<b>Other (misc)</b>	\$983	0.0%	--	--
<b>Total Revenue</b>	\$9,261,670		\$25,406,300	

<b>Expenditures</b>	<b>FY 2008-2009</b>		<b>FY 2009-2010</b>	
<b>Services &amp; Supplies</b>	\$134,064	2.0%	\$4,390,100	17.0%
<b>Sewer Construction</b>	\$6,768,677	97.0%	\$21,000,000	80.0%
<b>Contingencies</b>	--	--	\$748,166	2.5%
<b>Other</b>	\$90,481	1.0%	\$140,600	0.5%
<b>Total Operating &amp; Non-Operating Expenditures</b>	\$6,993,222		\$26,278,866	

<b>Total Revenue Over Total Expenditures</b>	\$2,268,448	-\$872,566*
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\* The deficit of \$872,566 in the budget pertains to the Net District Cost and is not a deficit to the overall budget. A Net District Cost relates to the amount of fund balance that will be used to cover the difference between anticipated revenues and expenditures.

## C. Growth and Population Projections

### Current Population

The El Rio Census Designated Place (CDP) is comprised of the communities of El Rio and Strickland Acres, as well as the agricultural area encompassed by the northern boundary of El Rio, Vineyard Avenue, Central Avenue, and Rose Avenue. Though Rio Mesa High School (adjacent to Strickland Acres) and the industrial area located west of Vineyard Avenue are within the boundaries of the CSA, they are outside of the El Rio CDP. However, as there is no residential development on either the high school property or within the industrial area, their exclusion from the CDP should not impact population projections within the CSA based on the CDP.

In 1990, the US Census Bureau estimated that the population of the EL Rio CDP was 6,419. In 2000, it estimated that there were 1,491 residential units in the CDP with a population of 6,193. In 2009, the County of Ventura Planning Division estimated the population of the unincorporated area of the County by dividing it into a series of zones. Population estimates were based on the number of residential units in each zone. The two zones in the El Rio community were estimated to contain 1,376 residential units with an average of 3.25 persons per unit. No estimate specific to Strickland Acres is available, as it was included within a different, larger zone. Using 2009 aerial photography to count residential units, there appears to be 123 residential units in Strickland Acres. The County estimated an average of 5.7 people per unit in this zone. Table III-1 below outlines recent population estimates from the U.S. Census and the County of Ventura.

**Table III-1  
Census and County Estimates of the  
Number of Residential Units, Average Persons  
per Unit, and Population for 1990, 2000, and 2009**

Data Source	No. of Residential Units	Average No. of Persons per Household/Unit	Estimated Population
Census 1990 – El Rio CDP	Unavailable	Unavailable	6,419
Census 2000 – El Rio CDP	1,491	4.22	6,193*
County 2009			
El Rio	1,376	3.25	4,472
Strickland Acres	123	5.70	701
	<b>Total 1,499</b>	<b>Average 4.48</b>	<b>Total 5,173</b>

\* Based on 1,467 occupied units

Based on Census estimates, the population in the El Rio CDP decreased by 3.5% between 1990 and 2000. Comparing the most recent Census population data for 2000 with those of the County of Ventura for 2009, the estimated number of residential units remained essentially unchanged. Due to differences in assumption regarding the average number of residents per households, however, the County's population estimate reflects a 16% decrease compared to the Census 2000 population estimate. The County's 2009 estimate of the number of residential units is based on that of the 2000 Census with the addition of building permits issued through 2009, and is assumed to be fairly accurate. Although somewhat unclear from the source information, the County's assumptions for average number of persons per household/unit appear to be based on a much larger geographic area than the El Rio and Strickland Acres communities. As such, the Census 2000 persons per household estimates, which are specific to the CDP, are likely to be more accurate.

Based on the County's 2009 estimate of residential units and the Census 2000 estimate of the average number of persons per household, the population within the CSA boundaries as of 2009 is estimated to be 6,326, an increase of 2% since 2000 (see Table III-2). This estimate appears to be more consistent with the population changes noted by the Census between 1990 and 2000.

**Table III-2**  
**LAFCo Estimate of the Number of Residential**  
**Dwelling Units and Population**  
**Within the Boundaries of CSA 34, 2009**

No. of Residential Units, 2009	Census 2000 Average No. of Persons per Household/Unit	Estimated Population, 2009
1,499	4.22	6,326

**Growth and Population Projections**

The County of Ventura General Plan establishes and regulates land use in the unincorporated area. The County implements its General Plan in the El Rio area through the El Rio/Del Norte Area Plan, which was originally adopted in 1993. The land use designations and policies in the Area Plan therefore apply to the area within the boundaries of the CSA. The predominant land use in the CSA is residential, comprising approximately 507 gross acres. Industrial land uses, which are mainly located west of Vineyard Avenue, comprise approximately 194 gross acres. Limited commercial land uses, totaling approximately 22 acres, are located primarily in El Rio along Vineyard Avenue. In addition, the land uses within the CSA include two elementary schools, a high school, a number of churches, and the Ventura County Juvenile Justice Complex.

***Residential Land Uses*** – Between 1990 and 2000, the estimated population within the CSA decreased by 3.5%. Between 2000 and 2009, the estimated population increased by approximately 2.1%. Over the full 20 year time period, the average population is estimated to have decreased by approximately 1.4%. If these trends continue, it appears that future population in the CSA is relatively static.

*Current residential development* – Table III-3 shows a detailed inventory of residential unit types, as well as the number of residential lots and number of units that are currently developed within the boundaries of the CSA.

**Table III-3  
Current Residential Types, Number of  
Residential Parcels and Number of Dwelling Units**

Parcels with Single Family Residential Units		
Type	Parcels	Units
Vacant residential parcel	22	0
One Single Family Residence on one lot	1,199	1,199
Two detached single family residences on one lot	55	110
Three detached single family residences on one lot	12	36
Four detached single family residences on one lot	8	32
<b>Subtotal</b>	<b>1,296</b>	<b>1,377</b>
Parcels with Multi-Family Residential Units		
Type	Parcels	Units
Duplexes	6	12
Duplex plus single family residence	2	6
Duplex plus two single family residences	4	16
Four detached single family residences on one lot	8	32
Apartments 5-9 units	2	16
Apartments 10 or more units	2	28
<b>Subtotal</b>	<b>24</b>	<b>110</b>
<b>Total Parcels and Residential Units</b>	<b>1,320</b>	<b>1,487</b>

Source: Ventura County Assessor

*Projected residential development:* Table III-4 shows the approximate acreages for the various residential land use designations established by the El Rio/Del Norte Area Plan within the CSA boundaries and the maximum number of units (excluding second units) that could, theoretically, be constructed.

**Table III-4  
Maximum Number of Residential Dwelling Units Allowed  
Under the County General Plan and the El Rio/Del Norte Area Plan**

Area Plan Land Use Designation	Acres	Maximum Density per Acre	Maximum No. of Units
Urban Residential 1-2	227	2	454
Urban Residential 2-4	133	4	532
Urban Residential 4-6	137	6	822
Rural Residential - 5	10	0.2	2
<b>Total</b>	<b>507</b>		<b>1,810</b>

There are a number of non-residential uses occupying sites within these residential designations, including three public schools (30 acres), at least nine churches (13 acres), a 1.2-acre park, and a 1-acre site for utilities. Though these sites could be redeveloped for residential purposes, the likelihood is remote. Based on the land use designations of these non-residential uses, the

maximum residential build out potential within the CSA boundaries should be reduced by approximately 100 units. Acreage devoted to streets would further reduce the amount of acreage open to residential development by approximately 10%, or 181 units. Thus, maximum residential development within the CSA boundaries (excluding second units) is realistically closer to 1,530 units.

Pursuant to the County's zoning ordinance, second units are an allowed use on residential parcels greater than 10,000 square feet in size that contain one existing detached single family residence. Parcels with more than one unit cannot have a second unit. According to County Assessor records, there are 1,320 residential parcels within the CSA boundaries. Of these parcels, 1,199 contain one single family residence. 718 of the 1,199 parcels with a single family residence are under 10,000 square feet, and cannot have a second unit. Thus, there are 481 parcels that appear to meet the requirements for a second unit, although it is unlikely that all, or even most, of these units will ultimately be constructed. However, second units are an allowed use and are encouraged by both the California Department of Housing and Community Development and the County as a means to provide affordable housing. A conservative estimate would be that 25% of the parcels, or 120, may eventually contain second units. Thus, the realistic residential build-out within the CSA's boundaries, including second units, is projected to be approximately 1,650 residential units, which is 163 more than currently exist.

**Commercial/Industrial/Other Land Uses** - Table III-5 shows the approximate acreages for the commercial, industrial, and institutional land use designations within the CSA and the maximum amount of building square footages that could, theoretically, be constructed based on the General Plan.

**Table III-5  
Maximum Area of Commercial, Industrial, and Institutional  
Development Allowed Under the County of Ventura General Plan**

General Plan Land Use Designation	Acres*	Maximum Building Coverage	Projected Floor Area (square feet)
Commercial	22	60%	575,000
Industrial	175	50%	3,812,000
Institutions			
Church	9	60%	196,000
High School	56	60%	N/A**
<b>Total</b>	<b>262</b>		<b>4,583,000</b>

\* Actual acreage – excludes streets

\*\* The high school is not subject to the maximum building coverage of the General Plan. The school site is completely built-out and substantial expansion is unlikely.

The General Plan land use designations would allow approximately 4.6 million square feet of commercial, industrial, and institutional development. According to Ventura County Assessor records, approximately 1,000,000 square feet of development currently exists within the commercial and industrial designated areas and approximately 30,000 square feet within the area designated institutional.

### **Conclusion**

Based on the current General Plan, the opportunity for additional residential growth and development within the boundaries of the CSA is limited. LAFCo staff estimate that realistic residential growth would include a total of 163 more units than currently exist (based on Assessor records). Based on an estimated 4.22 persons per household, the population would be expected to increase by 688. This would represent an 11% increase over the current population estimate of 6,326. The General Plan would allow for significant additional industrial and commercial

development (approximately 3.4 million square feet, and approximately 170,000 square feet of additional institutional development).

#### **D. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies**

##### **Present and Planned Capacity of Public Facilities**

Construction of the CSA's wastewater collection system began in 2005 and consists of ten phases, eight of which have been completed as of the date of this report. Construction on the remaining two phases of the system are underway and the final phase is expected to be completed by mid-to-late 2011. The CSA is currently serving the community of Strickland Acres (including Rio Mesa High School), the Ventura County Juvenile Facilities Complex, and part of El Rio. The CSA serves approximately 990 RUEs at the present time. (An RUE is a Residential Unit Equivalent – the equivalent of one single family residence). As future phases of construction are completed, additional lots will be connected. According to CSA staff, the system will serve approximately 1,550 RUEs upon completion with the capacity to serve 1,710 RUEs<sup>1</sup>.

In 2001, the County prepared a report titled *Project Feasibility Report Facilities Plan for the El Rio Area Sewer Collection and Disposal System*. The Feasibility Report calculated overall demand projections to determine the capacity needs of the system. For areas within the CSA where water use records were available, the Feasibility Report based estimated sewage flow on 85% of potable water use. Water use records were obtained for Rio Mesa High School, Strickland Acres, the industrial area north of Vineyard Avenue, and the Juvenile Facilities Complex. No water use records were available for El Rio. To estimate residential flow in El Rio, the Feasibility Report based its projections on per capita daily flow from Nyeland Acres, which is a similar community with respect to demographic characteristics and land use mix.

To determine anticipated flow for commercial land uses in El Rio, the Feasibility Report estimated 0.003 cfs (cubic feet per second) per acre. Table III-6 reflects the estimated flow for these areas.

**Table III-6  
Wastewater Flow Rates as Estimated in the 2001 Project  
Feasibility Report Facilities Plan for the El Rio Area Sewer  
Collection and Disposal System**

Service Area	Total Volume of Wastewater (gallons per day)
Rio Mesa High School	48,000
Strickland Acres	47,000
Industrial	58,000
Juvenile Facilities Complex	60,000
El Rio	768,000
Future Development	50,400
<b>Total Flow Rate</b>	<b>1,031,400</b>

##### **Adequacy of Public Services, Infrastructure Needs and Deficiencies**

**Feasibility Report:** Based on the Feasibility Report, the collection system infrastructure does not appear to be adequate to accommodate the full extent of future growth and development allowed under the current County General Plan. As noted in Section C, the General Plan allows for the

<sup>1</sup> Personal Communication with Cefe Munoz, County of Ventura Water and Sanitation Department, February 17, 2010

construction of 163 more residential units than currently exist. However, as noted previously in this section, the excess capacity of the collection system is estimated to accommodate only 160 additional RUEs. In addition, and also as noted in Section C, the County General Plan would allow up to an additional 3.6 million square feet of commercial and industrial buildings and 170,000 square feet of institutional development, resulting in tens of thousands of additional gallons of flow per day. Thus, based on assumptions of the Feasibility Report, it appears that the CSA infrastructure would not have the capacity to serve anticipated growth within the CSA boundaries.

**Actual Flows:** Now that much of the collection system is complete and a metering station is in place, CSA staff have collected data on actual wastewater flow rates and determined that actual flow has been significantly less than the estimated flows in the Feasibility Report. The collection system has meters at two locations which measure flow rates. The first is at the Montgomery Lift Station, which is located in the industrial area west of Vineyard Avenue. The second is at the point where the CSA collection system connects to the City of Oxnard's collection system. According to CSA staff, in May 2010, the CSA discharged approximately 224,000 gallons per day into the City's collection system.

To determine the adequacy of the infrastructure to meet demand upon completion of the collection system and that of future development within the CSA boundaries, a revised estimate of the overall demand within the CSA upon completion of the collection system using actual flow data is necessary. Flows from Rio Mesa High School, Strickland Acres, and the Juvenile Facilities Complex must pass through the Montgomery Lift Station, where the flow is metered. Thus, the flows from each of these areas/facilities can be determined by the increase in the amount of flow measured at the lift station after each area was connected to the system. The following flow rates are extrapolated using actual flow data measured at the Montgomery Lift Station:

- In 2005, the Juvenile Facilities Complex was the only facility connected to the Montgomery Lift station. At that time, average daily flow measured at the lift station was approximately 18,500 gallons.
- In 2007, the community of Strickland Acres was connected to the lift station, adding an average of approximately 36,000 gallons per day.
- In 2009, Rio Mesa High School was connected to the lift station, adding approximately 8,500 gallons per day.

Though the industrial areas west of Vineyard Avenue will also be connected to the Montgomery Lift Station, few industrial properties have been connected thus far, making estimates of actual industrial flow difficult. However, CSA staff estimates that flow from industrial uses would likely be equivalent to that generated by commercial uses<sup>2</sup>. Based on the flow generated by commercial properties that have connected to the collection system, CSA staff estimates that flow from industrial and commercial uses is approximately 78 gallons per acre per day<sup>3</sup>, generating the following flows:

- There are approximately 175 acres of industrial land within the CSA's boundaries. At 78 gallons per acre per day, the industrial areas would generate an estimated daily industrial flow of approximately 14,000 gallons.
- There are approximately 23 acres of commercial land within the boundaries of the CSA. At 78 gallons per acre per day, the commercial areas would generate an estimated daily commercial flow of approximately 2,000 gallons.

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<sup>2</sup> Personal communication with Satya Karra, County of Ventura Water and Sanitation Department, May 26, 2010

<sup>3</sup> Personal communication with Satya Karra, County of Ventura Water and Sanitation Department, May 18, 2010

There are two elementary schools within the boundaries of the CSA: Rio Plaza and Rio Real. According to the Rio School District website, the schools accommodate 1,175 children. Staff is estimated to be 50. Using the per capita daily flow rates from Rio Mesa High School, CSA staff estimate that 5 gallons per day per capita is generated by the two schools<sup>2</sup>, for a total of approximately 6,000 gallons per day. Based on 233 school days per year, the average daily flow from the schools is estimated at approximately 4,000 gallons.

Only parts of El Rio are currently connected to the collection system. To estimate total anticipated residential flows from El Rio, the actual per capita flows from Strickland Acres can be used. There are an estimated 519 people in Strickland acres (123 units at 4.22 people per unit) generating a total of 36,000 gallons per day, which equals approximately 70 gallons per capita per day. There are an estimated 5,807 people in El Rio, for an estimated total daily flow of approximately 407,000 gallons per day.

Table III-7 identifies the estimated total flow within CSA boundaries extrapolated from the above actual flow data.

**Table III-7  
Estimated Wastewater Flow Rates  
Extrapolated from Flow Data**

	Estimated Total Volume of Wastewater (gallons per day)
Juvenile Facilities Complex	18,500
Strickland Acres	36,000
Rio Mesa High School	8,500
Industrial	14,000
Commercial	2,000
Elementary Schools	4,000
El Rio Residential	407,000
<b>Total</b>	<b>490,000</b>

### **Conclusion**

The difference between flow rates estimated in the Feasibility Report and actual flow rates is significant. Based on actual data, it appears that total flow will be approximately 490,000 gallons per day, which is less than half the 1,031,400 gallons per day estimated in the Feasibility Report. It appears that the collection system will have capacity to accommodate an additional approximately 541,400 gallons per day upon completion of the system. The collection system therefore appears to have adequate capacity to accommodate General Plan development within the boundaries of the CSA.

As noted, actual flow rates are significantly lower than the rates anticipated in the Feasibility Study. This may be due to the fact that the Feasibility Report based its assumptions on flow estimates that would typically be generated by denser development. The level and density of development within the CSA boundaries has likely been limited due to the use of septic systems. In addition, the RWQCB prohibition on the use of septic systems has limited or precluded opportunities for development and redevelopment for nearly a decade. Once public sewer becomes available, the intensity of development within the CSA may increase, eventually generating flows that are more consistent with those reflected in the Feasibility Report.

## E. Financial Ability to Provide Services

### Construction Costs

The total cost for construction of the wastewater collection system for CSA 34 is approximately \$35 million. State, federal and local grants have been secured for over \$26 million and a low interest loan was obtained to fund the remaining construction cost. Table III-8 identifies construction funding amounts by source.

**Table III-8  
Collection System Construction  
Funding Sources and Amounts**

State Grants	\$12,136,683
American Recovery And Reinvestment Act	\$ 8,000,000
Federal Grants	\$ 2,481,200
Local Grants/Contribution	\$ 3,416,734
<b>TOTAL GRANTS</b>	<b>\$26,034,617</b>
Low-Interest Loan (30 year)	\$ 8,965,383
<b>TOTAL PROJECT COSTS</b>	<b>\$35,000,000</b>

Source: January 7, 2010 Power Point presentation *El Rio Sewer Project* Phases 5A (Residential) and 6, downloaded March 23, 2010 from [www.portal.countyofventura.org/portal/page/portal/PUBLIC WORKS/WaterSanitation/currentProjectInformation/EIRioSewerProject](http://www.portal.countyofventura.org/portal/page/portal/PUBLIC_WORKS/WaterSanitation/currentProjectInformation/EIRioSewerProject)

It appears that the CSA has obtained adequate funding to cover construction costs of the sewer collection system.

### On-Going Revenue and Expenditures

**CSA Revenue** - CSA revenue includes grants and the loan obtained to cover the costs of construction of the collection system, connection fees, and user fees paid by the customers who discharge to the collection system.

#### *Grants/Loan*

As indicated in Table III-8, the CSA obtained over \$26 million in grants and a loan of approximately \$9 million to fund the construction cost.

*Connection fees*

CSA customers must pay a one time connection fee to both the CSA and the City of Oxnard to connect to the sewer system. The City of Oxnard collects a connection fee to help cover the cost of its wastewater treatment plant and portion of the sewer infrastructure. Property owners are required to pay both fees to the CSA and the CSA reimburses the City for its share. Customers are given the option to pay the fees in one lump sum or pay in installments over 30 years, which are added to their tax bill to reduce the cost of billing. The connection fees collected by the CSA are used to repay the construction loan. Table III-9 shows a comparison of fees by payment option.

**Table III-9  
Sewer Connection Fee Payment Options**

Agency	Fee	Payment Options
City of Oxnard	\$3,539/residential MEF*	One time lump sum <b>OR</b> installment payments of \$11.43 per month for 30 years
	\$5,537/commercial MEF*	One time lump sum <b>OR</b> installment payments of \$17.88 per month for 30 years
CSA 34	\$4,876/residential RUE**	One time lump sum <b>OR</b> installment payments of \$15.88 per month for 30 years
	\$7,558/commercial RUE**	One time lump sum <b>OR</b> installment payments of \$24.21 per month for 30 years

\* Meter Equivalency Factor (based on water meter size or number of plumbing fixture units used by one residence)

\*\* Residential Unit Equivalency (equal to one residential unit)

Source: January 7, 2010 Power Point presentation *El Rio Sewer Project* Phases 5A (Residential) and 6, downloaded March 23, 2010 from

[www.portal.countyofventura.org/portal/page/portal/PUBLIC\\_WORKS/WaterSanitation/currentProjectInformation/ElRioSewerProject](http://www.portal.countyofventura.org/portal/page/portal/PUBLIC_WORKS/WaterSanitation/currentProjectInformation/ElRioSewerProject)

*Monthly user fees*

In addition to the connection fees, property owners are charged a monthly fee of \$37 per RUE. This fee was established by the County Board of Supervisors on January 24, 2006. Based on a total of 1,550 RUEs estimated to be served upon completion of the system, the monthly service charge will generate approximately \$688,000 per year.

Excluding the connection fees that will be used to pay off the loan, monthly user fees are the sole source of continuous revenue for the CSA.

**CSA Expenditures** - CSA expenditures include loan repayment, operations and maintenance, and fees imposed by the City of Oxnard.

*Loan Repayment*

As indicated in Table III-8, the CSA obtained a loan of approximately \$9 million to fund a portion of the construction of the sewer collection system. The loan is to be paid back over 30 years. Revenue from the connection fees (see Table III-9) and a portion of the monthly user fees will be used to pay the loan (see Table III-10).

*Operation and Maintenance Costs*

After completion of all phases of construction, CSA staff anticipate that costs for operations and maintenance will be approximately \$200,000 annually<sup>4</sup>. This cost is covered by monthly user fees.

*City of Oxnard Regional Treatment and Disposal Facility User Charge*

As previously noted, the Feasibility Report estimates an average flow of approximately 1 million gallons per day upon completion of the system. However, based on current metered flow data, total flow rate is estimated to be closer to 490,000 gallons per day upon completion of the collection system. Determining the volume of flow is critical in calculating CSA costs because the City of Oxnard imposes charges based on flow volume.

Pursuant to section 7.a. of the out of agency service agreement between the CSA and the City of Oxnard, the CSA will be charged a fee based on the City's Regional Treatment and Disposal Facility User Charge. This charge is covered by monthly user fees. Pursuant to the City of Oxnard's Ordinance 2818, effective July 1, 2010, this charge will be based on:

Wastewater Discharge - \$343.67 per million gallons  
 Biological Oxygen Demand (BOD) - \$257.87 per thousand pounds  
 Suspended Solids - \$324.22 per thousand pounds

*City of Oxnard Extraterritorial Charge*

Pursuant to section 7.b. of the out of agency service agreement between the CSA and the City of Oxnard, effective in 2010 the CSA will be charged \$850.15 per million gallons of discharge into the City's collection system in exchange for the use of the City's rights of way. This charge is covered by monthly user fees.

Table III-10 shows the CSA's approximate annual costs based on a daily flow rate of 490,000 gallons extrapolated from current actual flow data. Table III-10 shows only the costs for which the monthly user fees are applied, as the revenue from connection fees is applied solely to repayment of the construction loan.

**Table III-10**  
**Annual Expenditure Based on a Flow Rate of**  
**490,000 Gallons Per Day**

	490,000 gpd
Operations and Maintenance	\$200,000
Loan Repayment	\$ 99,000
Regional Treatment/Disposal Fee	
- Wastewater Discharge	\$ 61,528
- Biological Oxygen Demand*	\$ 65,871
- Suspended Solids**	\$ 83,307
Extraterritorial Charge	\$152,204
<b>Total</b>	<b>\$661,910</b>

\* Based on 12 month average of 171 mg/L (2/09-2/10)

\*\* Based on 12 month average 172 mg/L (2/09-2/10)

<sup>4</sup> Personal communication with Reddy Pakala, County of Ventura Water and Sanitation Department, May 5, 2010

Based on the estimated average daily flow of 490,000 gallons expected upon completion of the collection system, it appears that annual revenue from monthly user fees (\$688,000) will exceed annual costs (approximately \$662,000) by approximately \$26,000. Table III-11 shows the rate of flow at which revenue would be equal to costs.

**Table III-11  
Approximate Flow Rate at which  
Annual Expenditures\* Equal Annual Revenues\***

	530,000 gpd
Operations and Maintenance	\$200,000
Loan Repayment	\$ 99,000
Regional Treatment/Disposal Fee	
- Wastewater Discharge	\$ 66,328
- Biological Oxygen Demand*	\$ 71,176
- Suspended Solids**	\$ 90,016
Extraterritorial Charge	\$164,079
<b>Total</b>	<b>\$690,599</b>

\* Does not include revenue from connection fees used to repay construction loan

The anticipated revenue would be sufficient to cover the costs associated with flows up to approximately 530,000 gallons per day, beyond which point revenue will not cover costs. Thus, the total daily flow could exceed 490,000 gallons per day by as much as 8 percent before revenues would be insufficient to cover costs.

### **Budget**

The CSA budget is maintained as an independent operating fund within the County Budget. As such, the CSA is obligated to comply with all County policies concerning financial management and reporting. The CSA is not currently involved in any litigation that could impact its financial viability.

### **F. Status of, and Opportunities for, Shared Facilities**

The CSA contracts with the City of Oxnard for wastewater conveyance and treatment. Through this arrangement the CSA avoids the cost of constructing its own treatment facility and ancillary infrastructure. According to the Feasibility Report, this arrangement minimizes the overall costs to property owners within the CSA. However, the City charges the CSA for the use of its rights of way and collects a surcharge for treatment of the wastewater from the CSA.

As shown in Table III-12, the monthly cost to customers within the CSA who participate in the 30-year repayment plan for the connection fees is \$64.31 for residences and \$79.09 for commercial uses.

**Table III-12  
Monthly Customer Costs**

Charge/fee	Monthly Amount - Residential	Monthly Amount - Commercial
CSA connection fee	\$15.88	\$17.88
City of Oxnard connection fee	\$11.43	\$24.21
CSA user charge (one RUE)	\$37.00	\$37.00
<b>Total</b>	<b>\$64.31</b>	<b>\$79.09</b>

As shown in Table III-10, of the CSA's anticipated \$662,000 annual expenditures, \$299,000 covers operations/maintenance and loan repayment. The remaining \$363,000 covers the fees imposed by the City of Oxnard. Payment of the City's fees accounts for 55% of the CSA's estimated annual costs. Thus, approximately \$16.65 of the \$37 monthly user charge per RUE covers operations/maintenance and loan repayment. The remaining approximately \$20.35 of the monthly user charge is available to cover the Regional Fee and Extraterritorial Charge imposed by Oxnard.

Given that CSA No. 34 is the only provider of public sewer service in the El Rio area, no other opportunities for sharing facilities were noted beyond the existing arrangement with the City of Oxnard.

### **G. Accountability for Community Services Needs, Including Governmental Structure and Operational Efficiencies**

#### **Accountability for Community Service Needs**

CSA 34 is governed by the Ventura County Board of Supervisors who receive no additional compensation for this responsibility. The County Public Works Agency, Water and Sanitation Department provides the staffing support necessary to manage and operate the agency.

The Board of Supervisors generally meets each Tuesday at 8:30 a.m. The Board is regularly briefed about the Brown Act and other public meeting requirements. Meeting notices are posted on bulletin boards in advance of any public hearing at three locations, are published in local newspapers and posted on the County's web site. The County also maintains a website on which reports, agendas, budget and other documents are posted.

***El Rio Municipal Advisory Council (MAC)*** - The Board created the El Rio Municipal Advisory Council in 1975 to provide direct input to the Board of Supervisors on matters that may affect the El Rio and Strickland Acres communities. The Council is authorized to review matters of public health, safety, welfare, public works, and planning, including significant environmental reports, that relate to the Council area. The Council is advisory to the Board of Supervisors for the subject matters. The El Rio Municipal Advisory Council is composed of nine members, representing each of the nine neighborhoods in the El Rio/Nyeland Acres/Strickland community. The appointments are made by the 5th District Supervisor with concurrence of the Board of Supervisors, based upon recommendations of the citizens in the area. The terms of the appointments are four years. CSA staff have conducted multiple meetings with the El Rio MAC throughout the construction process as a means to keep residents informed.

No issues were noted regarding local accountability for CSA No. 34

### **Governmental Structure**

Alternatives to the current government structure for the CSA are limited given its relatively small size and the limited service it provides. In general, CSAs can be reorganized as independent agencies, consolidated with other CSAs, merged with cities or dissolved.

If the CSA chose to reorganize as an independent special district, it would be required to provide its own management. This would effectively eliminate the efficiencies that are achieved through County management.

Another governmental option would be to consolidate CSA 34 with CSA 30, which provides sewer collection services to the nearby community of Nyeland Acres. However, CSA staff have indicated a preference to keep the two CSAs separate for accounting purposes. CSA 34 has received millions of dollars in grants and loans specifically for purposes of constructing CSA 34's collection system and CSA staff desires to keep the financial affairs of each CSA separate.

Another potential restructuring option would be to merge the CSA with the City of Oxnard which would require the City to take over ownership and operation of the CSA's facilities. However, at least 70% of the CSA's land area and 70% of the registered voters within the CSA must be located within the boundaries of the City for such a merger to be approved by LAFCo (Government Code Section 57105). No part of the CSA is located within the City's boundaries, thus merger with the City is not an option.

Another government structure option is to dissolve the CSA and annex the area to the City of Oxnard. However, given that the CSA was created primarily because many residents and property owners do not favor annexation to the City, this option is unlikely to occur in the near future.

### **Operational Efficiencies**

The CSA achieves management efficiencies through the consolidation of administration and operations with the other six sewer systems managed by staff of the County of Ventura Public Works Agency, Water and Sanitation Department.

### **Sphere of Influence**

As noted in Section A, no sphere of influence was established at the time that the CSA was formed. A sphere of influence is defined under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) as, "a plan for the probable physical boundaries and service area of a local agency, as determined by the [LAFCo]." The CSA boundary abuts the City of Oxnard boundary to the southwest. The CSA boundaries include the developed areas within the unincorporated communities of El Rio and Strickland Acres, along with the industrial area west of Vineyard Avenue. With one notable exception discussed below, the remaining unincorporated areas surrounding the CSA are used for agricultural purposes and are designated agricultural by the County's General Plan and zoning ordinance. All are outside the City of Oxnard's City Urban Restriction Boundary and are subject to the County SOAR ordinance. As such, these areas do not currently, or for the foreseeable future, need urban services, including sewer. They do not, therefore, represent the probable service area of the CSA and should not be included in the sphere.

The one exception is a 120-acre parcel that abuts El Rio to the north owned by the United Water Conservation District (UWCD). All but approximately 3 acres of the parcel contain groundwater recharge pits with the balance of the property containing ancillary structures. A relatively small area, approximately 2 acres in size and located at the southeast corner of the property is developed with a pump building, a shop, a lunch room and two employee residences. Four septic systems currently serve these structures. Staff from UWCD have expressed concerns about the affect that the

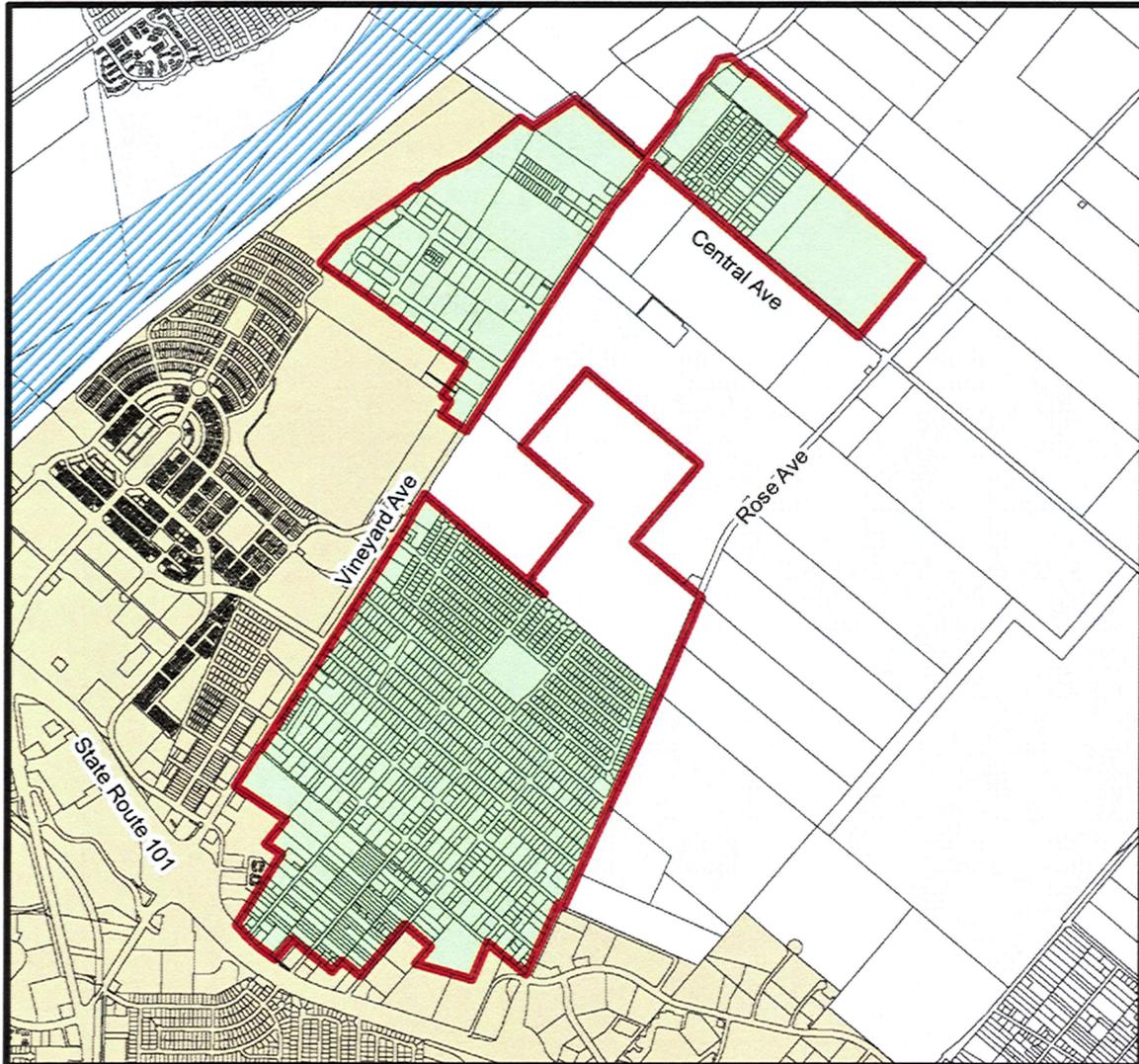
continued use of the septic systems may have on groundwater quality and, therefore, wish to abandon the septic systems and annex the parcel to the CSA.

When the CSA was formed the boundaries were established to coincide with the area that is subject to a RWQCB prohibition against the use of septic systems on all parcels less than five acres in size. Due to its size, UWCD's parcel is not subject to the septic system prohibition and, thus, was not included in the boundaries of the CSA. However, given that the parcel contains four septic systems concentrated in an approximately 2 acre area, annexation to CSA 34 and removal of the septic tanks would be consistent with the intent of the RWQCB prohibition, which is to eliminate high concentrations of septic systems. As such, public sewer service to the facility appears warranted. Because the site is comprised almost entirely of groundwater recharge pits owned and operated by a public agency, future urban development of the site is not likely. Including the parcel in the sphere of influence would therefore not promote premature urban development or conversion of agriculture or open space lands to urban uses. It is recommended that the sphere of influence include this parcel to accommodate UWCD's desire to annex to CSA 34, as indicated on Map 2.

#### **H. Other Matters Related to Effective and Efficient Service Delivery, as Required by Commission Policy**

None were identified.

Map 2



### County Service Area No. 34 Proposed Sphere of Influence

#### Legend

-  CSA 34 Boundaries
-  CSA 34 Proposed SOI
-  City of Oxnard
-  Santa Clara River



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#### IV. DETERMINATIONS

***Determinations are based on data provided by the CSA and information from other publicly available sources.***

##### **County Service Area No. 34**

- **Growth and population projections for the affected area**
  1. The current population within the CSA boundaries is estimated to be 6,326 residents occupying a total of 1,499 residential units. Over the last 20 years, the average growth rate in the area is estimated to be approximately 1.4 percent.
  2. Based on the County General Plan land use and zoning designations, the population within the CSA boundaries is projected to reach is approximately 7,000 residents occupying a total of 1,650 residential units by the year 2020.
  3. Based on the County General Plan lot coverage limitations, the area within the CSA boundaries will include up to 4.6 million square feet of industrial, commercial, and institutional development by the year 2020.
  
- **Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies**
  1. Construction of the CSA's wastewater collection system began in 2005 and is scheduled to be completed in mid 2011. Existing residential, commercial, industrial, and institutional development in Strickland Acres (including Rio Mesa High School), parts of El Rio and the Ventura County Juvenile Justice Complex are currently receiving sanitary sewer service. Service to the remaining areas of El Rio is anticipated to commence within the next two years.
  2. The CSA currently serves approximately 990 Residential Unit Equivalent (RUEs). An RUE represents the equivalent of one single family residence. Once construction of the collection system is complete and the remaining areas of the CSA are connected to the sewer system, approximately 1,550 RUEs will be served.
  3. The CSA's wastewater collection system currently conveys approximately 224,000 gallons of wastewater per day (in May, 2010) to the City of Oxnard's wastewater treatment plant.
  4. Assuming that the future rate of wastewater flow does not significantly exceed 490,000 gallons per day, it appears that the CSA will have sufficient capacity to accommodate the level of growth projected in the County General Plan.
  
- **Financial ability to provide services**
  1. The CSA has obtained financing in the form of a state loan and various federal, state, and local grants to cover the cost of constructing its collection system.
  2. It appears that there is adequate revenue from connection fees and monthly service charges to repay the loan over 30 years.
  3. It appears that, based on an estimated wastewater flow rate of 490,000 gallons per day, the monthly service fee is adequate to cover the costs of operation and maintenance of the collection system and fees imposed by the City of Oxnard.
  4. Assuming that the rate of wastewater flow from the CSA's anticipated 1,550 RUEs into the City of Oxnard's collection system does not exceed 530,000 gallons per day, it appears that the monthly service charge of \$37 is adequate to cover annual CSA costs.
  5. Approximately 55% of the of the CSA's annual expenditures are to cover fees imposed by the City of Oxnard. This represents approximately \$20.35 of the \$37 monthly user fee per RUE.

- **Status of, and opportunities, for shared facilities**
  1. The CSA has entered into an out of agency service agreement with the City of Oxnard. Under the agreement, the wastewater from the CSA's collection system is treated at the City's wastewater treatment plant.
  2. There are no other agencies with which the CSA has the opportunity to share its facilities.
  
- **Accountability for community services needs, including governmental structure and operational efficiencies**
  1. The Ventura County Board of Supervisors acting in its capacity as the governing board for the CSA conducts regular, publicly noticed meetings with a printed agenda. Meeting facilities are in compliance with the Americans with Disabilities Act.
  2. The County Public Works Agency, Water and Sanitation Department provides the staffing support necessary to manage and operate the agency. Staff members have conducted a number of public meetings both before and during the process to construct the wastewater collection system to keep the community informed and maintain accountability for service needs.
  3. The County Supervisors receive regular reviews of the requirements of the Brown Act, the rules and regulations of the Fair Political Practices Commission and the provisions of the Public Records Act. Board members and senior staff have completed the mandatory ethics training required by AB-1234 passed in 2005 (Government Code Section 53234 et seq).
  4. The CSA's budget is an independent operating fund of the County's budget and, as such, the CSA is obligated to comply with all County policies concerning financial management and reporting.
  5. The County also maintains a current website which includes somewhat limited information about CSA 34. As a part of future upgrades to the County's web site it is suggested that the CSA expand its website in order to provide the public with information about the CSA's budget, information on rates and fees, a map of the service area, the collection system construction schedule, and a copy of the service agreement with the City of Oxnard. We also recommend that the website information (as well as other public information) be provided in Spanish.
  6. The Board of Supervisors created the El Rio Municipal Advisory Council (MAC), which is authorized to review matters of public health, safety, welfare, public works, and planning, including significant environmental reports, that relate to the Council area. The MAC is composed of nine members, representing each of the nine neighborhoods in the El Rio/Nyeland Acres/Strickland community. CSA staff coordinate with the MAC in conjunction with their regular public outreach efforts.
  7. The current management structure of CSA 34 is adequate to serve the present and future needs of the agency.
  8. There is no other more feasible government structure option for the CSA.
  
- **Any other matter related to effective and efficient service delivery, as required by commission policy**
  1. No other matters were identified.

## ATTACHMENT 2

### RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION DETERMINING THAT THE MUNICIPAL SERVICE REVIEW FOR COUNTY SERVICE AREA NO. 34 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE MUNICIPAL SERVICE REVIEW, INCLUDING STATEMENTS OF DETERMINATION, FOR COUNTY SERVICE AREA NO. 34

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

WHEREAS, Government Code Section 56430(c) requires each LAFCo to conduct municipal service reviews prior to or in conjunction with the establishment of a Sphere of Influence; and

WHEREAS, the Ventura LAFCo has prepared a report titled "Municipal Service Review – County Service Area No. 34" that reviews the services provided by County Service Area No. 34; and

WHEREAS, the "Municipal Service Review – County Service Area No. 34" report contains recommended statements of determinations as required by California Government Code §56430 for the County Service Area No. 34; and

WHEREAS, the Ventura LAFCo Executive Officer has determined that the municipal service review for County Service Area No. 34 is exempt from the California Environmental Quality Act (CEQA) pursuant to §15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the municipal service review for County Service Area No. 34 and the related recommended statements of determination were duly considered on July 21, 2010, at a continued public hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the recommended exemption from CEQA, the "Municipal Service Review – County Service Area No. 34" report and the written determinations for County Service Area No. 34, including, but not limited to, the Executive Officer's report and recommendations;

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

- (1) The service review for the "Municipal Service Review – County Service Area No. 34" report, including the related statements of determination, are determined to

be exempt from the California Environmental Quality Act (CEQA) pursuant to §15061(b)(3) of the CEQA Guidelines.

- (2) The Commission directs staff to file a Notice of Exemption as the lead agency under § 15062 of the CEQA Guidelines.
- (3) The Commission accepts the "Municipal Service Review – County Service Area No. 34" report as presented to the Commission on July 21, 2010, including any corrections and additions approved by a majority of the Commission as a part of this action. The Executive Officer is authorized to make minor corrections and additions to this report for accuracy and completeness.
- (4) The Executive Officer's staff report dated July 21, 2010 and recommendation for approval of the "Municipal Service Review – County Service Area No. 34" report are hereby adopted.
- (5) Pursuant to Government Code §56430 the following statements of determination are hereby adopted for County Service Area No. 34:
  - **Growth and population projections for the affected area**
    1. The current population within the CSA boundaries is estimated to be 6,326 residents occupying a total of 1,499 residential units. Over the last 20 years, the average growth rate in the area is estimated to be approximately 1.4 percent.
    2. Based on the County General Plan land use and zoning designations, the population within the CSA boundaries is projected to reach approximately 7,000 residents occupying a total of 1,650 residential units by the year 2020.
    3. Based on the County General Plan lot coverage limitations, the area within the CSA boundaries will include up to 4.6 million square feet of industrial, commercial, and institutional development by the year 2020.
  - **Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies**
    1. Construction of the CSA's wastewater collection system began in 2005 and is scheduled to be completed in mid 2011. Existing residential, commercial, industrial, and institutional development in Strickland Acres (including Rio Mesa High School), parts of El Rio and the Ventura County Juvenile Justice Complex are currently receiving sanitary sewer service. Service to the remaining areas of El Rio is anticipated to commence within the next two years.
    2. The CSA currently serves approximately 990 Residential Unit Equivalents (RUEs). An RUE represents the equivalent of one single family residence. Once construction of the collection system is complete and the remaining

areas of the CSA are connected to the sewer system, approximately 1,550 RUEs will be served.

3. The CSA's wastewater collection system currently conveys approximately 224,000 gallons of wastewater per day (as of May 2010) to the City of Oxnard's wastewater treatment plant.
4. Assuming that the future rate of wastewater flow does not significantly exceed 490,000 gallons per day, it appears that the CSA will have sufficient capacity to accommodate the level of growth projected in the County General Plan.

- **Financial ability to provide services**

1. The CSA has obtained financing in the form of a state loan and various federal, state, and local grants to cover the cost of constructing its collection system.
2. It appears that there is adequate revenue from connection fees and monthly service charges to repay the loan over 30 years.
3. It appears that, based on an estimated wastewater flow rate of 490,000 gallons per day, the monthly service fee is adequate to cover the costs of operation and maintenance of the collection system and fees imposed by the City of Oxnard.
4. Assuming that the rate of wastewater flow from the CSA's anticipated 1,550 RUEs into the City of Oxnard's collection system does not exceed 530,000 gallons per day, it appears that the monthly service charge of \$37 is adequate to cover annual CSA costs.
5. Approximately 55% of the CSA's annual expenditures are to cover fees imposed by the City of Oxnard. This represents approximately \$20.35 of the \$37 monthly user fee per RUE.

- **Status of, and opportunities for, shared facilities**

1. The CSA has entered into an out of agency service agreement with the City of Oxnard. Under the agreement, the wastewater from the CSA's collection system is treated at the City's wastewater treatment plant.
2. There are no other agencies with which the CSA has the opportunity to share its facilities.

- **Accountability for community services needs, including governmental structure and operational efficiencies**

1. The Ventura County Board of Supervisors acting in its capacity as the governing board for the CSA conducts regular, publicly noticed meetings with a printed agenda. Meeting facilities are in compliance with the Americans with Disabilities Act.

2. The County Public Works Agency, Water and Sanitation Department provides the staffing support necessary to manage and operate the agency. Staff members have conducted a number of public meetings both before and during the process to construct the wastewater collection system to keep the community informed and maintain accountability for service needs.
  3. The County Supervisors receive regular reviews of the requirements of the Brown Act, the rules and regulations of the Fair Political Practices Commission and the provisions of the Public Records Act. Board members and senior staff have completed the mandatory ethics training required by AB-1234 passed in 2005 (Government Code Section 53234 et seq).
  4. The CSA's budget is an independent operating fund of the County's budget and, as such, the CSA is obligated to comply with all County policies concerning financial management and reporting.
  5. The County also maintains a current website which includes somewhat limited information about CSA 34. As a part of future upgrades to the County's web site it is suggested that the CSA expand its website in order to provide the public with information about the CSA's budget, information on rates and fees, a map of the service area, the collection system construction schedule, and a copy of the service agreement with the City of Oxnard. We also recommend that the website information (as well as other public information) be provided in Spanish.
  6. The Board of Supervisors created the El Rio Municipal Advisory Council (MAC), which is authorized to review matters of public health, safety, welfare, public works, and planning, including significant environmental reports, that relate to the Council area. The MAC is composed of nine members, representing each of the nine neighborhoods in the El Rio/Nyeland Acres/Strickland community. CSA staff coordinate with the MAC in conjunction with their regular public outreach efforts.
  7. The current management structure of CSA 34 is adequate to serve the present and future needs of the agency.
  8. There is no other more feasible government structure option for the CSA.
- **Any other matter related to effective and efficient service delivery, as required by commission policy**
    1. No other matters were identified.

This resolution was adopted on July 21, 2010.

AYES:

NOES:

ABSTAINS:

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Date

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Chair, Ventura Local Agency Formation Commission

## ATTACHMENT 3

### LAFCO 10-04S

#### RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS, ADOPTING A NEGATIVE DECLARATION, AND ESTABLISHING THE SPHERE OF INFLUENCE FOR COUNTY SERVICE AREA NO. 34

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

WHEREAS, no change in regulation, land use or development will occur as a result of establishing the sphere of influence for County Service Area No. 34; 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; and

WHEREAS, the sphere of influence establishment action was duly considered at a continued public hearing on July 21, 2010; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against establishment of the sphere of influence including, but not limited to, testimony at the continued public hearing on July 21, 2010 and the LAFCo Executive Officer's July 21, 2010 staff report and recommendation;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

- (1) The Executive Officer's Staff Report and Recommendation for approval of the establishment of the sphere of influence update for County Service Area No. 34, dated July 21, 2010, is adopted.
- (2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:
  - (a) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for CSA 34 has no impact on the present and planned land uses in the area. There will be no development, no change in land use and no impact to agricultural and open space lands as a result of the establishment of the sphere of influence. Although the sphere of influence will encompass one parcel that is not within the boundaries of the County Service Area, the parcel is owned by a public agency, designated as Open Space on the County General Plan Land Use Map, and primarily utilized for groundwater recharge basins. No new development is

proposed or anticipated on this parcel in conjunction with the establishment of the sphere of influence.

(b) *The present and probable need for public facilities and services in the area.* – No changes in public facilities or services provided by the CSA will result from establishment of the sphere of influence. The sphere of influence will accommodate the United Water Conservation District's wish to annex to the CSA so that it can abandon four septic systems which are contributing to groundwater contamination. Thus, there is a probable need for public sewer service for United's facility.

(c) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The MSR determined that the collection system will utilize approximately half of its overall capacity upon completion and is thus adequate to serve current and anticipated development within the CSA's boundaries. The recommended sphere of influence exceeds the CSA's current service boundary only to allow for the United Water Conservation District's facility to pursue annexation to the CSA in the future. If United's facility, which currently utilizes four septic systems, were to annex to the CSA, it will not significantly affect the capacity of the CSA's infrastructure or the adequacy of the services it provides.

(d) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.* – The purpose of the CSA is to provide a public wastewater service to the communities of El Rio and Strickland Acres. Establishment of the sphere of influence will not affect the level of service that is currently provided to these communities.

- (3) The sphere of influence for County Service Area No. 34 is hereby established to be the area shown as "County Service Area No. 34 Proposed Sphere of Influence" as generally depicted on Exhibit A attached hereto.
- (4) The subject proposal is assigned the following distinctive short form designation: **LAFCo 10-04S – ESTABLISHMENT OF A SPHERE OF INFLUENCE FOR COUNTY SERVICE AREA NO. 34**
- (5) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCo by the Ventura County Public Works Agency and Information Services Department as the official sphere of influence record for County Service Area No. 34 established consistent with this action.

- (6) On May 16, 2010, LAFCo distributed for public review copies of a Draft Negative Declaration pursuant to the provisions of CEQA. The Negative Declaration identified no potentially significant impacts to the environment as a result of the establishment of the sphere of influence
- (7) The public comment period for the Negative Declaration was from May 16, 2010 through June 7, 2010, during which time LAFCo received no comments.
- (8) The Commission, as lead agency, has reviewed and considered the information contained in the Draft Negative Declaration prepared for LAFCo 10-04S – Establishment of a sphere of influence for Ventura County Service Area No. 34 as well as all comments received.
- (9) The Commission finds that, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the Draft Negative Declaration reflects the Commission's independent judgment and analysis.
- (10) The Commission hereby adopts the Draft Negative Declaration.
- (11) The Commission directs staff to file a Notice of Determination consistent with CEQA Guidelines §15075.

This resolution was adopted on July 21, 2010.

AYES:

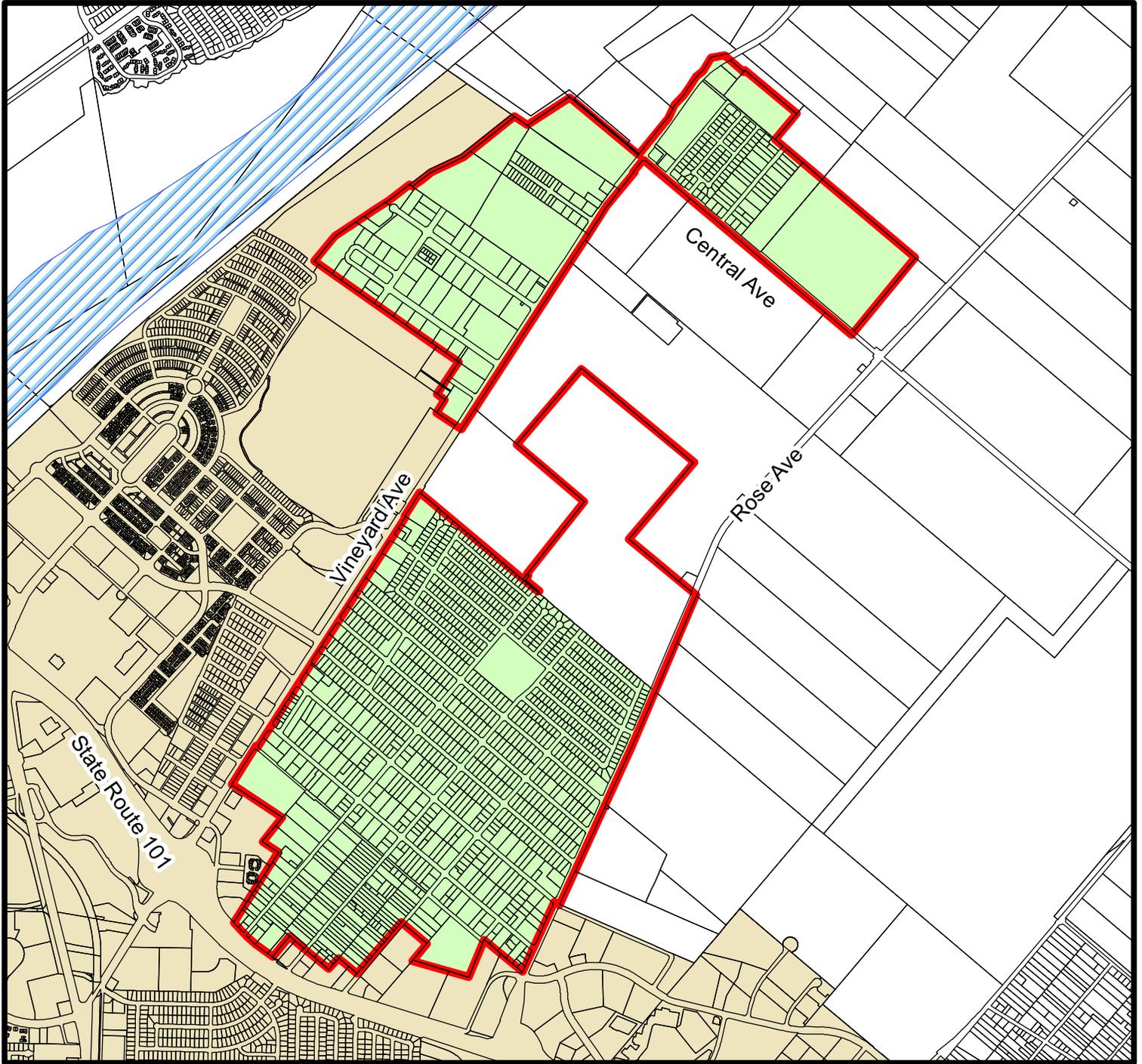
NOES:

ABSTAINS:

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

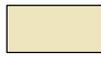
- c: County Service Area No. 34  
Ventura County Surveyor  
Ventura County Geographic Information Officer  
Ventura County Planning Department

EXHIBIT A



County Service Area No. 34  
Proposed Sphere of Influence

Legend

-  CSA 34 Boundaries
-  CSA 34 Proposed SOI
-  City of Oxnard
-  Santa Clara River





**STAFF REPORT**

Meeting Date: July 21, 2010

**Agenda Item 11**

**TO:** LAFCo Commissioners

**FROM:** Kim Uhlich, Executive Officer *KU*

**SUBJECT:** Municipal Service Review and Sphere of Influence Update – Ventura County Service Area No. 3

**RECOMMENDATIONS:**

- A. Accept the County Service Area No. 3 Municipal Service Review report, with any corrections and additions accepted at the public hearing, authorize the Executive Officer to make other necessary non-substantive changes, and direct staff to prepare and distribute a final County Service Area No. 3 Municipal Service Review report.
- B. Adopt a resolution relating to the County Service Area No. 3 Municipal Service Review making findings that the action is exempt under the “general rule” exemption of the California Environmental Quality Act (CEQA) Guidelines (§15061(b)(3)) and approving statements of determinations as required by Government Code §56430.
- C. Adopt a resolution LAFCo 10-08S making determinations and updating the sphere of influence for County Service Area No. 3.

**BACKGROUND:**

CSA No. 3 was formed in November, 1965 for the purpose of providing road maintenance for a non-County road (Camp Chaffee Road) in the Foster Park community between the Cities of San Buenaventura and Ojai. The service area of the CSA is approximately 19 acres in size and the boundary and sphere of influence are coterminous.

**COMMISSIONERS AND STAFF**

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

**CITY:**  
Carl Morehouse  
Janice Parvin  
*Alternate:*  
Thomas Holden

**SPECIAL DISTRICT:**  
George Lange  
Elaine Freeman  
*Alternate:*  
Gail Pringle

**PUBLIC:**  
Lou Cunningham, Vice Chair  
*Alternate:*  
Kenneth M. Hess

**Executive Officer:**  
Kim Uhlich

**Dep. Exec. Officer**  
Kai Luoma

**Office Mgr/Clerk:**  
Debbie Schubert

**Office Assistant**  
Martha Escandon

**Legal Counsel:**  
Michael Walker

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code §56000 et seq.) mandates that each LAFCo must review and update, as necessary, the sphere of influence for each city and special district in the county not less than once every five years. Before a sphere of influence can be updated, LAFCo must first conduct a municipal service review. LAFCo last updated the sphere of influence for CSA No. 3 on May 18, 2005 based on a municipal service review (MSR) completed in February 2005. The MSR determined that the portion of Camp Chaffee Road maintained by CSA No. 3 is in substandard condition. It also determined that the CSA is financially constrained in its ability to provide services and maintain sufficient reserves or contingencies in the event of an emergency. The MSR therefore concluded that LAFCo should consider one of the following options:

- adopt a zero sphere policy and apply it to the CSA sphere
- reorganize the CSA into an independent special district that relies solely on assessments
- dissolve the CSA

In accordance with the *Schedule for Initiating Service Reviews & Sphere of Influence Reviews/Updates* adopted by the Commission in May, 2008, LAFCo staff began the process of reviewing the sphere of influence for CSA No. 3 in late 2009. As part of this process, LAFCo staff met and/or corresponded with County staff on several occasions, reviewed records pertaining to CSA No. 3 service provision and analyzed financial performance between 2005 and 2010. Based on the latest available information, it appears that little has changed since 2005 with regard to the overall financial condition and service capacity of the CSA.

On May 19, 2010 the Commission adopted policy language to provide for the application of a provisional sphere of influence, which is similar in concept to a zero sphere. Pursuant to Commissioner's Handbook Section 4.1.7 (Attachment 1), the purpose of a provisional sphere is to identify those agencies which should pursue restructuring or reorganization options to address infrastructure, governmental, and/or financial constraints as recommended in the most recent MSR.

## **DISCUSSION:**

### **The MSR Report**

The County Service Area No 3 MSR was prepared with the assistance and collaboration of staff from the County Real Estate Services and Transportation Departments. Keith Filegar, Manager of the County Real Estate Services Department, reviewed the administrative draft of the MSR and requested minor changes which have been incorporated into the public draft MSR (Attachment 2).

The MSR report notes that while Camp Chaffee Road is publicly accessible, it is not a County road and effectively functions as a private road. The MSR also notes that the road

Staff Report

County Service Area No. 3 Municipal Service Review

County Service Area No. 3 Sphere of Influence Review and Update

July 21, 2010

Page 2 of 5

is considered to be in substandard condition and that ongoing road maintenance services are limited by available funding. Among the determinations recommended in the MSR is that the County of Ventura should consider initiating proceedings to either dissolve the CSA or reorganize it into an independent district that relies solely on assessments. In the immediate term, the MSR determinations recommend that LAFCo establish a provisional sphere of influence for CSA No. 3. It is recommended that the Commission accept the MSR report and adopt the attached resolution (Attachment 3) making the required determinations to complete the MSR process.

#### Sphere of Influence Update

The existing sphere of influence for CSA No. 3 is the same as the District's boundary. In light of the issues noted in the MSR and the recently adopted policy providing the Commission with the authority to apply a provisional sphere of influence, it is recommended that the Commission adopt a provisional sphere of influence for CSA No. 3. The purpose for imposing a provisional sphere would be to encourage the County to address the CSA's financing and service limitations at its earliest opportunity. The recommended update to the sphere of influence would not affect the CSA's current boundary or the services it provides although it would effectuate a policy provision discouraging future annexations unless the purpose of the annexations are to resolve the CSA's deficiencies.

Pursuant to Government Code Section 56425(e) it is recommended that the Commission consider and adopt written statements of its determinations with respect to each of the following:

- (1) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for County Service Area No. 3 has no impact on the present and planned land uses in the area. There will be no changes with respect to land use and no impact to agricultural and open space lands as a result of the sphere of influence update.
- (2) *The present and probable need for public facilities and services in the area.* – The basis for the recommended sphere of influence update is to ensure that road maintenance services are adequately funded and provided over the long term either by a public entity or a private homeowners association.
- (3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The sphere of influence update is intended to encourage the County to address the ongoing service deficiencies within CSA No. 3 by resolving its financial limitations.
- (4) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.* - The sphere of influence update will not affect the social or economic community of interest in the area.

CEQA:

The Ventura LAFCo is the lead agency under CEQA for municipal service reviews and for sphere of influence updates. The Commission must therefore address CEQA requirements before taking any action on either MSRs or sphere of influence updates.

In staff's opinion it could easily be argued that the municipal service review action being recommended is not a project under CEQA in that the action will not result in a direct or reasonably foreseeable indirect physical change in the environment. Such a determination, however, would not result in any further public CEQA notice of action and potentially could be challengeable over an extended period of time. Thus, it is recommended that the Commission take a more conservative approach by determining that the municipal service review determinations are exempt from CEQA. This will result in the filing of a Notice of Exemption with the County Clerk and, significantly, a limited period (30 days) for anyone to challenge the CEQA determination.

Staff, in conjunction with legal counsel, reviewed both the CEQA Guidelines and the CEQA discussion in the State Guidelines for municipal service reviews. Based on this review staff determined that each of the recommended municipal service review determinations are exempt from CEQA under what is referred to as the "general rule" exemption. Specifically, CEQA Guidelines §15061(b)(3) provides that a project is exempt from CEQA if:

"The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The recommended resolution relating to the County Service Area No. 3 MSR (Attachment - 3) contains a finding that the action is exempt from CEQA based on this "general rule" exemption.

Similarly, the County Service Area No. 3 sphere of influence update is exempt from CEQA under the same "general rule" exemption (Section 15061(b)(3) of the CEQA Guidelines), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The recommended sphere of influence update does not affect the District's boundary and has no impact on the District's service area or ability to provide services. The recommended resolution relating to the County Service Area No. 3 sphere of influence update (Attachment 4) contains a finding that the action is exempt from CEQA based on the "general rule" exemption.

There may be changes, corrections and/or additions to the MSR report and/or the determinations that may be presented between the drafting of this staff report and the close of the public hearing on July 21. It is recommended that any such changes that the Commission finds appropriate be included as a part of the action to accept the service review report and included in the resolution adopting the determinations. After action by the

Staff Report

County Service Area No. 3 Municipal Service Review

County Service Area No. 3 Sphere of Influence Review and Update

July 21, 2010

Page 4 of 5

Commission a final report will be prepared reflecting all the changes, corrections and additions noted, plus any minor, non-substantive changes the Executive Officer is authorized to make (corrections of typos, etc.).

- Attachments: (1) Commissioner's Handbook Section 4.1.7 – Provisional Sphere of Influence  
(2) Municipal Service Review –County Service Area No. 3 Public Draft  
(3) Resolution adopting CEQA exemption and making determinations for the County Service Area No. 3 Municipal Service Review  
(4) Resolution LAFCo 10-08S making determinations and updating the sphere of influence for the County Service Area No. 3

## ATTACHMENT 1

Excerpt from Ventura LAFCo Commissioner's Handbook

### DIVISION 4 – SPHERES OF INFLUENCE

#### SECTION 4.1.7 PROVISIONAL SPHERE OF INFLUENCE

4.1.7.1 Purpose: A provisional sphere of influence is intended to delineate territory within which the subject service provider should pursue restructuring or reorganization options as recommended in the most recent MSR prepared by LAFCo.

- (a) LAFCo encourages agencies with a provisional sphere of influence designation to discuss alternatives to existing service provision or reorganization options and to return to LAFCo with the results of their discussions and/or studies.
- (b) If, pursuant to the process outlined in subsection (a), any change of organization or reorganization is determined to be warranted, the subject agency, an affected agency, or LAFCo should consider initiation of such proceedings except as otherwise prohibited by law.

4.1.7.2 Changes of organization or reorganizations within a provisional sphere of influence: Annexations to any agency with a provisional sphere designation shall be discouraged unless the purpose of the proposal is to resolve the issues that prompted the provisional sphere of influence designation.

4.1.7.3 Basis for adopting a provisional sphere of influence: The designation of a provisional sphere for an agency should be based exclusively on the determinations in the most recent MSR prepared for that agency.

4.1.7.4. Reconsideration: The provisional status of a sphere of influence should be reconsidered if the Commission determines that the agency has adequately addressed the deficiencies and/or issues that led to the provisional designation. Removal of the provisional designation may occur:

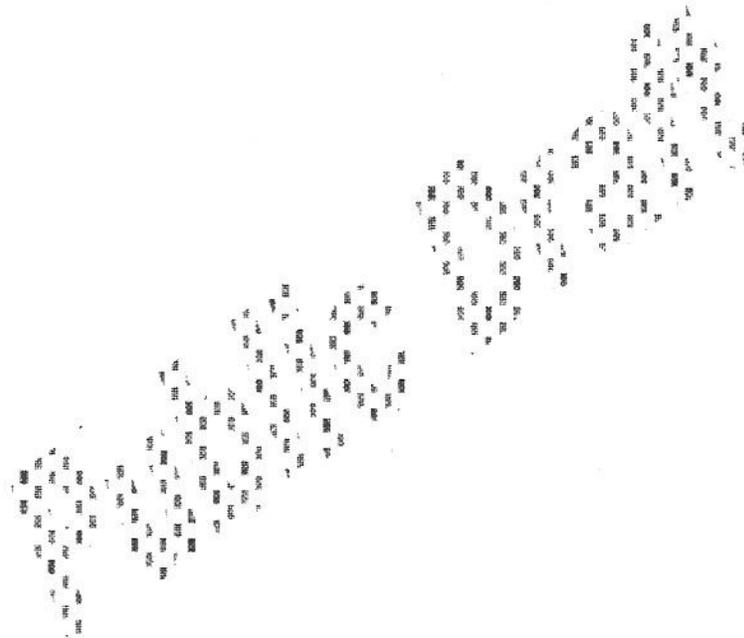
- (a) during the quinquennial review of the agency's sphere of influence; or
- (b) at the request of the agency's legislative body; or
- (c) at any time that the Commission deems it to be warranted.



Ventura  
Local Agency Formation Commission

# MUNICIPAL SERVICE REVIEW

## VENTURA COUNTY SERVICE AREA NO. 3



*Prepared By*

**Ventura Local Agency Formation Commission**  
800 South Victoria Avenue  
Ventura, California 93009-1850

**Considered by the Commission**  
July 21, 2010

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## I. EXECUTIVE SUMMARY

Ventura County has a number of County Service Areas, which are units of local government formed for the purpose of providing one or more enhanced or extended services that a county does not provide to the same extent on a countywide basis. This report addresses County Service Area (CSA) No. 3.

CSA No. 3 was formed in November, 1965 for the purpose of providing road maintenance for a non-County road (Camp Chaffee Road) in the Foster Park community between the Cities of San Buenaventura and Ojai. The area within the CSA boundaries is approximately 19 acres in size and the sphere of influence is coterminous with the CSA boundaries. The County of Ventura Public Works Agency, Real Estate Services Department provides administrative support for the CSA.

LAFCo must conduct service reviews prior to or in conjunction with the mandated five-year schedule for updating agency spheres of influence. The service review report must include an analysis of the issues and written determinations for each of the following:

- Growth and population projections for the affected area
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies
- Financial ability of agencies to provide services
- Status of, and opportunities, for shared facilities
- Accountability for community services needs, including governmental structure and operational efficiencies
- Any other matter related to effective and efficient service delivery, as required by commission policy

Camp Chaffee Road is publicly accessible, but it is not a County road and effectively functions as a private road. Services consist of pothole and berm repair, crack sealing and limited road resurfacing. According to County staff, major repairs were last made to the road in 1999 after it was damaged by a heavy storm. The road is generally considered to be in substandard condition and ongoing maintenance is limited by available funding.

Financed primarily through a combination of revenue from the one percent property tax and service charges assessed to benefiting properties, the CSA has insufficient financial capability to provide for comprehensive routine road maintenance and rehabilitation needs and there are insufficient contingencies or reserves to cover the cost of repairs in the event of a major emergency. As the road conditions continue to decline over time, the County will likely need to increase revenues by raising service charges, which are considered assessments subject to property owner approval

pursuant to Proposition 218. The current service charges have been in effect since 1987 and no rate increase is being recommended for FY 2010-2011.

No opportunities for shared facilities were noted and operational efficiencies are achieved through the consolidation of administration and operations by Ventura County. Local accountability is somewhat limited due to the inactive status of the Advisory Committee and lack of a dedicated webpage. To increase public accessibility to the information, the County should consider developing such a webpage including general information about the CSA, a copy of the latest adopted budget, map of the service area and other pertinent information.

The County of Ventura should consider initiating a reorganization of CSA No. 3 into an independent special district that relies solely on assessments, or initiating dissolution to encourage residents to establish a private homeowner association. In the in meantime, LAFCo should establish a provisional sphere of influence for CSA No. 3.

## II. INTRODUCTION

The law governing Local Agency Formation Commissions (“LAFCo”) requires each LAFCo to carry out its responsibilities for planning and shaping the logical and orderly development of local governmental agencies by determining the sphere of influence of each local agency in the county. A sphere of influence is defined as a plan for the probable physical boundaries and service area of a local agency. Effective January 1, 2001, LAFCos are required to review and, as necessary, update the sphere of influence of each city and special district by January 1, 2008, and every five years thereafter. No sphere of influence can be updated, however, unless the LAFCo first conducts a municipal service review. California Government Code §56430 provides that municipal service reviews (“service reviews” or “MSRs”) consist of written determinations relating to the following six factors:

1. Growth and population projections for the affected area
2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies
3. Financial ability of agencies to provide services
4. Status of, and opportunities, for shared facilities
5. Accountability for community services needs, including governmental structure and operational efficiencies
6. Any other matter related to effective and efficient service delivery, as required by commission policy

It is important to note that municipal service reviews are:

- The written determinations adopted by a LAFCo for the services provided by cities and special districts. LAFCo service review reports are essentially only studies with recommended determinations for each of the six factors.
- Not applicable to counties (except for special districts governed by a county board of supervisors), and not applicable to private providers of public services, such as private for profit or non-profit health care providers or private companies regulated by the Public Utilities Commission. This is because service reviews are based on the preparation or review and update of spheres of influence and LAFCos do not establish spheres of influence for counties or private service providers.
- Not investigations. While authorized to prepare studies relating to their role as boundary agencies, LAFCos have no investigative authority.

As required by Government Code §56430, the Governor’s Office of Planning and Research (OPR) adopted advisory guidelines for municipal service reviews. Because of the timing of the issuance of the guidelines and widely varying local circumstances, each LAFCo in the state is following its own process and procedures for meeting the municipal service review mandate.

The Ventura LAFCo last reviewed and updated the sphere of influence for Ventura County Service Area No. 3 on May 18, 2005 based on a municipal service review dated February 16, 2005. Information to prepare this service review report was obtained from County and LAFCo records as well as meetings, e-mail exchanges, and phone conversations between LAFCo and various County staff members.

### **III. SERVICE REVIEW**

#### **A. Background**

County service areas (CSAs) are units of local government formed in accordance with state law (California Government Code Section 25210 et seq.) and governed by the County Board of Supervisors. The general purpose of a CSA is to provide public services to a specified geographic area to an extent not typically provided on a countywide basis. CSAs typically provide services only within unincorporated territory but can also serve areas within municipal boundaries subject to the consent of the affected city or cities.

CSAs are similar to special districts. Subject to LAFCo approval, they may provide any governmental services and facilities within the CSA which the county is authorized to perform and which the county does not perform to the same extent on a countywide basis, including, but not limited to police protection, fire protection/emergency services, park and recreation services, library services, water supply, sewer services, road maintenance and sweeping, street landscaping/lighting services, solid waste collection/disposal, animal control, transportation, garbage/refuse collection, emergency medical services, and weed and rubbish abatement. Funding for CSAs may be obtained through a variety of sources, including special taxes, assessments and property based fees.

CSA No. 3 was formed in November, 1965 for the purpose of providing road maintenance for a non-County road (Camp Chaffee Road) in the Foster Park community between the Cities of San Buenaventura and Ojai. The area within the CSA boundaries is approximately 19 acres in size and the sphere of influence is coterminous with the CSA boundaries. The County of Ventura Public Works Agency, Real Estate Services Department provides administrative support for the CSA.

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**B. Agency Profile**

<b>COUNTY SERVICE AREA NO. 3 Camp Chaffee Road Maintenance</b>
--

<b>Contact:</b>	Keith Filegar, Real Estate Services Manager
<b>Mailing Address:</b>	County of Ventura, Public Works Agency
<b>Site Address:</b>	800 S. Victoria Avenue Ventura, CA 93009-1640
<b>Phone Number:</b>	805-654-2402
<b>Email:</b>	Keith.filegar@ventura.org
<b>Website:</b>	<a href="http://publicworks.countyofventura.org/central_services/realestate_services/index.htm">http://publicworks.countyofventura.org/central_services/realestate_services/index.htm</a>

<b>SERVICES</b>
-----------------

<b>Types of Service:</b>	Road Maintenance
--------------------------	------------------

<b>AREA &amp; SIZE INFORMATION</b>
------------------------------------

<b>Area in District boundary (approximate):</b>	19 acres
<b>Number of Assessor parcels in District:</b>	57
<b>No. of Ownerships Assessed/Service Chg:<sup>1</sup></b>	21 improved (\$60 per year) 7 unimproved (\$30 per year)
<b>Estimated Population:</b>	80

<b>FINANCIAL INFORMATION</b>
------------------------------

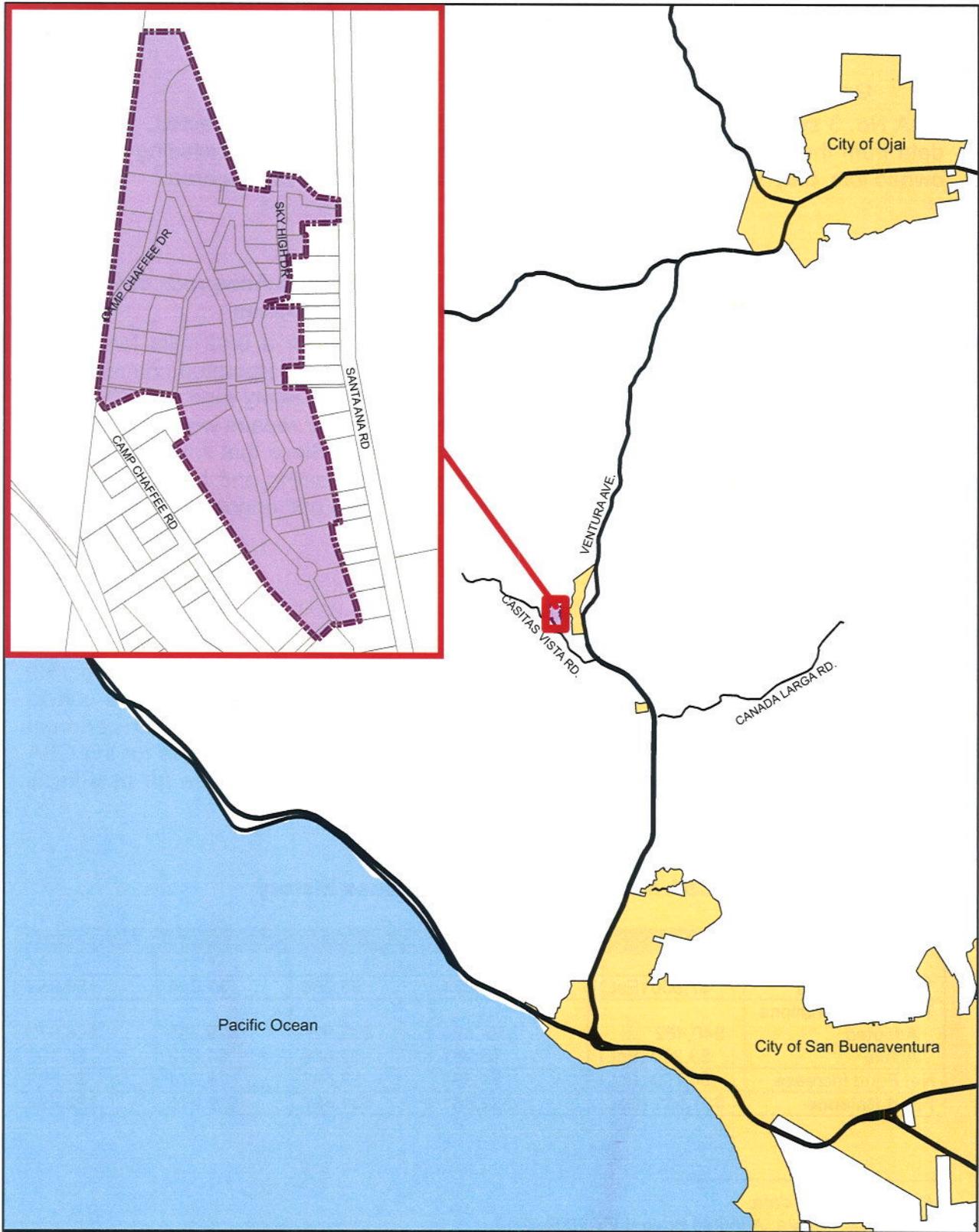
<b>Budget: (FY 2009-2010)<sup>2</sup></b>	<b>Revenues</b>	<b>Expenses</b>	<b>Fund Equity</b> (est. at year end)
	\$7,600	\$40,462	\$37,630

<b>Sources of Funding:</b>	
Property Taxes	75%
Service Charges	18%
Other - Interest	7%

<sup>1</sup> Only parcels subject to property tax are assessed and assessments are based on ownership (i.e. one assessment per owner, not per parcel). Per County GIS data there are a total of 30 owners, but two parcels are not assessed because they have separate access from outside the District boundary and therefore do not benefit from the services provided by CSA 3.

<sup>2</sup> Excess of expenditures over revenues to be funded through reserves

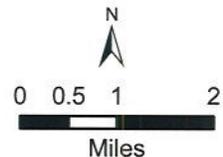
# EXHIBIT A



## Legend

-  CSA Boundary
-  Sphere of Influence

## Ventura County Service Area (CSA) No. 3 July, 2010



### C. Growth and Population

CSA No. 3 serves a very limited area where little to no growth is expected. Based on data from the 2000 Census, the population within the CSA is 80. Excluding publically owned lots, only 12 unimproved lots remain within the existing service area.<sup>1</sup>

### D. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

CSA No. 3 provides road improvement and maintenance for a 0.42 mile long, non-County maintained section of Camp Chaffee Road in the unincorporated community of Foster Park. The road is publicly accessible, but it is not a County road and effectively functions as a private road. According to County staff, major repairs were last made to the road in 1999 after it was damaged by a heavy storm. Since that time repairs have been limited to periodic pothole and patch repair, crack sealing and berm repair. The road is generally considered to be in substandard condition and ongoing maintenance is limited by available funding.

### E. Financial Ability to Provide Service

County Service Areas are required to be administered and managed as legally separate entities. As such, CSA No. 3 is operated through a separate County budget unit to prevent commingling of funds. The Ventura County's Real Estate Services Department is responsible for determining the ongoing and special maintenance needs for the CSA and preparing annual budgets. Table III-1 provides a financial overview for past fiscal years.

**TABLE III-1**  
**CSA No. 3 Financial Performance History**

	FY 09-10 <sup>2</sup>	FY 08-09 <sup>3</sup>	FY 07-08 <sup>4</sup>	FY 06-07 <sup>5</sup>	FY 05-06 <sup>6</sup>
Total Revenues	\$7,900 (Est.)	\$8,374	\$8,286	\$7,994	\$6,989
Total Appropriations					
Adopted	\$40,462	\$36,570	\$36,927	\$29,856	\$26,973
Actual	\$3,200 (Est.)	\$6,981	\$5,689	\$1,622	\$5,107
Net Fund Increase	\$4,700 (Est.)	\$1,394	\$2,597	\$6,371	\$1,882
<b>Fund Balance</b>	<b>\$37,561 (Est.)</b>	<b>\$32,861</b>	<b>\$31,467</b>	<b>\$28,870</b>	<b>\$22,499</b>

<sup>1</sup> Per County GIS data.

<sup>2</sup> County of Ventura, Adopted Budget FY 2009-2010

<sup>3</sup> County of Ventura, Adopted Budget FY 2008-2009

<sup>4</sup> County of Ventura, Adopted Budget FY 2007-2008

<sup>5</sup> County of Ventura, Adopted Budget FY 2006-2007

<sup>6</sup> County of Ventura, Adopted Budget FY 2005-2006

CSA No. 3 is financed primarily through a combination of revenue from the one percent property tax and service charges assessed to benefiting properties. For the 2009-2010 fiscal year, the CSA received a property tax apportionment rate of .000005287, which amounted to a total allocation of \$5,523.27. The current service charge rates are \$60 per year for improved properties and \$30 for unimproved properties. For the 2009-2010 fiscal year, the total revenue from service charges is estimated to be \$1,400.

Ongoing financial constraints significantly limit the ability of the CSA to perform road maintenance services. Although limited emergency repairs continue to be completed as necessary and the road remains passable, the overall condition of the road segment is worsening. According to information provided by the County of Ventura Transportation Department, the cost to perform minimal maintenance (e.g., patching, repairs and sign replacements) on the entire 0.42 mile road segment would be approximately \$100,000 with an additional \$20,000 to \$30,000 annually to maintain the same condition. To completely rehabilitate the road segment, the cost would be approximately \$200,000. As of July, 2010, the estimated fund balance of the CSA is \$37,561. Not only is this amount insufficient to provide for comprehensive routine road maintenance and rehabilitation needs, there are insufficient contingencies or reserves to cover the cost of repairs in the event of a major emergency.

To balance service costs with the relatively small amount of revenue it receives, the CSA has historically provided a minimal level of service. As the road conditions continue to decline over time, the County will likely need to increase revenues by raising service charges, which are considered assessments subject to property owner approval pursuant to Proposition 218. The current service charges have been in effect since 1987 and no rate increase is being recommended for FY 2010-2011.

#### **F. Status of, and Opportunities for, Shared Facilities**

Given its limited geographic service area and lack of facilities, no opportunities for shared facilities were noted for CSA No. 3.

#### **G. Accountability for Community Services Needs, Including Governmental Structure and Operational Efficiencies**

The CSA is governed by the Ventura County Board of Supervisors. The Board of Supervisors generally meets each Tuesday at 8:30 a.m. in a facility that complies with the Americans with Disabilities Act. Board members are regularly briefed about the Brown Act and the regulations of the Fair Political Practices Commission. CSA staff are knowledgeable regarding the Public Records Act and both Board members and senior staff have completed the mandatory ethics training required by AB-1234 (Government Code Section 53234 et seq).

Meeting notices are posted on bulletin boards at least five days in advance of any public hearing and are posted on the County web site. The County also maintains a website with meeting agendas, budgets and other documents posted. The Board of Supervisor members receive no additional compensation for their CSA responsibilities. Ventura County staff from the Public Works Agency (Real Estate Services) administers the budget and manages the provision of road services although revenue limitations constrain the amount of time County staff can use to manage the district. The CSA attains management efficiencies through the consolidation of administration functions. Furthermore, the CSA realizes operational efficiencies through its reliance on the County Transportation Department as the provider of road services.

During the early years of the CSA's existence, an Advisory Committee comprised of local residents was formed to provide input to the County regarding infrastructure needs. However, the Committee has been inactive for the last several years. Local accountability is also somewhat constrained due to the lack of a County webpage specifically dedicated to CSA No. 3. To increase public accessibility to the information, the County should consider developing such a webpage including general information about the CSA, a copy of the latest adopted budget, map of the service area and other pertinent information.

Alternatives to the current governance structure of CSA No. 3 are limited given its relatively small size and the singular service it provides. In general, CSAs can be consolidated with other CSAs, merged with cities, reorganized as independent agencies or dissolved. Consolidating CSA No. 3 with other CSAs or merging it with a city would not address the ongoing revenue shortfalls or enhance existing operational and management efficiencies beyond those that currently exist. If the CSA were to reorganize as an independent public agency, it would be required to provide its own management. However, this would eliminate the efficiencies created by having one organization, i.e. Ventura County, manage all the CSAs. Moreover, this option would perpetuate the use of property tax revenue for the maintenance of a road that is essentially private. Although it would further exacerbate future revenue shortfalls and result in greater costs to the residents, the reorganization of the CSA into an independent special district that relies solely on assessments would resolve the property tax subsidy issue. Dissolution of CSA No. 3 should also be considered due to the significant financing and infrastructure issues that are likely to continue into the foreseeable future. If dissolution were to occur, road maintenance could be provided by a homeowners association rather than a governmental entity that receives property taxes. This would also allow the residents to maintain the road to their standards through contract services and avoid the costs of overhead for a governmental agency.

In light of the suggestions to either reorganize CSA No. 3 as an independent special district that relies solely on assessments or dissolve it entirely, the Commission should consider applying a provisional sphere of influence pursuant to the policies set forth in the Ventura LAFCo Commissioner's Handbook. The purpose of a provisional sphere would be to provide a geographic representation of the service and financing issues identified in this MSR as a way to encourage the County to explore potential solutions.

In addition, the application of a provisional sphere of influence would provide for a limitation on annexations within CSA No. 3 which may serve as a further inducement for the County to address the underlying issues. If LAFCo were to apply a provisional sphere and the County subsequently resolved the service issues, LAFCo would have the option to reconsider the provisional sphere designation as appropriate.

**H. Other Matters Related to Effective and Efficient Service Delivery, as Required by Commission Policy**

None were identified.

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#### IV. DETERMINATIONS

- **Growth and population projections for the affected area**
  1. The potential for growth within County Service Area No. 3 is limited.
- **Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies**
  1. County Service Area No. 3 provides road maintenance service to a 0.42 mile segment of Camp Chaffee Road, which is a non-County maintained road.
  2. The portion of Camp Chaffee Road maintained by CSA No. 3 is in substandard conditions and no major improvements are currently planned.
- **Financial ability to provide services**
  1. The CSA is financed primarily through a combination of property tax revenue and service charges.
  2. Service charges are \$60 per ownership of improved lots and \$30 per unimproved lots and have not been increased since 1987.
  3. Any increase in service charges is subject to approval by the property owners pursuant to Proposition 218.
  4. The provision of adequate road maintenance service is financially limited and there are insufficient contingencies or reserves to cover the cost of repairs in the event of a major emergency.
  5. The CSA is avoiding costs through deferred maintenance, the use of County administration and operations.
- **Status of, and opportunities, for shared facilities**
  1. No opportunities for shared facilities were noted for CSA No. 3.
- **Accountability for community services needs, including governmental structure and operational efficiencies**
  1. The Ventura County Board of Supervisors acting in its capacity as the governing board for the CSA conducts regular, publicly noticed meetings with a printed agenda. Meeting facilities are in compliance with the Americans with Disabilities Act and Board members are regularly briefed about the Brown Act and other public meeting requirements.
  2. The County Supervisors receive regular reviews of the requirements of the Brown Act, the rules and regulations of the Fair Political Practices Commission and the provisions of the Public Records Act. Board members and senior staff have completed the mandatory ethics training required by AB-1234 (Government Code Section 53234 et seq).
  3. The County Public Works Agency, Real Estate Services Department provides administrative support for the CSA and the County Transportation Department provides operational support.
  4. Local accountability is somewhat limited due to the inactive status of the Advisory Committee and lack of a dedicated webpage. To increase public accessibility to

the information, the County should consider developing such a webpage including general information about the CSA, a copy of the latest adopted budget, map of the service area and other pertinent information.

5. LAFCo should apply a provisional sphere of influence for CSA No. 3.
  6. The County of Ventura should consider initiating a reorganization of CSA No. 3 into an independent special district that relies solely on assessments or initiating dissolution to encourage residents to establish a private homeowner association.
- **Any other matter related to effective and efficient service delivery, as required by commission policy**
    1. No other matters were identified.

### ATTACHMENT 3

#### RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION DETERMINING THAT THE MUNICIPAL SERVICE REVIEW FOR COUNTY SERVICE AREA NO. 3 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE MUNICIPAL SERVICE REVIEW, INCLUDING STATEMENTS OF DETERMINATION, FOR COUNTY SERVICE AREA NO. 3

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

WHEREAS, Government Code Section 56430(c) requires each LAFCo to conduct municipal service reviews prior to or in conjunction with the update of a Sphere of Influence; and

WHEREAS, the Ventura LAFCo has prepared a report titled "Municipal Service Review – Ventura County Service Area No. 3" that reviews the services provided by County Service Area No. 3; and

WHEREAS, the "Municipal Service Review – Ventura County Service Area No. 3" report contains recommended statements of determinations as required by California Government Code §56430 for the County Service Area No. 3; and

WHEREAS, the Ventura LAFCo Executive Officer has determined that the municipal service review for County Service Area No. 3 is exempt from the California Environmental Quality Act (CEQA) pursuant to §15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the municipal service review for County Service Area No. 3 and the related recommended statements of determination were duly considered on July 21, 2010, at a continued public hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the recommended exemption from CEQA, the "Municipal Service Review – Ventura County Service Area No. 3" report and the written determinations for County Service Area No. 3, including, but not limited to, the Executive Officer's report and recommendations;

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

- (1) The service review for the "Municipal Service Review – Ventura County Service Area No. 3" report, including the related statements of determination, are

determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to §15061(b)(3) of the CEQA Guidelines.

- (2) The Commission directs staff to file a Notice of Exemption as the lead agency under §15062 of the CEQA Guidelines.
- (3) The Commission accepts the "Municipal Service Review – Ventura County Service Area No. 3" report as presented to the Commission on July 21, 2010, including any corrections and additions approved by a majority of the Commission as a part of this action. The Executive Officer is authorized to make minor corrections and additions to this report for accuracy and completeness.
- (4) The Executive Officer's staff report dated July 21, 2010 and recommendation for approval of the "Municipal Service Review – Ventura County Service Area No. 3" report are hereby adopted.
- (5) Pursuant to Government Code §56430 the following statements of determination are hereby adopted for County Service Area No. 3:
  - **Growth and population projections for the affected area**
    1. The potential for growth within County Service Area No. 3 is limited.
  - **Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies**
    1. County Service Area No. 3 provides road maintenance service to a 0.42 mile segment of Camp Chaffee Road, which is a non-County maintained road.
    2. The portion of Camp Chaffee Road maintained by CSA No. 3 is in substandard conditions and no major improvements are currently planned.
  - **Financial ability to provide services**
    1. The CSA is financed primarily through a combination of property tax revenue and service charges.
    2. Service charges are \$60 per ownership of improved lots and \$30 per unimproved lots and have not been increased since 1987.
    3. Any increase in service charges is subject to approval by the property owners pursuant to Proposition 218.
    4. The provision of adequate road maintenance service is financially limited and there are insufficient contingencies or reserves to cover the cost of repairs in the event of a major emergency.
    5. The CSA is avoiding costs through deferred maintenance, the use of County administration and operations.
  - **Status of, and opportunities for, shared facilities**
    1. No opportunities for shared facilities were noted for CSA No. 3.

- **Accountability for community services needs, including governmental structure and operational efficiencies**
  1. The Ventura County Board of Supervisors acting in its capacity as the governing board for the CSA conducts regular, publicly noticed meetings with a printed agenda. Meeting facilities are in compliance with the Americans with Disabilities Act and Board members are regularly briefed about the Brown Act and other public meeting requirements.
  2. The County Supervisors receive regular reviews of the requirements of the Brown Act, the rules and regulations of the Fair Political Practices Commission and the provisions of the Public Records Act. Board members and senior staff have completed the mandatory ethics training required by AB-1234 (Government Code Section 53234 et seq).
  3. The County Public Works Agency, Real Estate Services Department provides administrative support for the CSA and the County Transportation Department provides operational support.
  4. Local accountability is somewhat limited due to the inactive status of the Advisory Committee and lack of a dedicated webpage. To increase public accessibility to the information, the County should consider developing such a webpage including general information about the CSA, a copy of the latest adopted budget, map of the service area and other pertinent information.
  5. LAFCo should apply a provisional sphere of influence for CSA No. 3.
  6. The County of Ventura should consider initiating a reorganization of CSA No. 3 into an independent special district that relies solely on assessments or initiating dissolution to encourage residents to establish a private homeowner association.
  
- **Any other matter related to effective and efficient service delivery, as required by commission policy**
  1. No other matters were identified.

This resolution was adopted on July 21, 2010.

AYES:

NOES:

ABSTAINS:

\_\_\_\_\_  
Date

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

**ATTACHMENT 4**

**LAFCO 10-08S**

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING DETERMINATIONS  
AND APPROVING THE UPDATE OF THE SPHERE OF  
INFLUENCE FOR VENTURA COUNTY SERVICE AREA  
NO. 3**

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

WHEREAS, Government Code Section 56425(g) requires that LAFCo, as necessary, review and update the adopted sphere of influence boundaries on or before January 1, 2008 and every five years thereafter; and

WHEREAS, Government Code Section 56430 requires that a municipal service review be conducted prior to or in conjunction with a sphere of influence update; and

WHEREAS, LAFCo conducted a municipal service review of the services provided by County Service Area No. 3 and adopted written determinations as required by Government Code Section 56430 on July 21, 2010 for the services provided by the CSA; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the CSA's sphere of influence;

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; and

WHEREAS, the sphere of influence update action was duly considered at a public hearing on July 21, 2010; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence update including, but not limited to, testimony at the public hearing on July 21, 2010 and the July 21, 2010 staff report and recommendation;

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** as follows:

- (1) The Staff Report and Recommendation for approval of the sphere of influence update for County Service Area No. 3, dated July 21, 2010, is adopted.

- (2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:
  - (a) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for County Service Area No. 3 has no impact on the present and planned land uses in the area. There will be no changes with respect to land use and no impact to agricultural and open space lands as a result of the sphere of influence update.
  - (b) *The present and probable need for public facilities and services in the area.* – The basis for the recommended sphere of influence update is to ensure that road maintenance services are adequately funded and provided over the long term either by a public entity or a private homeowners association.
  - (c) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The sphere of influence update is intended to encourage the County to address the ongoing service deficiencies within CSA No. 3 by resolving its financial limitations.
  - (d) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.* - The sphere of influence update will not affect the social or economic community of interest in the area.
- (3) The sphere of influence for County Service Area No. 3 is hereby updated to be the area shown as “proposed sphere of influence,” 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 County Service Area No. 3 updated consistent with this action.
- (5) In accordance with the Executive Officer’s determination, the Commission, as lead agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that the sphere of influence update for County Service Area No. 3 is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.
- (6) The Commission directs staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

This resolution was adopted on July 21, 2010.

AYES:

NOES:

ABSTAINS:

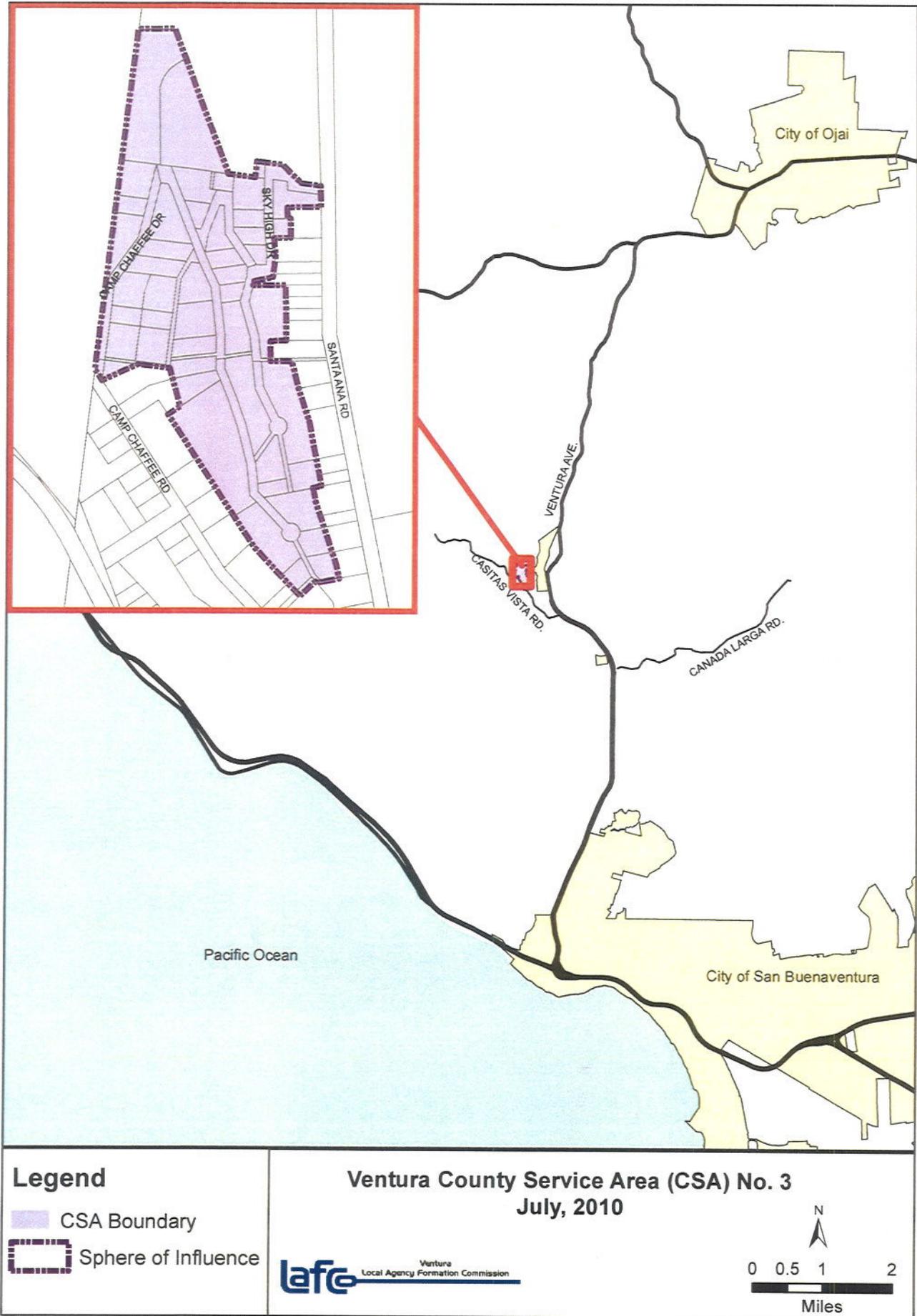
Dated: \_\_\_\_\_

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

c: County of Ventura Public Works Agency, Real Estate Services  
Ventura County Surveyor  
Ventura County Geographic Information Officer  
Ventura County Planning Department

Resolution - Sphere of Influence Update  
County Service Area No. 3  
July 21, 2010  
Page 3 of 3

# EXHIBIT A





**STAFF REPORT**

Meeting Date: July 21, 2010

**Agenda Item 12**

**TO:** LAFCo Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** Santa Paula-Fillmore Greenbelt Endorsement

**RECOMMENDATIONS:**

Approve the attached Resolution recognizing and endorsing revisions to the Santa Paula-Fillmore Greenbelt Agreement between the Cities of Santa Paula and Fillmore and the County of Ventura.

**BACKGROUND:**

The cities of Santa Paula and Fillmore originally adopted the Santa Paula-Fillmore Greenbelt by joint resolution in January 1980. It was endorsed by the County Board of Supervisors later in the same month and by LAFCo in February 1980. Revisions to the Greenbelt boundaries were adopted by the City of Santa Paula in June 1999, the City of Fillmore in July 1999 and the County Board of Supervisors in August 1999. These revisions were endorsed by LAFCo in July 2000.

On February 16, 2010, the City of Santa Paula adopted an ordinance establishing a revised Santa Paula-Fillmore Greenbelt boundary to remove approximately 774 acres and add approximately 1,865 acres (Attachment 2). The primary purpose of the revisions is to accommodate the intended annexation of East Area 1, which would allow for the development of approximately 500 acres of land owned by the Limoneira Company. Based on information provided by City of Santa Paula staff, the City plans to submit an application requesting annexation of East Area 1 by the end of this year. As shown on the attached map (Attachment 3), a number of additional revisions were made as part of the process of negotiating the Greenbelt amendment with the City of Fillmore, including the following:

COMMISSIONERS AND STAFF

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Elaine Freeman <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon
			<b>Legal Counsel:</b> Michael Walker

- Areas within the City of Fillmore – Removal of approximately 100 acres of territory that is currently within the Fillmore city limits and thus not appropriate for inclusion in a greenbelt.
- Areas of Interest – Removal of approximately 145 acres of land located along the southerly boundary of the Greenbelt which are outside of the Area of Interest of the participating cities.
- South of Santa Paula – Addition of approximately 216 acres south of the City of Santa Paula.
- West of Fillmore – Addition of approximately 714 acres west of the City of Fillmore in the Sespe Creek area.
- Minor Mapping Adjustments – Eight small revisions to align the Greenbelt boundary with existing parcel lines or other boundaries such as the Los Padres National Forest boundary.

The City of Fillmore subsequently adopted an ordinance approving the same revisions to the Greenbelt on March 30, 2010 (Attachment 4). Likewise, the Ventura County Board of Supervisors acted on June 22, 2010 to approve the Greenbelt revisions in the form of an ordinance (Attachment 5).

#### **DISCUSSION:**

Both city Greenbelt Ordinances and the County Ordinance request that they be endorsed and certified by LAFCo and that LAFCo continue to act in a manner consistent with the preservation of agricultural and open space lands within the Greenbelt. LAFCo is not a formal party to greenbelt agreements or local agency resolutions or ordinances. However, due to the fact that the greenbelt agreements provide that the parties will abide by a policy of non-annexation, LAFCo has endorsed them as statements of local policy to be considered as a part of LAFCo actions relating to change of organization proposals (Commissioner's Handbook Section 2.5.3). It should be noted that the recommended endorsement of the Greenbelt revisions is independent of any determination that the Commission may ultimately make in response to a proposal to annex East Area 1 or any other area formerly within the Greenbelt boundary. Any decision regarding the requested endorsement of the Greenbelt revisions would not obligate the Commission in any way with respect to future annexation decisions.

With regard to the California Environmental Quality Act (CEQA), the recommended action to endorse the amended Santa Paula-Fillmore Greenbelt boundary is exempt from CEQA pursuant to the CEQA Guidelines Section 15061(b)(3) because there is no possibility that it will have a significant effect on the environment. As discussed in the previous paragraphs, LAFCo is not a party to the locally adopted greenbelt resolutions or ordinances. The endorsement merely acknowledges, after the fact, that the Greenbelt boundaries were amended by those local agencies having direct authority or interest in land use and development within the unincorporated area between the Cities of Santa Paula and Fillmore. In itself, LAFCo's action would not change land use regulations, accommodate any reasonably foreseeable development or alter current LAFCo policies.

Staff Report – Santa Paula-Fillmore Greenbelt Endorsement  
 July 21, 2010  
 Page 2 of 3

- Attachments: (1) LAFCo Resolution Endorsing Revisions to the Santa Paula-Fillmore Greenbelt  
(2) City of Santa Paula Ordinance No. 1226  
(3) Map of Santa Paula-Fillmore Greenbelt Revisions  
(4) City of Fillmore Ordinance No. 10-816  
(5) County of Ventura Ordinance No. 4415

ATTACHMENT 1

**A RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION RECOGNIZING AND  
ENDORING REVISIONS TO THE SANTA PAULA-  
FILLMORE GREENBELT BETWEEN THE COUNTY OF  
VENTURA AND THE CITIES OF SANTA PAULA AND  
FILLMORE**

WHEREAS, the County of Ventura and the Cities of Santa Paula and Fillmore established the Santa Paula-Fillmore Greenbelt in 1980 to enact a policy of non-annexation and retention of open space and agricultural land uses in the unincorporated area between the Cities of Santa Paula and Fillmore; and

WHEREAS, the Santa Paula-Fillmore Greenbelt was been subsequently amended by the County of Ventura and the Cities of Santa Paula and Fillmore in 1999; and

WHEREAS, the Local Agency Formation Commission (LAFCo) endorsed the original Santa Paula-Fillmore Greenbelt Agreement in 1980 and a revised Santa Paula-Fillmore Greenbelt Agreement in 2000 as statements of local policy; and

WHEREAS, in January and March, 2010, respectively, the Cities of Santa Paula and Fillmore adopted a Santa Paula-Fillmore Greenbelt Ordinance and in June, 2010 the County of Ventura adopted a Santa Paula-Fillmore Greenbelt Ordinance; and

WHEREAS, the ordinances of the cities of Santa Paula and Fillmore and the County Ordinance each request LAFCo to endorse the revisions to the Greenbelt.

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

1. The Commission hereby recognizes and endorses the revisions to the Santa Paula-Fillmore Greenbelt as described and approved by City of Santa Paula Ordinance No. 1226, dated February 16, 2010, City of Fillmore Ordinance No. 10-816, dated March 30, 2010 and County of Ventura Ordinance No. 4415, dated June 22, 2010.
2. In accordance with the Executive Officer's determination, the Commission, as lead agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that the endorsement of the amended Santa Paula-Fillmore Greenbelt boundary is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.
3. The Commission directs staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.
4. The Commission directs the Executive Officer to advise the Cities of Santa Paula and Fillmore and the County of Ventura of the Commission's action.

This resolution was adopted on July 21, 2010.

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_

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

Copies:  
City of Santa Paula  
City of Fillmore  
Clerk of the Ventura County Board of Supervisors  
Ventura County Planning Department

**ATTACHMENT 2**

**ORDINANCE NO. 1226**

**AN ORDINANCE AMENDING ORDINANCE NO. 1216 AFFECTING THE SANTA PAULA – FILLMORE GREENBELT.**

(Project No. 2009-CI-03)

The Council of the City of Santa Paula does ordain as follows:

**SECTION 1:** The following definition is added to Section 5 of Ordinance No. 1216, adopted October 5, 2009 ("Greenbelt Ordinance"):

"Technical/Policy Review Committee" means a committee consisting of at least one staff representative and at least one elected official from the city of Santa Paula, the city of Fillmore, the county of Ventura and the Local Agency Formation Commission (LAFCo), appointed or otherwise authorized by the jurisdictions' decision-making body. This Committee must convene to review proposed amendments to this Ordinance in the interests of reaching agreement, before presenting the amendments to the jurisdictions' decision-making bodies."

**SECTION 2:** Section 6(A) of the Greenbelt Ordinance is amended by substituting Exhibit A in the Greenbelt Ordinance with attached Exhibit "B," which is incorporated by reference.

**SECTION 3:** Section 6(C) of the Greenbelt Ordinance is amended to read as follows:

"C. Amendments.

1. The City Council will review the features, terms, conditions and the status of the Greenbelt during the next update to the Santa Paula General Plan and LAFCo urban growth boundary study.
2. Proposals for amending the boundaries or features of the Greenbelt may be initiated by the cities of Fillmore, Santa Paula, and/or or the County of Ventura. Proposed amendments must be reviewed by the Technical/Policy Committee before being considered by City or County decision-making bodies.
3. After reviewing proposed changes, the Technical/Policy Committee must forward a recommendation to the Parties' respective governing bodies concerning the merits and deficiencies of the proposed Greenbelt amendment.
4. The City Council may, but is not required to, make changes to the Greenbelt as recommended by the Technical/Policy Committee."

**SECTION 4: LAFCo Action.** The Santa Paula City Council requests that the Ventura Local Agency Formation Commission (LAFCo) endorse and certify this Greenbelt Ordinance and continue utilize it to protect the Greenbelt.

**SECTION 5: Authorization.** The City Council authorizes the City Manager, or designee, to take all appropriate action to implement this Ordinance. Further, the City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney, to maps, diagrams, tables, and other, similar, documents (collectively, "Maps") that may be required to reconcile the changes made by this Ordinance with amendments made to the Maps by other City Council action in unrelated land use applications between 2005 and 2009.

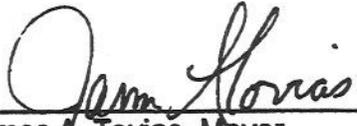
**SECTION 6: CEQA Review.** This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines") because it consists only of minor revisions and clarifications to an existing land use policy and specification of procedures related thereto and does not have the effect of deleting or substantially changing any regulatory standards or findings required. The Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15061(b)(3) as CEQA only applies to projects that have the potential to cause a significant effect on the environment; 15301 as a minor alteration of existing public or private structures involving negligible expansion of use; and 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density.

**SECTION 7: Severability.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end the provisions of this Ordinance are severable.

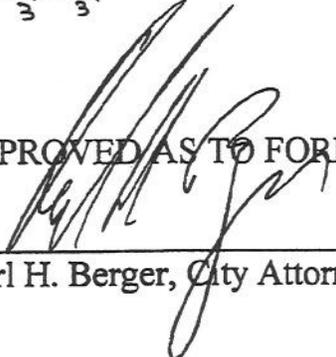
**SECTION 8: Notice.** The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

**SECTION 9: Effectiveness.** This Ordinance will become effective on the 31<sup>st</sup> day following its passage and adoption.

PASSED AND ADOPTED this 16 day of Feb., 2010.

  
\_\_\_\_\_  
James A. Tovias, Mayor

APPROVED AS TO FORM:

  
Karl H. Berger, City Attorney

APPROVED AS TO CONTENT:

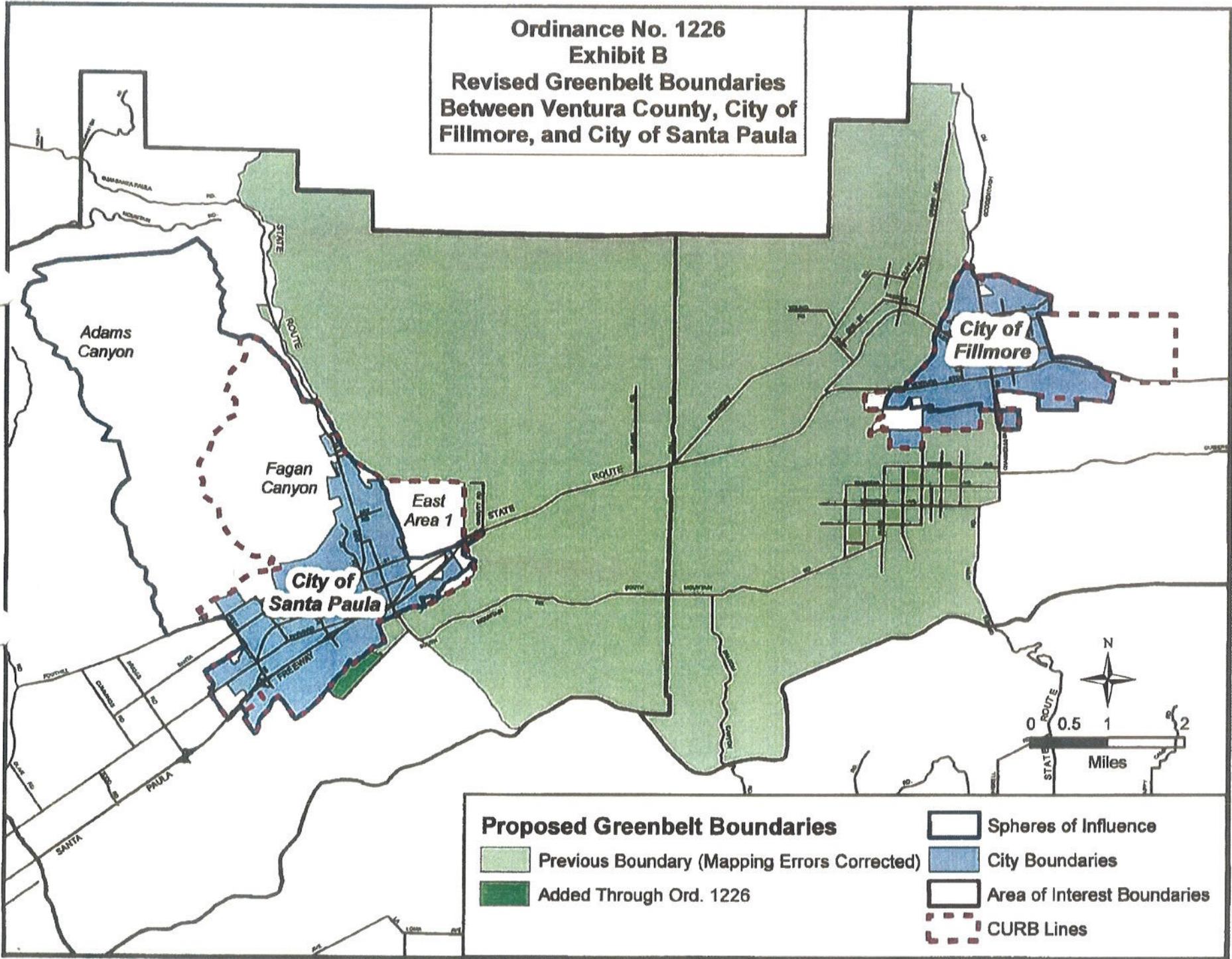
  
Jaime M. Fontes, City Manager

ATTEST:

  
Judy Rice, City Clerk



**Ordinance No. 1226  
Exhibit B  
Revised Greenbelt Boundaries  
Between Ventura County, City of  
Fillmore, and City of Santa Paula**



- |  |                             |
|--|-----------------------------|
| <b>Proposed Greenbelt Boundaries</b>         | Spheres of Influence        |
| Previous Boundary (Mapping Errors Corrected) | City Boundaries             |
| Added Through Ord. 1226                      | Area of Interest Boundaries |
|  | CURB Lines                  |

ATTEST

STATE OF CALIFORNIA            )  
COUNTY OF VENTURA         )     SS  
CITY OF SANTA PAULA         )

I, Judy Rice, City Clerk of the City of Santa Paula, do hereby certify that the above and foregoing Ordinance No. 1226 was duly passed and adopted by City Council of the City of Santa Paula at a regular meeting thereof held on February 16, 2010 by the following vote:

AYES: Tovyias, Aguirre, Fernandez, Gonzales, Robinson

NOES: None

ABSENT: None

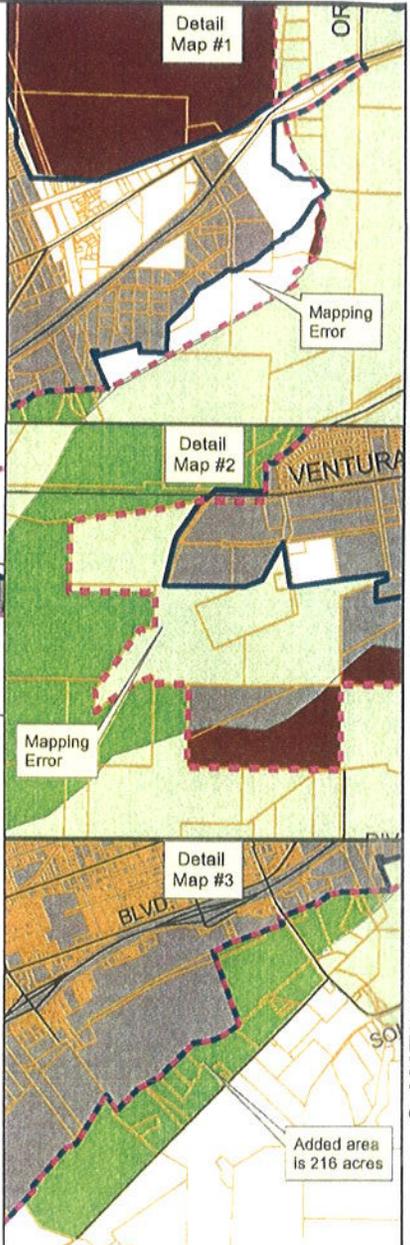
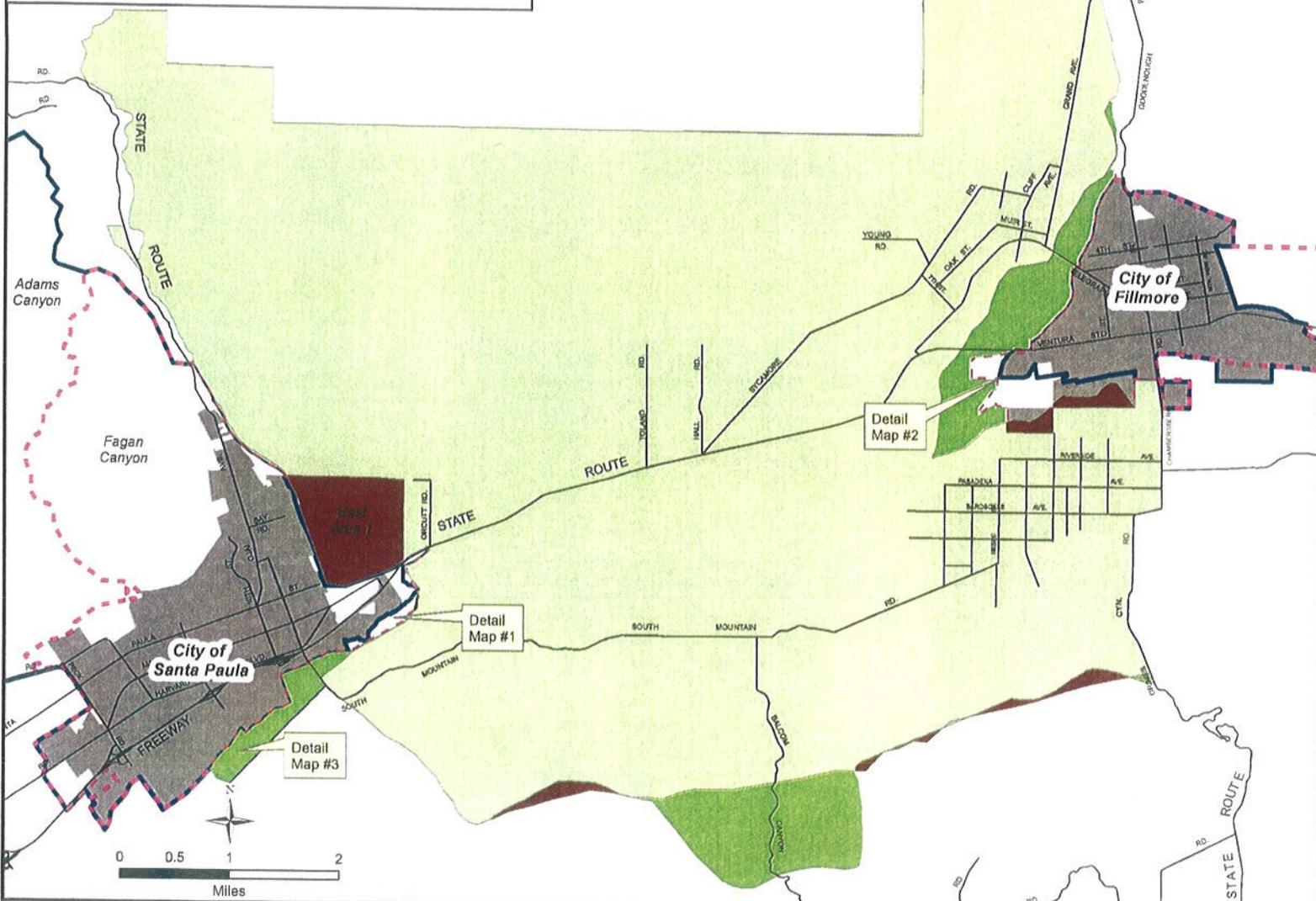
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 17<sup>th</sup> day of February, 2010.

  
Peggy Higgins, Deputy  
City Clerk for Judy Rice,  
City Clerk

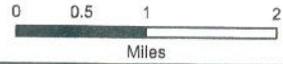
# Exhibit A Santa Paula-Fillmore Greenbelt

- |                             |                      |
|-----------------------------|----------------------|
| <b>Greenbelt Boundaries</b> | City Boundaries      |
| Unchanged                   | Spheres of Influence |
| Added                       | CURB Lines           |
| Removed                     | Parcel Lines         |



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ATTACHMENT 3



## ATTACHMENT 4

### ORDINANCE NO. 10-816

#### ORDINANCE OF THE CITY OF FILLMORE IMPLEMENTING AN AGREEMENT TO PRESERVE UNINCORPORATED COUNTY LANDS LOCATED BETWEEN THE CITY OF FILLMORE AND THE CITY OF SANTA PAULA FOR AGRICULTURAL AND OPEN SPACE PURPOSES.

The Council of the City of Fillmore does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. On June 3, 2008, voters of Santa Paula adopted Measure G which effectively allowed development within the East Area 1 Specific Plan area ("EA1"). Among other things, EA1 must be annexed to the City before development can commence.
- B. In accordance with Resolution 80-1169 (adopted January 5, 1980), Resolution 97-2152 (adopted January 28, 1997) and Resolution 99-2358 (adopted June 7, 1999), the City of Fillmore agreed with the City of Santa Paula and County of Ventura to preserve certain areas between Fillmore and Santa Paula for agricultural and open space purposes (the "Existing Greenbelt").
- C. EA1 is located within the Existing Greenbelt. It must be removed from the Existing Greenbelt in order for development and annexation to proceed.
- D. On October 21, November 18, December 9, 2009, January 20, and February 17, 2010 the Planning Commission held public hearings regarding the Project. Following the public hearing on February 17, 2010, the Planning Commission adopted Resolution 10-844 which recommended that the City Council, adopt this Ordinance.
- E. The Planning Commission's recommendation was forwarded to the City Council for action at a public hearing on February 17, 2010.
- F. The Council considered the information provided by City staff, public testimony, and the Applicant. This Ordinance, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the administrative record that is too voluminous to reference.

SECTION 2: *Greenbelt Findings.* The City Council recognizes and reaffirms the following:

- A. The Greenbelt is worthy of permanent retention in agricultural and open space uses in the Parties' best overall interests;
- B. The Greenbelt is difficult for either the Parties to serve with sewers, water, fire and municipal services;
- C. California is losing farmland at a rapid rate and some of Ventura County's most developable land is also its most productive agricultural land;
- D. Acre-for-acre, Ventura County's agricultural lands are among the most productive in California, nearing three times the production level of the Statewide average;
- E. Encroaching urban development poses a threat to the continued viability of Ventura County's farmland, especially for parcels located adjacent to urban areas;
- F. Some urban uses, when located contiguous to farmland, are incompatible with commercial agricultural operations which can lead to additional farmland conversion;
- G. The Parties are committed to protecting farmland and open space as evidenced by numerous voter approved and other enactments including, without limitation:
  - 1. Enacting the Land Conservation Act (LCA) Program in 1969;
  - 2. Establishing the Agricultural Lands Protection Program (ALPP) in 1982/83;
  - 3. Establishing the Agricultural Land Trust Advisory Committee (ALTAC) in 1991/92;
  - 4. Re-establishing the Agriculture Policy Advisory Committee (APAC) in 1996;
  - 5. Establishing the Agricultural Policy Working Group (APWG) in 1997/98;
  - 6. Adopting the "Right-to-Farm-Ordinance" in 1997; and
  - 7. The 1998 Measure A advisory ballot measure approved by sixty-nine percent of voters urging the County and each of its ten cities to establish growth boundaries preserving farmland, open space and scenic vistas by, among other things, establishing greenbelts by

ordinance.

- H. The loss of agricultural land to urban development is consistently a significant unmitigable impact under the California Environmental Quality Act (CEQA);
- I. Agriculture represents an important component of the Parties' economies – the loss of farmland to urban development is irreversible and will have a negative impact on the Parties' economies;
- J. Continuing agricultural operations protects Ventura County's landscape and environmental resources;
- K. Protecting open space, maintaining the integrity of separate distinct cities and preventing inappropriate urban development from locating between city boundaries represent important 'quality of life' goals;
- L. Retaining open space lands protects scenic resources and natural habitats and provides opportunities for passive and active recreational activities, parks and trail systems.
- M. This Ordinance is intended to conform with the purpose and goals of the Fillmore General Plan, the Santa Paula General Plan, and the Ventura County General Plan.

**SECTION 3: Purpose.** This Ordinance is adopted in accordance with, among other things, Measure A and the Ventura County Guidelines for Orderly Development for the purpose of promoting and preserving agricultural and open space within the unincorporated County lands identified as the "Greenbelt" in this Ordinance. As set forth below, the Greenbelt deserves unique consideration and preservation.

**SECTION 4: Definitions.** Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Ordinance. Words and phrases not defined by this Ordinance have the meaning set forth in the Ventura County General Plan, other applicable law, or the Fillmore Municipal Code ("FMC").

- A. "Areas of Interest" means those geographical areas established by the Ventura County Local Agency Formation Commission beginning in the late 1960s. Areas of interest divide the south half of Ventura County (the non Forest Service land) into fifteen major geographic planning areas based primarily on topography and community identity. They are areas created by local policy that are not based on any legislative direction or mandate. The basic policies are to have no more than one city in any area of interest and to have areas of interest serve as planning referral lines between the County and cities for discretionary land use entitlements.

Areas of interest are reviewed and updated periodically in conjunction with the Ventura County *Guidelines for Orderly Development*, as amended, and the County of Ventura General Plan.

- B. "Agricultural lands" means "prime agricultural land" as defined by Government Code § 56064 and farmland identified by the Important Farmlands Inventory as designated by 7 C.F.R. §§ 657.1, *et seq.*;
- C. "Greenbelt" means approximately 31,743 acres of agricultural and open space real property located within unincorporated Ventura County between the City of Fillmore and the City of Santa Paula and within the Fillmore and Santa Paula Areas of Interest, which is more particularly identified by this Ordinance.
- D. "Open Space lands" means land meeting the definition set forth in Government Code § 65560(b).
- E. "Party" or "Parties" means, collectively, the City of Fillmore, City of Santa Paula, and County of Ventura.
- F. "Technical/Policy Review Committee" means a committee consisting of at least one staff representative and at least one elected official from the city of Santa Paula, the city of Fillmore, the county of Ventura and the Local Agency Formation Commission (LAFCO), appointed or otherwise authorized by the jurisdictions' decision-making body. This Committee must convene to review proposed amendments to this Ordinance in the interests of reaching agreement, before presenting the amendments to the jurisdictions' decision-making bodies."

**SECTION 5:** *Greenbelt Established; Limitations; Amendments.*

- A. Established. A Greenbelt is established as graphically set forth in attached Exhibit "A," which is incorporated by reference. In general, the Greenbelt's boundaries are as follows:
  - 1. On the westerly boundary be coterminous with the Santa Paula CURB;
  - 2. On the north by the Los Padres National Forest boundary;
  - 3. On the east by the Fillmore City Limits, Sphere of Influence and CURB; and
  - 4. On the south by the ridge line of South Mountain and Oak Ridge.

- B. **Limitation.** The Greenbelt boundaries include only those unincorporated Ventura County lands that are located within the Santa Paula and Fillmore Areas of Interest. Future modifications of the Greenbelt's boundaries are not permitted to cross over adjoining Area of Interest boundaries.
- C. **Amendments.**
  - 1. The City Council will review the features, terms, conditions and the status of the Greenbelt during the next update to the Fillmore General Plan and LAFCO urban growth boundary study.
  - 2. Proposals for amending the boundaries or features of the Greenbelt may be initiated by the cities of Fillmore, Santa Paula, and/or or the County of Ventura. Proposed amendments must be reviewed by the Technical/Policy Committee before being considered by City or County decision-making bodies.
  - 3. After reviewing proposed changes, the Technical/Policy Committee must forward a recommendation to the Parties' respective governing bodies concerning the merits and deficiencies of the proposed Greenbelt amendment.
  - 4. The City Council may, but is not required to, make changes to the Greenbelt as recommended by the Technical/Policy Committee."

**SECTION 6: Policies.** The following goals and policies of the Fillmore, Santa Paula, and Ventura County General Plans must be given greater scrutiny when making land use decisions in the Greenbelt:

- A. **Santa Paula General Plan**
  - 1. Preserve viable agriculture and prime agricultural lands as a greenbelt and buffer around the City.
- B. **Fillmore General Plan**
  - 1. Preserve viable agriculture and prime agricultural lands as a Greenbelt and buffer outside the City's Sphere of Influence.
  - 2. Development must be compatible with and have minimal adverse impacts upon the environment, agriculture and natural resources.
- C. **Ventura County General Plan**
  - 1. Preserve and protect agricultural lands as a non-renewable

- resource to assure their continued availability for the production of food, fiber, and ornamentals.
2. Establish policies and regulations which restrict agricultural land to farming and related uses rather than other development purposes.
  3. Restrict the introduction of conflicting uses into farming areas.
- D. Land Uses of Concern. When making land use decisions, the Ventura County Planning Director, the Ventura County Planning Commission and the Board of Supervisors must give careful consideration to whether the proposed action would consume, for non-agricultural purposes, agricultural land designated Prime, Statewide Importance, Unique or Local Importance, or would compromise the viability of adjoining land for agricultural purposes. Specifically, the following uses, which are determined to be of concern, must receive greater scrutiny, analysis and treatment, up to and including denial, in order to ensure their compatibility:
1. Private and public airfields, landing pads, and air strips;
  2. Communications Facilities;
  3. Farm Labor Group Quarters;
  4. Government Buildings;
  5. Correctional Institutions;
  6. Law enforcement Facilities;
  7. Mineral Resource Development;
  8. Waste Treatment and Disposal Facilities; and
  9. Recreational Opportunities.
  10. Save Our Agricultural Resources
- E. The Greenbelt should retain its agricultural and open space uses. The Parties agree to implement a policy of non-urban development, non-annexation and the retention of agricultural and open space uses within the Greenbelt.
- F. The Ventura County General Plan and applicable Zoning Ordinance controls land uses permitted within the Greenbelt.

1. The Greenbelt's General Plan designations include: Agriculture and Open Space.
  2. The Greenbelt's Zoning Ordinance designations include: Agriculture-Exclusive (A-E) and Open Space (O-S)
  3. Only land uses that are consistent with the above referenced general plan and zoning ordinance designations, subject to ministerial or discretionary permit conditions, use standards, performance standards and permit findings, are permitted within the Greenbelt.
- G. Land uses which may conflict with agricultural production will receive greater scrutiny, analysis and treatment, up to and including denial, in order to ensure compatibility with the Greenbelt.
- H. This Ordinance does not establish any regulatory authority over spheres of influence or annexations.

SECTION 7: LAFCO Action. The Santa Paula City Council requests that the Ventura Local Agency Formation Commission (LAFCO) endorse and certify this Greenbelt Ordinance and continue utilize it to protect the Greenbelt.

SECTION 8: Authorization. The City Council authorizes the City Manager, or designee, to take all appropriate action to implement this Ordinance. Further, the City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney, to maps, diagrams, tables, and other, similar, documents (collectively, "Maps") that may be required to reconcile the changes made by this Ordinance with amendments made to the Maps by other City Council action in unrelated land use applications between 2005 and 2009.

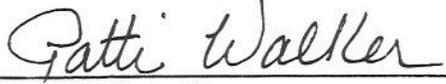
SECTION 9: CEQA Review. This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines") because it consists only of minor revisions and clarifications to an existing land use policy and specification of procedures related thereto and does not have the effect of deleting or substantially changing any regulatory standards or findings required. The Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15061(b)(3) as CEQA only applies to projects that have the potential to cause a significant effect on the environment; 15301 as a minor alteration of existing public or private structures involving negligible expansion of use; and 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density.

**SECTION 10:** *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end the provisions of this Ordinance are severable.

**SECTION 11:** *Notice.* The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

**SECTION 12:** *Effectiveness.* This Ordinance will become effective on the 31<sup>st</sup> day following its passage and adoption.

PASSED AND ADOPTED this 30<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Patti Walker, Mayor

AYES: CONAWAY, HERNANDEZ, WALKER

NAYS: BROOKS, WASHBURN

ABSTAIN: NONE

ABSENT: NONE

ATTEST:

  
\_\_\_\_\_  
Clay Westling, City Clerk

CITY OF FILLMORE )  
COUNTY OF VENTURA )§  
STATE OF CALIFORNIA )

I, CLAY WESTLING, City Clerk of the City of Fillmore, California do hereby certify that the foregoing Ordinance No. 10-816 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof held on the 30<sup>th</sup> day of March, 2010 and was signed by the Mayor of the said City and that the same was passed and adopted by the following vote:

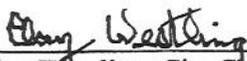
AYES: CONAWAY, HERNANDEZ, WALKER

NAYS: BROOKS, WASHBURN

ABSTAIN: NONE

ABSENT: NONE

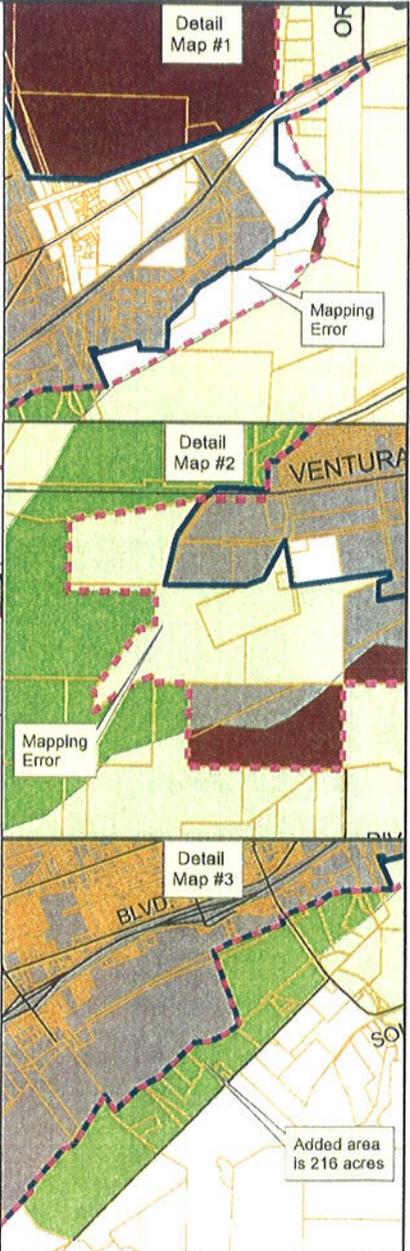
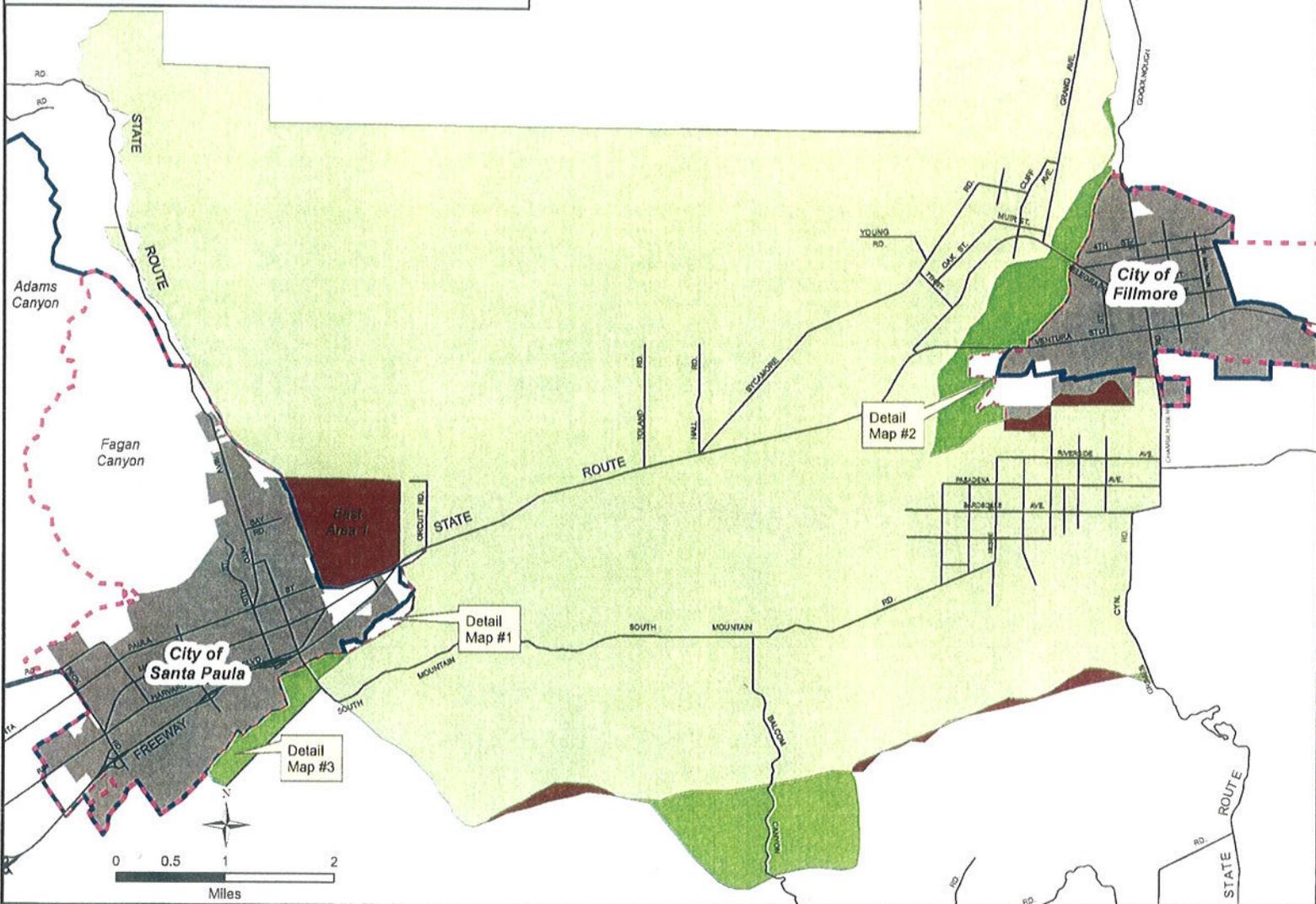
ATTEST:

  
\_\_\_\_\_  
Clay Westling, City Clerk

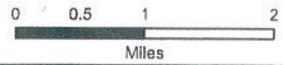


# Exhibit A Santa Paula-Fillmore Greenbelt

- |                             |                      |
|-----------------------------|----------------------|
| <b>Greenbelt Boundaries</b> | City Boundaries      |
| Unchanged                   | Spheres of Influence |
| Added                       | CURB Lines           |
| Removed                     | Parcel Lines         |



147



ORDINANCE NO. 4415

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF VENTURA REGARDING THE  
SANTA PAULA-FILLMORE GREENBELT**

The Board Supervisors of the County of Ventura ordains as follows:

**Section 1. PURPOSE AND INTENT** – The purpose of this Greenbelt Ordinance is to express the County of Ventura's commitment to the agricultural and open space land conservation goals and policies contained in the Ventura County General Plan.

**Section 2. BOUNDARIES OF THE SANTA PAULA-FILLMORE GREENBELT.** – The Santa Paula-Fillmore Greenbelt is comprised of about 32,649 acres of unincorporated County territory, located between the City of Fillmore and the City of Santa Paula and within the Fillmore and Santa Paula Areas of Interest, and is bounded by the following features and is specifically identified in the Map Attachment to this Ordinance:

1. On the west by the eastern boundary of the Santa Paula City Urban Restriction Boundary (CURB);
2. On the north by the southern boundary of the Los Padres National Forest;
3. On the east by the Fillmore CURB boundary and the western boundary of the Fillmore-Piru Greenbelt; and
4. On the south by the southern boundaries of the Fillmore and Santa Paula Areas of Interest.

**Section 3. NON-ANNEXATION AND NON-URBAN DEVELOPMENT POLICY** – This Ordinance manifests the County of Ventura's intent to maintain agricultural and open space uses within the Santa Paula-Fillmore Greenbelt. The City Councils of the Cities of Santa Paula and Fillmore have agreed to a policy of non-urban development, non-annexation and the retention of agricultural and open space uses on the land within the Santa Paula-Fillmore Greenbelt.

**Section 4. FINDINGS** – The Cities of Fillmore and Santa Paula, and the Ventura County Board of Supervisors' adoption of: 1) general plan policies and zoning regulations, 2) the Guidelines for Orderly Development, and 3) greenbelt programs, together with the County-administered Land Conservation Act (LCA) Program, have demonstrated a long-term commitment to agricultural and open space land conservation. The Board hereby reaffirms the following findings:

1. Maintaining lands in agricultural and open space uses within the Greenbelt area is in the overall best interest of the Cities of Santa Paula and Fillmore, the County of Ventura and the State;
2. The Greenbelt area is not currently served with sewers, water, or other municipal services from the cities of Santa Paula and Fillmore;
3. California is losing farmland and natural open space at a rapid rate and some of Ventura County's most developable land is also its most productive agricultural land;

- CITY OF VENTURA
4. Acre-for-acre, Ventura County's agricultural lands are among the most productive in California, nearing three times the production level of the Statewide average;
  5. Encroaching urban development poses a threat to the continued viability of Ventura County's farm and natural open space lands, especially for parcels located adjacent to urban areas;
  6. The protection and conservation of agricultural land, especially in areas that are presently farmed or feature *Prime* or *Statewide Importance* soils as defined by the Important Farmlands Inventory (IFI), is a primary objective of the Greenbelt;
  7. The continuation of agricultural operations and open space uses protects Ventura County's landscape and environmental resources;
  8. Protecting open space, maintaining the integrity of separate distinct cities and preventing inappropriate urban development from locating between city boundaries represent important "quality of life" goals; and
  9. The retention of open space lands protects scenic resources and natural habitats and provides opportunities for passive and active recreational activities, parks and trail systems.

**Section 5. DEFINITIONS** -- As used in this Greenbelt Ordinance, the following terms shall have the meanings set forth in this section:

**Guidelines for Orderly Development** (Guidelines) -- The Guidelines provide that urban development should be located within incorporated cities whenever and wherever practical. All city councils within Ventura County, the Ventura County Board of Supervisors and the Ventura Local Agency Formation Commission (LAFCO) have adopted the Guidelines.

**Important Farmlands Inventory** (IFI) -- The IFI are maps for California that are compiled from United States Department of Agriculture (USDA) and Natural Resources Conservation Service (NRCS) soil surveys and current land use information using eight mapping categories. Ventura County uses five of the eight IFI classifications including *Prime Farmland*, *Farmland of Statewide Importance*, *Unique Farmland*, *Farmland of Local Importance* and *Grazing Land*.

**Measure A** -- An advisory measure, initiated by the Ventura County Board of Supervisors in 1998, that recommended the County and the ten cities adopt by ordinance the six existing and five proposed greenbelts, prohibit changes to the external growth boundaries unless approved by the voters and form an Agriculture/Open Space Conservation District. Sixty-eight percent of Ventura County's voters approved the measure.

**Open Space Lands** -- Land or water area that either remains in its natural state or is used for agriculture or is otherwise essentially undeveloped as defined in Section 65560 of the Government Code.

**Spheres of Influence** -- Plans adopted by a Local Agency Formation Commission (LAFCO) that designate the probable ultimate boundary of a city or special district.

**Technical/Policy Review Committee** – A committee consisting of at least one staff representative and at least one elected official from the Cities of Santa Paula and Fillmore, the County of Ventura, and LAFCO, appointed or otherwise authorized by the jurisdictions' decision-making body. This Committee must convene to review proposed amendments to this Ordinance in the interests of reaching agreement, before presenting the amendments to the jurisdictions' decision-making bodies.

**Section 6. PERMITTED USES** – The Ventura County General Plan and Zoning Ordinance shall control land uses permitted within the Greenbelt.

1. The Greenbelt's General Plan designations include Agriculture and Open Space.
2. The Greenbelt's Zoning Ordinance designations include Agriculture-Exclusive (A-E) and Open Space (O-S).
3. Only permitted land uses that are consistent with these general plan and zoning ordinance designations, subject to permit conditions, use standards, performance standards and permit findings, will be permitted within the Greenbelt.

**Section 7. SPHERES OF INFLUENCE (URBAN GROWTH BOUNDARIES)** – The boundaries of this Greenbelt should be consistent with the Santa Paula and Fillmore Spheres of Influence and City Urban Restriction Boundaries (CURBs). The coterminous Greenbelt/Sphere of Influence/CURB boundary, consistent with LAFCO's policies and procedures, should serve as the limit for the extension of urban services and infrastructure.

Because spheres of influence represent the probable ultimate boundary of incorporated cities, the Greenbelt should not extend into the sphere of influence of either of the two cities. This Ordinance does not establish any regulatory authority over spheres of influence or annexations.

**Section 8. AMENDMENT PROCEDURES** – Proposals for amending the boundaries or features of the Greenbelt may be initiated by the Cities of Fillmore, Santa Paula, and/or the County of Ventura. Proposed amendments shall be reviewed by the Technical/Policy Review Committee as defined in Section 5, prior to being considered by City or County decision-making bodies.

**Section 9. LAFCO ACTION** – The Board of Supervisors, by this Greenbelt Ordinance, and the City Councils of the Cities of Santa Paula and Fillmore by separate ordinance or resolution, request that LAFCO endorse and certify this Greenbelt Ordinance and each city's corresponding Greenbelt resolution or ordinance and continue to take action consistent with the preservation of agricultural and open space land within the Greenbelt.

**Section 10. SEVERABILITY** – If any section, subsection, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 11. SUPERSEDE--** This Greenbelt Ordinance shall supersede any previous Resolution adopted by the County with respect to the Santa Paula-Fillmore Greenbelt.

**Section 12. ADDITIONAL GOALS**

The Cities of Fillmore and Santa Paula, and the County of Ventura recognize that land use decisions should balance many goals, including the provision of housing and urban services as well as the preservation and development of natural resources. To reach a balance among these goals, jurisdictions must consider the specific circumstances of each case.

The primary purpose of this Ordinance is to emphasize the goals of protection of agricultural land, the maintenance of a healthy agricultural economy and the preservation of open space land within the boundaries of the Santa Paula-Fillmore Greenbelt. The above recognition is based on the Findings set forth in Section 4 of this Ordinance.

PASSED AND ADOPTED this 22<sup>ND</sup> day of JUNE, 2010, by the following vote:

AYES:

Supervisors Parks, Bennett, Fox, Zangera and Long.

NOES:

NONE

ABSENT:

NONE

Heather Long  
CHAIR, BOARD OF SUPERVISORS

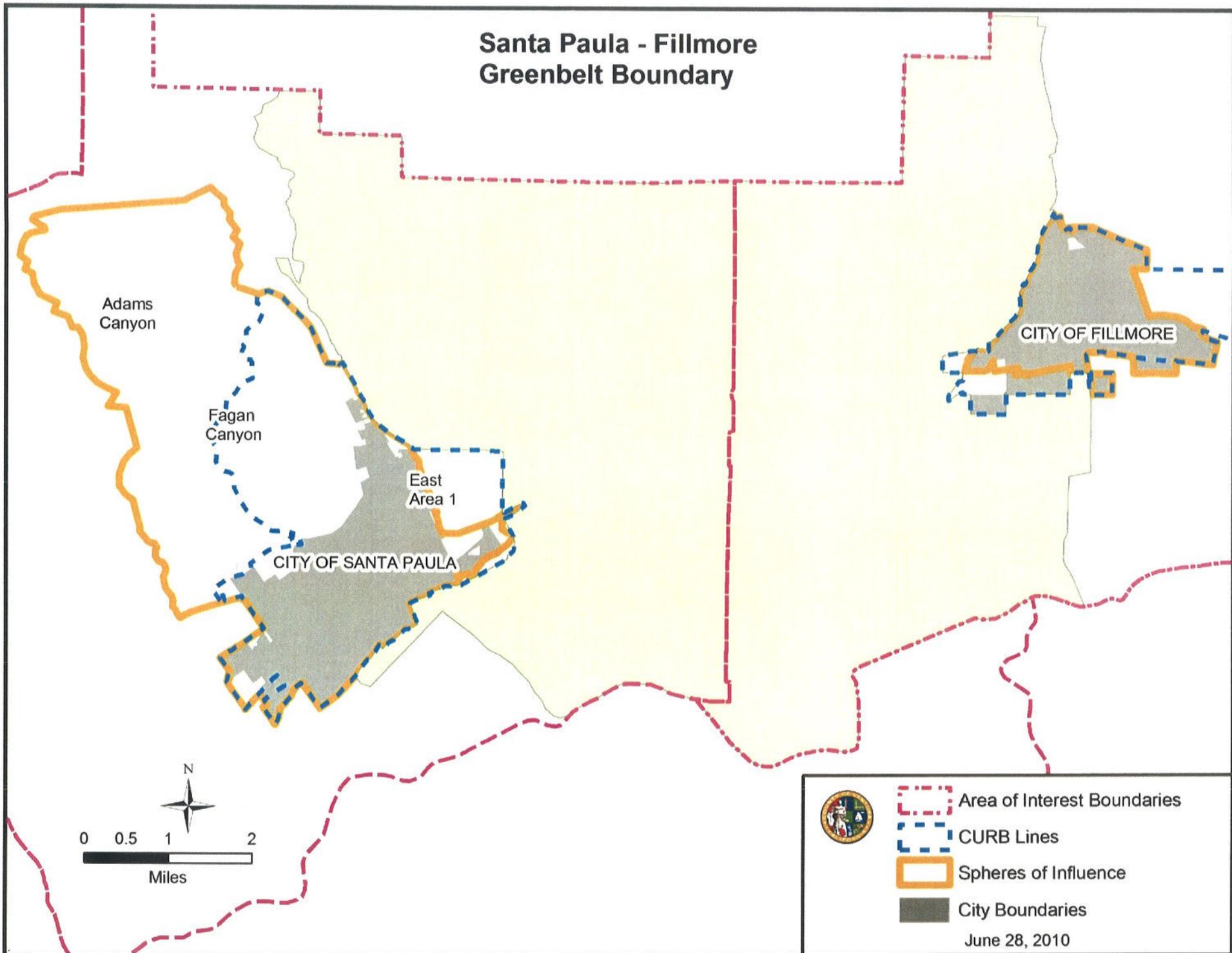
ATTEST:

MARTY ROBINSON  
Clerk of the Board of Supervisors  
County of Ventura, State of California



By: [Signature]  
Deputy Clerk of the Board

# Santa Paula - Fillmore Greenbelt Boundary



Adams Canyon

Fagan Canyon

East Area 1

CITY OF SANTA PAULA

CITY OF FILLMORE



- Area of Interest Boundaries
- CURB Lines
- Spheres of Influence
- City Boundaries

June 28, 2010



**STAFF REPORT**

Meeting Date: July 21, 2010

**Agenda Item 13**

**TO:** LAFCo Commissioners  
**FROM:** Kai Luoma, AICP *KL*  
Deputy Executive Officer  
**SUBJECT:** County's CEQA Initial Study Assessment Guidelines

**RECOMMENDATION**

Receive and file.

**DISCUSSION**

At the June 9, 2010 LAFCo meeting, the Commission directed staff to prepare and submit additional comments to the County Planning Division regarding the Agricultural Resources-Soils section of the draft initial study assessment guidelines (ISAG). The Commission also directed staff to provide an update on the ISAG process at the July meeting.

Staff prepared and submitted comments to the County Planning Division on June 10, 2010 (attached). Also on June 10, prior to receiving LAFCo staff's comments, County Planning staff notified the County Agricultural Commissioner's office that sufficient evidence had been submitted to conclude that the proposed revisions to the Agricultural Resources – Soils section do not qualify for an exemption from CEQA review, as do the remainder of the draft ISAG sections. As a result, an initial study and environmental document must be prepared prior to the adoption of the Agricultural Resources – Soils section. The draft ISAG are scheduled to be considered by the Board of Supervisors on July 27, 2010. Due to the timeframes needed to complete the initial study and circulate it for public comment, the environmental document for the agricultural soils section will not be ready by July 27. To avoid having to delay action on the remaining sections of the ISAG, the Agricultural Resources – Soils section was removed from the ISAG sections that are to be considered on July 27 and will be considered separately by the Board of Supervisors at a later, as yet unspecified, date.

**COMMISSIONERS AND STAFF**

<b>COUNTY:</b> Kathy Long, Chair Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Elaine Freeman <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Louis Cunningham, Vice Chair Vice Chair <i>Alternate:</i> Kenneth M. Hess
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer:</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon
			<b>Legal Counsel:</b> Michael Walker

LAFCo staff understands that the Agricultural Commissioner's office is preparing an initial study and is making revisions to the draft ISAG. In late June, staff from the Agricultural Commissioner's office requested that LAFCo staff review a proposed revision to the portion of the draft agricultural soils section regarding the Agricultural Commissioner's discretion to interpret what is considered to be classified soils. LAFCo staff reviewed the revision and suggested alternative language which, according to Agricultural Commissioner staff, will be included in the document. LAFCo staff will review and comment on the environmental document when it is circulated for public comment, unless the Commission directs otherwise.

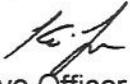
Attachment: (1) June 10, 2010 comment letter



## MEMORANDUM

**DATE:** June 10, 2010

**TO:** Bruce Smith  
County of Ventura RMA, Planning Division

**FROM:** Kai Luoma, AICP   
LAFCo Deputy Executive Officer

**SUBJECT:** Draft Initial Study Assessment Guidelines

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One of LAFCo's primary purposes is to preserve open space and prime agricultural lands. Whenever the Commission reviews proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, state law mandates consideration of "...the following policies and priorities:

Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area..." (Calif. Govt. Code Section 56377).

Although not the only means by which LAFCo can evaluate the potential impacts of proposals for a change of organization to prime agricultural lands, the CEQA process is an important and effective tool. Because LAFCo typically serves as a CEQA responsible agency for change of organization proposals, we must usually rely on CEQA analyses performed by lead agencies to ensure that any impacts to agricultural resources are avoided, reduced or mitigated. The County Initial Study Assessment Guidelines (ISAG) apply to discretionary projects that are proposed to be developed within the unincorporated area and require annexation to a service provider such as a County waterworks district or County service area. Therefore, for certain LAFCo proposals, the Agricultural Resources Section of the ISAG determines the extent and depth of information and analysis that is provided to LAFCo regarding the impacts of its decisions on prime agricultural lands. In addition, the CEQA process is the primary means by which the impacts of approving annexation proposals involving prime agricultural lands can be mitigated because LAFCo is limited by law from imposing land use conditions that would avoid or mitigate impacts to agricultural resources. As the County's sole standard to determine the level at which the development of agricultural lands would constitute a potentially significant impact and therefore subject to the

analysis of alternative projects and the imposition of mitigation measures, the Agricultural Resources Section of the ISAG can directly affect LAFCo's ability to accomplish one of its primary mandates.

Ventura LAFCo staff provided comments on the draft ISAG on November 12, 2009. However, we have since reviewed the document in more detail and met with County staff from the Agricultural Commissioner's office, the Planning Division, and County Counsel's office. As a result, we have identified additional issues of concern and would appreciate consideration of the following supplemental comments.

Current ISAG Thresholds

The thresholds identified in section 7.a. *Agricultural Resources – Soils* of the current ISAG are based upon the amount of acreage of agricultural soils that would be lost due to "removal or permanent overcovering". Agricultural soils include those classified as prime, of statewide importance, unique, and of local importance. If a project permanently covers an amount of farmland that exceeds the thresholds, it is considered to be a significant impact, regardless of the use type. The current ISAG section regarding agricultural soils identifies the following thresholds:

General Plan Land Use Designation	Important Farmland Inventory Classification	Acres Lost
Agricultural:	Prime/Statewide	5 acres
	Unique	10 acres
	Local	15 acres
Open Space/Rural:	Prime/Statewide	10 acres
	Unique	15 acres
	Local	20 acres
All Others:	Prime/Statewide	20 acres
	Unique	30 acres
	Local	40 acres

The evaluation of how much agricultural soil would be removed or permanently covered by a project includes that covered by "buildings, parking areas, driveways, etc."

Proposed ISAG Thresholds – Project Impacts

Section B of the Section 5.a *Agricultural Resources – Soils* in the proposed ISAG identifies two threshold criteria to determine whether a project will result in a significant impact to agricultural soils:

- Criterion 1 - The first criterion provides that any discretionary development on a site that contains classified farmland will have a potentially significant environmental effect if it exceeds the General Plan standards for building coverage limits (classified farmland includes farmland that is prime, of statewide importance, unique, or of local

importance as identified by the State Department of Conservation). These General Plan building coverage limits are:

General Plan Land Use Designation	Lot Coverage
Agricultural	5%
Open Space	5%
Rural	25%

Uses that the County Zoning Ordinance defines as Agriculture or Agricultural Operations are proposed to be subject to only these thresholds. Non Agriculture or Agricultural Operations uses would also be subject to those thresholds found under criterion 2. In addition, the draft ISAG states:

“Pavement, gravel, and outdoor uses that are part of agricultural operations are not counted in the evaluation. However, discretionary agricultural structures that are excluded from building coverage in General Plan Fig 3.4 must contain less than 50% pavement or impervious flooring.”

- Criterion 2 - The second criterion applies to development projects other than those defined as Agriculture or Agricultural Operations. Such a development would result in a potentially significant effect if it exceeds the following thresholds:

General Plan Land Use Designation	Important Farmland Inventory Classification	Acres to be Developed
Agricultural:	Prime/Statewide	5 acres
	Unique	10 acres
	Local	15 acres
Open Space/Rural (RA Zone)	Prime/Statewide	10 acres
	Unique	15 acres
	Local	20 acres

The proposed ISAG thresholds appear to allow for more classified soils to be removed or permanently covered without it being considered a significant impact than do the current thresholds. It thus appears that additional analysis is warranted, as explained in more detail in the following paragraphs.

The proposed ISAG appears to give the Agricultural Commissioner unlimited discretion to override the thresholds of significance. Section A of the draft ISAG provides a definition of “classified farmland” that is to be protected. Included in the definition is the statement, “The Agricultural Commissioner may identify resources for protection or exclusion as warranted by actual facts.” This statement appears to give the Agricultural Commissioner overly broad discretion to interpret what is considered to be a protected resource, regardless of the definition of “classified farmland”.

The thresholds of significance in Section C of the proposed ISAG have been established so that all agricultural operations, as defined in the County Zoning Ordinance, such as wineries, packing sheds, hothouses, and agricultural contractor yards, will never exceed them. As a result, agricultural operations will not be required to reduce or mitigate impacts to classified soils regardless of the amount of classified soils that may be permanently covered and thus removed from crop production.

The proposed thresholds that apply to agricultural operations are based on the General Plan maximum building coverage percentages (5% for lots with an Agriculture or Open Space land use designation and 25% for land designated rural). Because the General Plan limits the percentage of a lot that buildings may cover, if the threshold is tied to that percentage, adherence to the General Plan will ensure that the threshold will never be exceeded, regardless of the amount of classified soils that are covered. In addition, the threshold specifically excludes paving, gravel, and outdoor uses that are part of agricultural operations. Therefore, under the proposed thresholds, an agricultural operation would be able to construct the maximum square footage of buildings allowed for under the General Plan and pave over an unlimited amount of classified soils without it being considered a significant impact to classified soils. The thresholds would theoretically allow for an unlimited amount of classified soils to be permanently covered by buildings and pavement without the benefit of mitigation.

The current ISAG thresholds include pavement and other types of surfacing, thereby limiting the amount of classified soil that can be permanently covered without the benefit of mitigation. Thus, the proposed thresholds in the draft ISAG would allow for more classified soils to be permanently covered without it being considered significant than would the current ISAG.

General Plan Fig. 3.4 exempts structures used for growing plants such as greenhouses, hothouses, and agricultural shade/mist structures from the General Plan building coverage percentages. Therefore, there is no limit to the area of a lot with classified soils that can be covered with greenhouses or hothouses. The proposed thresholds would allow up to 50% of these structures to have pavement or impervious flooring without it being considered a significant impact to classified soils. Depending on the size of the lot, the proposed thresholds in the draft ISAG would allow for more classified soils to be permanently covered without it being considered a significant impact to classified soils than would the current ISAG thresholds.

It should also be noted that permanently covering classified farmland not only removes the soils from crop production, but it may also result in a reclassification of the soils by the State Department of Conservation, which updates the Important Farmland Inventory maps every two years. Based on the definitions of the various soil classifications used by the state (which include that soils have been used for crop production at some time in the past four years), permanently covering these soils with buildings, paving, and/or greenhouse structures may result in soils being reclassified to a lower quality

classification (such as from prime to unique) or to a non-farmland classification (such as urban or built up land). The potential for such reclassifications should be subject to review and analysis, which would not occur under the draft ISAG.

Another point related to the use of the General Plan building coverage percentages as a CEQA threshold of significance is how it is applied in Section D – Methodology. Step 6 of the methodology would automatically deem any subdivision in the Open Space and Agricultural land use designations that results in parcels under 100 acres to be a less than significant impact to classified soils. The justification for this appears to be that if the 5% threshold matches the 5% General Plan building coverage maximum, then the General Plan will always ensure that lot coverage of the resulting lots will never exceed the threshold. However, the methodology fails to acknowledge that agricultural operations are not limited to the 5% lot coverage threshold, as they may pave over an unlimited amount of classified soils without it being considered in the 5% threshold. Therefore, the General Plan building lot coverage/threshold would not limit the amount of classified soils that can be covered on lots resulting from a subdivision. Therefore, the justification for this methodology step appears unfounded and such subdivisions should not be automatically deemed a less than significant impact on classified soils.

The use of the General Plan building coverage percentage also eliminates the current incentive for development to avoid high quality soils. The current ISAG provides that the poorer the soil quality, the greater the acreage that can be converted without it being considered significant, thus incentivizing preservation of prime/statewide soils. The proposed ISAG thresholds applicable to agricultural operations do not differentiate between soil types, thus removing the incentive to avoid higher quality soils. The elimination of this incentive may result in increases to the amount of prime/statewide soil that is converted than would otherwise be under the current ISAG. Further analysis should be conducted to determine the significance of this impact.

Finally, it should be noted that CEQA Guidelines § 15064.7 states that thresholds of significance must be supported by substantial evidence. The proposed thresholds of significance in the draft ISAG are recommended by the Agriculture Commissioner's office and the Agricultural Policy Advisory Committee, whom should be considered to be experts in matters concerning agriculture. However, pursuant to Guidelines 15064.7(c), "When adopting thresholds of significance, a lead agency may consider thresholds of significance...recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence." It appears that recommendations from experts in and of themselves are not necessarily considered substantial evidence in support of thresholds of significance. Given that the proposed thresholds in the draft ISAG may result in more classified soils being permanently removed from crop production without it being considered a significant impact than would be allowed under the current ISAG, additional evidence should be provided to support the proposed thresholds in the draft ISAG.

### Proposed ISAG Thresholds – Cumulative Impacts

The proposed ISAG section regarding cumulative impacts appears to be inconsistent with CEQA. It states:

“Section 15183 of the CEQA Guidelines mandates that projects which are consistent with the development density established by existing general plan policies shall not require additional environmental review, except for project specific effects. Therefore, only discretionary projects involving a General Plan amendment require evaluation of cumulative impacts.”

The aforementioned statement is accurate only if, pursuant to CEQA Guidelines 15183(b) and (j), the General Plan EIR analyzed the cumulative impacts that discretionary development would have on all classified soils. It did not. The 2005 General Plan EIR cumulative analysis analyzed the cumulative loss of only 689 acres that the general plan designated for urban development. No cumulative analysis was provided for impacts that discretionary development would have on the remaining over 100,000 acres of agricultural land. CEQA requires the evaluation of cumulative impacts either as part of the General Plan EIR or on a project level basis (CEQA Guidelines § 15064(h)(1) and 15183), thus it appears that the proposed ISAG is inconsistent with the provisions of the CEQA Guidelines. The section regarding cumulative impacts also states:

“Zoning ordinance section 8106-1.1 and General Plan Figure 3.4 provides that 5 percent building coverage is permissible on all legal lots in Ventura County in the Agricultural and Open Space land use designations. The Agricultural Commissioner considers this mitigating with respect to future ministerial projects. This standard has been adopted as part of the environmental significant threshold.”

This threshold is problematic for several reasons:

- It contradicts the first part of the section on cumulative impacts which states that no cumulative analysis is required (why is there a need to identify a threshold of significance for cumulative impacts if no analysis of cumulative impacts is necessary?)
- According to Ventura County GIS data, there are over 90,000 acres of classified soils located in the Agricultural and Open Space designations, 5% of which is 4,500 acres. Thus, the proposed ISAG appears to conclude that the covering over of approximately 4,500 acres of classified soils is less than a significant impact, however, no analysis or environmental document to support this position has been provided.
- The threshold fails to consider that agricultural operations are not limited to permanently covering 5% of a parcel, as they are allowed to pave and unlimited area without it being considered a significant impact.

Bruce Smith  
June 10, 2010  
Page 7 of 7

Conclusion

It appears that, based on the available information, the proposed ISAG allow for more classified soils to be permanently covered without being considered a significant impact than would the current ISAG. The result may thus be that more classified soils could be permanently covered without the benefit of analysis and mitigation pursuant to CEQA.

Please do not hesitate to contact me should you have any questions.

C: LAFCo Commissioners  
Leroy Smith, LAFCo Counsel  
Michael Walker, County Counsel's office  
Henry Gonzales, Agricultural Commissioner

**STAFF REPORT**  
 Meeting Date: July 21, 2010

**Agenda Item 14**

**TO:** LAFCO Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** 2010 Nominations for CALAFCO Achievement Awards

**RECOMMENDATION:**

Authorize the Chair to submit nominations for the 2010 CALAFCO Achievement Awards, as may be approved by the Commission.

**DISCUSSION:**

Nominations are currently open for the 2010 CALAFCO achievement awards. Winners will be announced and the awards presented at the CALAFCo Conference during the awards banquet on Wednesday, October 6 in Palm Springs.

A copy of the nomination information materials, including a list of award categories and past winners, is attached for additional information. As indicated in the packet, nominations may be submitted by individuals, LAFCos, or any other organization. Should any Commissioner wish to nominate a deserving individual or individuals for Commission endorsement, action will need to be taken at the July meeting to allow time for staff to submit a nomination package by the September 8 deadline. Individual nominations from Commissioners and staff will also be accepted; the Nomination Form included in the attached materials can be used for this purpose.

Attachments

COMMISSIONERS AND STAFF

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<b>COUNTY:</b> Linda Parks Kathy Long, Chair <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Carl Morehouse Janice Parvin <i>Alternate:</i> Thomas Holden	<b>SPECIAL DISTRICT:</b> George Lange Elaine Freeman <i>Alternate:</i> Gail Pringle	<b>PUBLIC:</b> Lou Cunningham, Vice Chair  <i>Alternate:</i> Kenneth M. Hess
<b>Executive Officer:</b> Kim Uhlich	<b>Dep. Exec. Officer</b> Kai Luoma	<b>Office Mgr/Clerk:</b> Debbie Schubert	<b>Office Assistant</b> Martha Escandon
			<b>Legal Counsel:</b> Michael Walker

**STAFF REPORT**  
 Meeting Date: July 21, 2010

**Agenda Item 14**

**TO:** LAFCO Commissioners  
**FROM:** Kim Uhlich, Executive Officer *KU*  
**SUBJECT:** 2010 Nominations for CALAFCO Board of Directors

**RECOMMENDATION:**

Authorize the Chair to submit nominations for the CALAFCO Board of Directors, as approved by the Commission.

**BACKGROUND:**

The elections this fall for the CALAFCO Board of Directors mark a major revision to the procedure for how Board Members are elected. Based on a recent bylaws change approved by an overwhelming majority of the membership, members will be elected by the following regions: southern; coastal; central; and northern. The Ventura LAFCo is in the coastal region. Four board members would be selected from within each region beginning in 2010 at the CALAFCO Conference in Palm Springs on Thursday, October 7.

In addition the Board has been expanded by one seat to 16 members. By decision of the Board, all 16 seats (including Commissioner Lange's seat) will be up for election. There are four seats for each of the four regions. The seats in the region are designated one each: county, city, special district, and public member. For this first year under the new procedures, two of the seats in each region will be designated as two-year terms and two will be designated as one-year terms. The terms will be determined by lot after the elections. All subsequent elections will be for two-year terms. Either a regular commissioner or an alternate from a member LAFCo in good standing may serve on the CALAFCO Board.

**COMMISSIONERS AND STAFF**

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## **DISCUSSION:**

The CALACO Recruitment Committee is currently accepting nominations from individual LAFCos. In order for the Commission to participate in the nomination process for the 2010 election, nominations will need to be submitted to CALAFCO by September 3, 2010. Nominations from the floor will also be permitted during the regional caucuses or during the at-large elections, if required, prior to the annual membership meeting. Should the Commission wish to nominate one or more candidates, the Chair must sign a "Recommendation Form" for each nominee and the nominees must complete a "Candidate Resume" form. Information and forms related to the nomination process are attached for reference.

Attachments