

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

September 6, 2007 (Agenda)

LAFCO 07 14: City of Santa Barbara – Abrego et al

LOCATION Four single-family homes located in an unincorporated island:

- Abrego (590 Apple Grove Lane)
- Eason (432 Apple Grove Lane)
- Gibson/Moellken (700 Northview Road)
- Staples (529 Apple Grove Lane)

RECOMMENDATION Authorize the City of Santa Barbara to provide sewer service outside its boundaries to these four existing single family homes.

GENERAL ANALYSIS:

1. Present and Future Land Use, District Boundaries and Public Services

Each of the four parcels contains a single family home. The request is motivated by failing septic systems on the each property. It is impractical for the homes to receive community sewer service in any other way.

The properties are part of an unincorporated “island” surrounded by the City but are not contiguous to the existing City boundary. The proposal is similar to the Voss out-of-agency service agreement (LAFCO 04-7) was approved by the Commission on August 5, 2004 for a single family home in this same area.

No changes in land use are proposed or will result from this approval.

2. LAFCO Approval is Required

LAFCO regulates both boundary changes and extensions of service without boundary changes. Government Code §56133 states that “A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundaries only if it first requests and receives written approval from the commission.”

It provides further that LAFCO “. . .may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.”

3. Commission Policy Regarding Out-of-Agency Services vs. Annexations

It is the Commission's policy that, "Annexations to cities and special districts are generally preferred for providing public services; however, out-of-agency service agreements can be an appropriate alternative."

The policy states that "While each proposal must be decided on its own merits, the Commission may favorably consider such agreements [if] lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use."

4. Landowner Consent to Annex in order to Receive Sewer Service

As shown on the enclosed map the parcels to be served are not contiguous to the City though a City sewer main located on Apple Grove can connect to an existing sewer by means of a service lateral. The Northview Road home can connect directly via a service lateral or construct a short main extension to reach the property.

It is the Commission's policy that whenever property may ultimately be annexed to a city or district, approval of an out-of-agency service agreement should require the landowner to agree to annex the territory with a recorded consent to annex. Such agreements should be required of these service connections.

The City notes in its application:

Annexation of the entire area is provided for in the General Plan and would be more efficiently accomplished when all properties in the area would be processed together. Current City policy is to initiate annexation at the request of property owners, but waiver of right to protest is an required element of the City's out-of-City service agreements.

The staff expects the annexation of these properties to the City to be considered at some time in the future. We and the City are maintaining records of completed landowner agreements to annex.

5. Environmental Impact of the Proposal

The Commission's approval is exempt from CEQA based on the criteria of categorical exemption Class 19 - Annexation of Existing Facilities and Lots for Exempt Facilities. No change in land use is proposed as a result of the out-of-agency service extension. The City has prepared a Notice of Exemption.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

**Option 1** APPROVE the request with specific terms and conditions.

1. Find the out-of-agency service agreement to be categorically exempt.
2. Authorize the City of Santa Barbara to provide sewer service subject to the following terms and limitations:
  - A. LAFCO's approval applies to both current and future property owners.
  - B. Approval to extend services beyond those specifically noted herein is withheld and is subject to future LAFCO review.
  - C. Before the service is provided the property owner shall record an agreement consenting to annex to the City.

**Option 2** DENY the request and require continued service by an on-site septic system.

**Option 3** CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

Approve **Option 1**.

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BOB BRAITMAN  
Executive Officer  
LOCAL AGENCY FORMATION COMMISSION