

Santa Barbara LAFCO

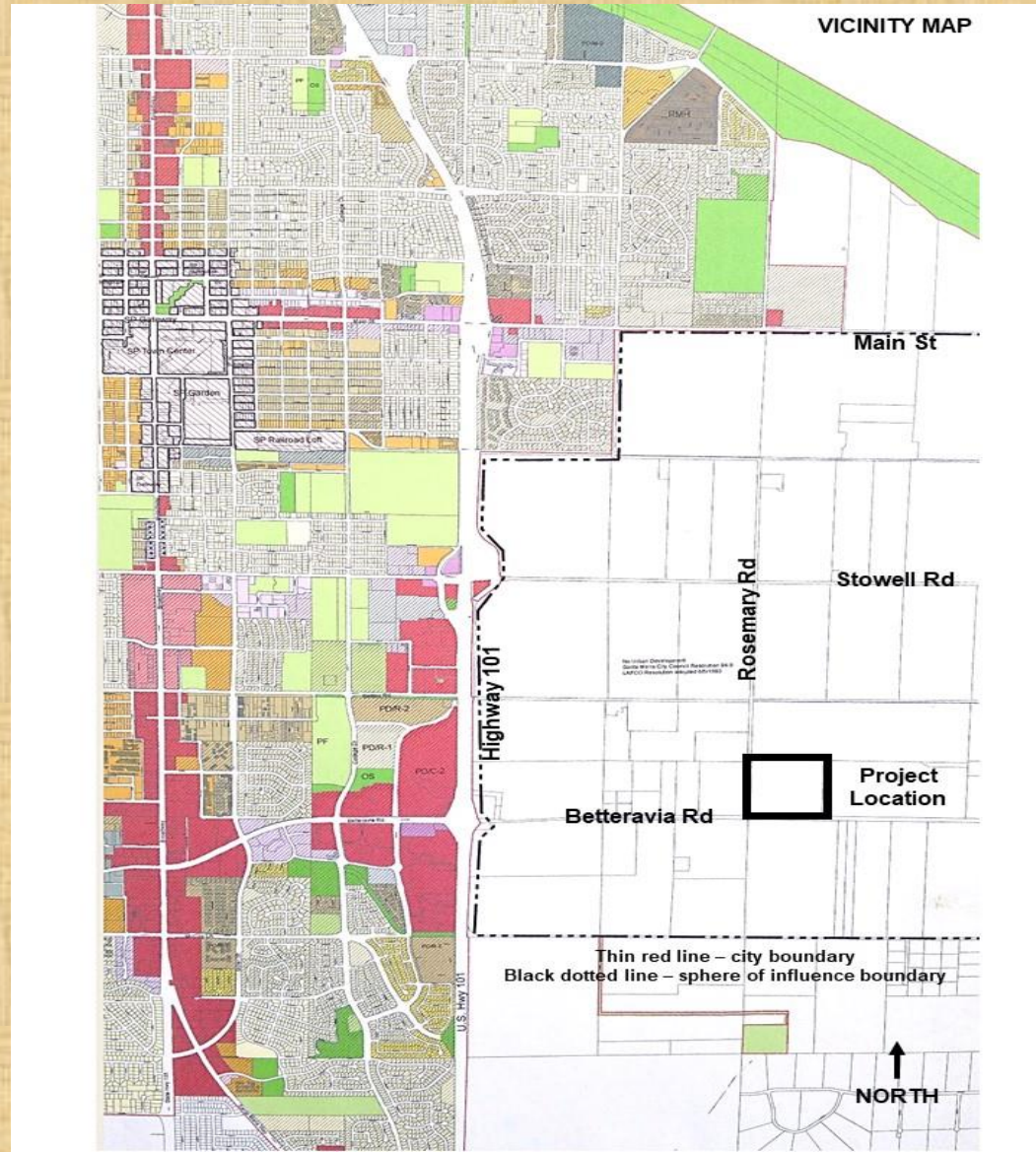
OSR Cooler Out-of-Agency Service Agreement
City of Santa Maria Water Service

September 6, 2018

Proponent, Location, and Background

- City of Santa Maria, by resolution of application, on behalf of OSR Cooler.
- Approximately 35.87 acres located at 1701 East Betteravia Road, Santa Maria, CA 93456. (APN 128-096-018). Since the parcel is in the unincorporated area, land use within the County of Santa Barbara the land use designation is AG-II-40 (Agriculture, 40-acre minimum parcel size) The County's Comprehensive Plan Designation is A-I-5.
- OSR Cooler is requesting a domestic water connection from the City of Santa Maria since the existing well water source has been tested to have nitrate levels exceeding the State-mandated maximum contaminant level, and has been cited by Santa Barbara County Environmental Health Services (SBC EHS) for noncompliance. The existing site contains a cooling facility to service crop production/ handling.

Vicinity Map



Location and Sphere of Influence

- The area proposed for the Out-of-Agency Agreement is outside the City of Santa Maria's city limits and sphere of influence. The proposed service area is approximately one mile from the City limits and the sphere of influence.
- The existing city water main runs adjacent to the site in Rosemary Road. In addition, fire service is already provided to the site.
- Government Code Section 56133(c) allows service outside a sphere of influence to respond to an existing or impending threat to the public health and safety of residents of the affected territory if both of the following requirements are met:(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.
- The City of Santa Maria and the Property Owner have provided documentation of a threat to the health and safety of the public or the affected residents.

Environmental Determination

- This project was originally approved within the jurisdiction of Santa Barbara County. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility, pursuant to the California Environmental Quality Act. The proposed domestic water connection would not result in additional impacts since there will be no modification to the original development approval and no change in use. The domestic water connection would be provided solely to mitigate a threat to the health and safety of the public.
- Environmental Impact Report 04-EIR-08, is online at LAFCO website at <http://www.sblafco.org/> and in hardcopy at the LAFCO Clerk's Office at County Administration Bldg, Rm 407, Fourth Floor, E. Anapamu St., Santa Barbara, CA.

Recommended Added Condition

- After the staff report was prepared and distributed, County Planning and Building submitted the following comment:

“The development plan and conditional use permit allowed the use of on-site private wells for agricultural and potable water. The applicant must obtain a permit revision or substantial conformity determination before connecting the cooler facility to the City of Santa Maria’s domestic water service, under Section 35.84.040 (Changes to an Approved Project) of the Santa Barbara County Land Use and Development Code”.

- To address this issue, staff and legal counsel developed to follow condition that is recommended to be added to the OASA:

d) The out-of-agency service agreement shall expire one year after approval unless the property owner obtains the necessary land use clearance(s) or necessary permit(s) from the County of Santa Barbara Planning and Development Department. The period may be extended for one year by the Commission’s Executive Officer for good cause.

Conclusion

- The main CEQA issue for this project is whether the provision of potable water services to the OSR Cooler is growth inducing. This extension of services can be found to NOT be growth inducing for the following reasons:
- There is an existing City water line already located within the street right of way adjacent to the OSR facility;
- The only new infrastructure needed for the project would be a tie-in from the OSR facility into the water line located adjacent to the OSR property.
- Provision of services to the OSR facility would be limited to this one property in this agricultural area due to the unique threat to health and safety caused by the failure of the onsite well that previously provided potable water to the OSR office.
- Provision of potable water services to the agricultural sources under an out of agency service agreement must meet the findings of Government Code section 65133(b), which is that services may be extended outside of a city's or district's boundaries only if the property is within the sphere of influence in anticipation of a later change of organization. This is almost certain to require significant planning studies, including general plan amendments and associated CEQA review, for the City to consider expanding its sphere of influence in anticipation of annexation of the agricultural area surrounding the OSR Cooler property.

Recommendation

OPTION 1 – APPROVE the request for an Out-of-Agency Service Agreement, subject to the following terms and conditions:

- a) The City's provision of sewer services shall be limited to the OSR Cooler site at 1701 East Betteravia Road, Santa Maria, CA 93456.
- b) The property owner shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.
- c) Said out-of-agency service agreement is for potable water service only shall remain in effect until such time as an annexation is approved by the Commission.
- d) The out-of-agency service agreement shall expire one year after approval unless the property owner obtains the necessary land use clearance(s) or necessary permit(s) from the County of Santa Barbara Planning and Development Department. The period may be extended for one year by the Commission's Executive Officer for good cause.