

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

November 2, 2000 (Agenda)
Revised from September 14, 2000

LAFCO 00-22: Carpinteria Sanitary District - Wudl

LOCATION Approximately nine acres located about 1,100 feet easterly of the intersection of Via Real and South Padaro Lane. (3700 Via Real)

REQUEST: The Carpinteria Sanitary District requests authorization to provide sewer service outside of its boundaries for restrooms and sinks in a proposed agricultural storage building

GENERAL ANALYSIS:

1. Introduction

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.”

The Carpinteria Sanitary District has requested authorization to provide services for the Wudl parcel, which is contiguous to the District but outside of its sphere of influence. The District does not seek to annex the property, only to provide services by an agreement.

A recent statutory change limits LAFCO’s ability to authorize agencies to provide out-of-agency services to properties located outside of their sphere of influence to situations that:

“ . . . respond to an existing or impending threat at the public health or safety of the residents of the affected territory if both of the following requirements are met: (a) 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 and (b). the commission has notified any alternative service provider. . .that has filed a map and statement of its service capabilities with the commission.” (Government Code §56133)

Based on this new information, the Commission continued the request regarding the Wudl property from the September 14 meeting. The District is also requesting that LAFCO expand its sphere to include the Wudl property to allow sewer service as requested by the owner of the property.

A disparity may exist between (a) County policies that restrict extending urban services into agricultural lands and (b) allowing agencies to treat sewage from buildings on agricultural parcels. The staff recommends that the Commission can resolve this situation in the best interests of the environment, the affected property owner and the overall public.

2. Justification of Expanding the District Sphere of Influence

An important factor in the staff's evaluation of this request is the fact that the District's sewer main is immediately adjacent to the parcel. No extension of the sewer main is needed. The only improvement is a lateral connecting the property to the adjacent main.

Another factor is that it is environmentally superior to have liquid waste disposal by public sewers rather than to proliferate individual disposal systems, even in agricultural areas, that have the potential to degrade the ground water.

Including the property within the District sphere of influence has no effect on the County general plan or zoning designations for the site.

LAFCO can restrict its approval of out-of-agency services to specific structures and can withhold its approval of services for any unknown or future uses

3. Present and Future Land Use, City Boundaries and Public Services

The site is a nine-acre parcel in agricultural production. The property is located adjacent to the District and its sphere of influence. The proposed change is the construction of an agricultural office on a portion of the parcel.

County zoning allows the proposed facilities. There is a sewer main in Via Real adjacent to the annexation area. Connecting to this line would avoid an on-site disposal system.

4. Annexation vs. Out-of-Agency Service Agreement

The Commission's adopted policy regarding out-of-agency services states:

“Annexations to cities and special districts are generally preferred for providing public services; however, out-of-agency service agreements can be an appropriate alternative.”

“While each proposal must be decided on its own merits, the Commission may favorably consider such agreements in the following situations:

- A. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors. (Emphasis added)
- B. 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.
- C. Where public agencies have a formal agreement defining service areas, provided LAFCO has formally recognized the boundaries of the agreement area
- D. Emergency or health related conditions militate against waiting for annexation.
- E. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Santa Barbara LAFCO.”

Santa Barbara County Coastal Land Use Plan Policy 2-10 prohibits annexations of rural agricultural parcels to urban service agencies. In addition, it prohibits the extension of sewer mains to serve agricultural parcels, however, due to the location of the sewer main in Via Real, no mainline extensions are needed to serve the Wudl property.

In staff's view, annexing this property to the District is contrary to logical governmental boundaries if it remains in agriculture. Allowing the District to serve without annexation is at this time the most realistic course of action.

5. Landowner Consent to Annex

It is the Commission's policy that whenever a property may ultimately be annexed to a local agency, the out-of-agency service agreement should be conditioned on recordation of a landowner agreement consenting to annex the territory, which consent shall inure to future owners of the property.

Given the existing and planned agricultural nature of this parcel, the staff does not recommend requiring a consent to annex by the landowner.

6. Environmental Impact of the Proposal

The underlying project requires only a ministerial permit from the County, which does not require environmental review.

7. Alternatives for LAFCO Actions

Alternatives available to the Commission include:

- Option 1. Approve the request, as recommended below.
- Option 2. Approve the request with different terms and conditions.
- Option 3. Deny the request.
- Option 4. Continue the item to obtain additional information.

RECOMMENDED ACTION

Amend the sphere of influence to include the Wudl parcel

Authorize the District to provide sewer service to this parcel subject to the following terms and limitations:

- 1. LAFCO's approval applies to both current and future property owners.
- 2. Sewer disposal is the only authorized service and only for the proposal agricultural building as designated.
- 3. Approval to extend District services beyond those specifically noted herein is withheld and is subject to future LAFCO review.
- 4. The property is not to be annexed to the District until such time, if ever, that the adopted land use designations for the property are modified to an urban use.

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