

# LAFCO

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**Santa Barbara Local Agency Formation Commission**

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/647-7647

www.sblafco.org ♦ lafco@sblafco.org

Date: September 3, 2020 (Agenda)

Honorable Commissioners

Santa Barbara Local Agency Formation Commission

### **Executive Officer's Report**

#### **City of Santa Barbara Sphere of Influence Amendment and Out of Agency Services Agreement for 4 Sunrise Hill Lane, Montecito, Ca.**

LAFCO 20-01

City of Santa Barbara to provide water and sewer services to 3.94-acre vacant property located at 4 Sunrise Hill Lane, Montecito, CA., APN 013-210-049 ("Property.") (**Exhibit A**, City Staff Report, Attachment "4 Sunrise Hill Lane Map," Dec. 17, 2019.)

PROPONENT.

City of Santa Barbara on behalf of Property owners Matthew M. and Margaret A. Winkler ("Owners. ")

PURPOSE.

The Owners are seeking a permit from the County for a single-family residence and need water and sewer services. The City has water and sewer mains in the area with capacity to service the property. The City currently provides water and sewer services to other properties in the unincorporated area. No other water or sanitary districts operate in the vicinity of the Property. The County will consider issuing a building permit for the project if the Owners can obtain water and sewer services.

### RECOMMENDATION

That the Commission approve a resolution that will:

1. Find that the proposal is categorially exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., ("CEQA").
2. Approve City of Santa Barbara application to amend City's Sphere of Influence to include Property, and
3. Approve City's out of agency service agreement between the City and Owners to allow City to provide water and sewer services to the Property.

## **DISCUSSION**

### **1. Description of Project.**

The City of Santa Barbara has filed a request to amend its sphere of influence (**Exhibit B**) to include the Property located at 4 Sunrise Hill Lane in the unincorporated area of the County known as Montecito. This request has been filed in conjunction with an application for LAFCO approval of an out of agency service agreement between City and the Owners to provide water and sewer services to the Property. (**Exhibit C.**)

The Owners have been seeking a building permit from County since 2017. County Planning and Development has stated County cannot approve the application until water and sewer services are obtained. LAFCO's approval of the project will authorize the City to provide the water and sewer services and enable the Owners to obtain a building permit from County.

### **2. Sphere Determination.**

An out of agency service agreement may be approved by the Commission pursuant to Government Code section 56133(b), provided the area of service is within the sphere of influence of the requesting agency. The Property borders City limits; however, is not within the City's sphere of influence. Under Section 56133(c) an alternative ground for a service agreement is if there is "an impending threat to health and safety." There are no grounds for making the "impending threat" determination; therefore, an amendment to City's sphere is necessary for the service agreement to go forward.

The proposed amendment to the sphere of influence in this instance is minor, consisting of one vacant residential lot adjacent to City's boundary. The City's sphere of influence was last reviewed and approved by the Commission on January 7, 2016, and no inadequacies or needed amendments were identified.

In determining the sphere of influence of each local agency, Government Code section 56425(e) requires LAFCO to prepare and consider a written statement of four determinations. These determinations are also addressed by the City in response to Question 10 in its response to LAFCO's Questionnaire. (**Exhibit C.**)

#### **(1) The present and planned land uses in the area, including agricultural and open-space lands.**

The County's land use designation in the Montecito Community Plan for the Property is SRR-0.5 (Semi-Rural Residential, 0.5 units per acre, 2-acre minimum parcel size). The current County zoning for the Property is 2-E-1 (Single Family Residential, 2-acre minimum lot area). The adjacent parcels within the City have low-density residential land use and zoning

designations. Land nearby in the City is zoned RS-15 "Res. Single Unit, 15,000 sq.ft. lot min., RS 25 "Res. Single Unit, 25,000 sq.ft. lot min," and PUD-0.67 "Planned Unit Development." Under either the City or County's land use designations, the Property would be used for low density residential. There are no plans to use the Property for agriculture or open space.

**(2) The present and probable need for public facilities and services in the area.**

The City has water and sewer mains in the area with sufficient capacity to provide service to the Property. The City water main is on Sunrise Hill Lane adjacent to the Property. The sewer main is located on Nicholas Lane which is one street over to the east. The Owners will have to obtain a private sewer lateral access easement across a neighboring property to access the sewer main. This issue has been discussed with Planning and Development staff and it has been agreed it will be addressed in the permitting process through County Planning and Development rather than by LAFCO.

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

The City has the public facilities necessary to provide water and sewer services to the Property. As stated in the Council Agenda Report, December 17, 2019. (**Exhibit A.**) The staff report states the following:

"A Sphere of Influence establishes the probable physical boundaries and service area of the City within the County. As required by Government Code section 56425(b), City staff consulted with County Planning and Development Department staff, and it was determined that neither City nor County staff had concerns regarding the amendment request.

"The City already provides water and wastewater service to other properties in the vicinity of 4 Sunrise Hill Lane, and the property is fronted by an existing City water main. No other water or sanitary districts operate in the vicinity of the project site." (City Staff Report at p. 2.)

Further, City confirmed in its responses to the LAFCO Questionnaire that City "has water and sewer mains in the area with capacity sufficient to provide service to the subject parcel." (Exhibit B, Questionnaire for Amending Sphere of Influence at p. 3.) Therefore, there is adequate present capacity of public facilities and public services in this area to service the Property.

**(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.**

No such communities have been identified. (*Ibid.* at p. 3.).

**3. Out of Agency Service Agreement.**

The City and the Owners have signed and recorded an “Agreement for Provision of Water and Sewer Services to Real Property Located Outside City Limits Government Code section 56133.” (**Attachment D.**) This Agreement will become operative upon the Commission’s approval of the sphere of influence amendment and written confirmation by the LAFCO Executive Officer that the Agreement has been approved by LAFCO in accordance with Government Code section 56133.

The Agreement includes Condition 7 wherein Owners consent to and waive the right of protest and all objections to any future annexation of the Property to the City. This consent and waiver shall inure to and bind all successors in interest to the Property. This condition meets LAFCO’s requirement that a service agreement be conditioned on the owner’s consent to future annexation and such consent shall bind all successors in interest to the property.

**4. CEQA.**

The City found the project exempt from CEQA pursuant to CEQA Guidelines sections 15303(a) - construction and location of limited numbers of new, small facilities or structures, including one single-family or a second dwelling unit in a residential zone or in urbanized areas, up to three single family residences may be constructed - and Section 15320 change in organization of local agencies. (**Exhibit E.**).

Staff recommends the Commission find the project exempt from CEQA on the same grounds as City. Staff also recommends the Commission find the project exempt from CEQA pursuant to Section 15061(b)(3) the “common sense” exemption because the project has the same effect as approval of an annexation exempt pursuant to CEQA Guidelines Section 15319 “annexations of existing facilities and lots for exempt facilities.”

**ALTERNATIVES FOR COMMISSION ACTION**

After reviewing this report and any testimony and materials that are presented, it is recommended the Commission adopt Option 1, below. Alternatively, the Commission may consider either Options 2 or 3.:

OPTION 1 – ADOPT the attached Resolution (**Exhibit G**) that approves the request for an amendment to the City’s Sphere of Influence and approves the Out-of-Agency Service Agreement between City and Owners subject to the findings, terms and conditions in the Resolution, including:

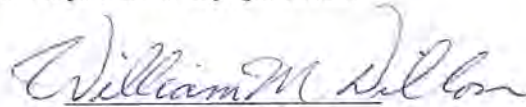


- (1) The proposal is found to be categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15303, 15320, and 15061(b)(3).
- (2) With the amendment to the City's sphere of influence, the project is found to be consistent with good planning and reasonable extension of water and sewer services to the Property.
- (3) This approval is subject to the terms and conditions in the Resolution, including:
  - a. Approval is based on Owners compliance with Condition 7 of the Services Agreement wherein Owners consent to and waive the right of protest and all objections to future annexation of the Property to the City. Said consent and waiver shall inure to and bind all successors in interest to the property.
  - b. Said out-of-agency service agreement is for water and sewer service only and shall remain in effect until such time as an annexation to the City of Santa Barbara is approved by the Commission and becomes final.

OPTION 2 – Deny the request.

OPTION 3 – Continue the item to obtain addition information.

Please contact the LAFCO office if you have any questions.



William M Dillon  
Interim Executive Officer

Exhibits

- Exhibit A: City of Santa Barbara Council Agenda Report, December 17, 2019  
Exhibit B: City Application to Amend Sphere of Influence – Responses to Questionnaire  
Exhibit C: City Application for Out of Agency Service Agreement  
Exhibit D: Agreement for Provision of Water and Sewer Service to Real Property Located Outside City Limits Government Code section 56133  
Exhibit E: City Notice of Exemption from CEQA  
Exhibit F: Proposed LAFCO Notice of Exemption from CEQA  
Exhibit G: Proposed Commission Resolution approving sphere of influence amendment and out of agency service agreement



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** December 17, 2019

**TO:** Mayor and Councilmembers

**FROM:** Water Resources Division, Public Works Department  
Planning Division, Community Development Department

**SUBJECT:** Sphere Of Influence Amendment And Water And Wastewater Service Agreement For 4 Sunrise Hill Lane

**RECOMMENDATION:** That Council:

- A. Consent to an amendment to the City's Sphere of Influence to include 4 Sunrise Hill Lane (APN 013-210-049);
- B. Authorize the Public Works Director to execute an Agreement for Provision of Water and Sewer Service to Real Property, Located Outside City Limits, between the City and Margaret and Matthew Winkler to provide City water and wastewater service to 4 Sunrise Hill Lane (APN 013-210-049);
- C. Authorize the Community Development Director to submit an application to amend the City's Sphere of Influence to the Local Agency Formation Commission; and
- D. Authorize the Public Works Director to submit an application to approve the water and wastewater service agreement to the Local Agency Formation Commission.

**DISCUSSION:**

The project site is a vacant parcel located in the County of Santa Barbara (County), outside City limits and outside the City's Sphere of Influence. The property owners are in the process of obtaining approvals and permits from the County to construct a single-family residence and are seeking water and wastewater service from the City for the proposed residence.

Providing new water or wastewater service by agreement to properties outside City limits requires approval by the Local Agency Formation Commission (LAFCO). Prior to approval of such an agreement for service, LAFCO also requires that the City's Sphere of Influence be amended to include the subject parcel. (Government Code §56428 establishes the process for the amendment.) Therefore, the property owners are requesting that Council consent to the amendment to the Sphere of Influence, authorize the execution of the

service agreement, and authorize the submittal of the required applications to LAFCO. All LAFCO fees would be paid by the property owners.

A Sphere of Influence establishes the probable physical boundaries and service area of the City within the County. As required by Government Code §56425 (b), City staff consulted with County Planning and Development Department staff, and it was determined that neither City nor County staff had concerns regarding the amendment request.

The City already provides water and wastewater service to other properties in the vicinity of 4 Sunrise Hill Lane, and the property is fronted by an existing City water main. No other water or sanitary districts operate in the vicinity of the project site.

The recommended Agreement has been prepared in conformance with applicable resolutions and requirements of the Municipal Code, including the required waiver of right to protest annexation. Per the proposed Agreement, water and wastewater service to 4 Sunrise Hill Lane would be subject to all the same terms, conditions, and requirements that apply to similar service to other properties located within the boundaries of the City.

A copy of the agreement is available for public review in the City Clerk's Office.

**ENVIRONMENTAL REVIEW:**

The City's Environmental Analyst has determined that the amendment to the City's Sphere of Influence is exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15320 (Changes in Organization of Local Agencies), and the Out-of-Agency Service Agreement is exempt from further environmental review pursuant to CEQA Guidelines Section 15303 (New Construction, utility extensions).

- ATTACHMENT:** 4 Sunrise Hill Lane Map
- PREPARED BY:** Joshua Haggmark, Water Resources Manager/DH/js  
Kathleen Kennedy, Project Planner
- SUBMITTED BY:** Rebecca J. Bjork, Public Works Director  
George Buell, Community Development Director
- APPROVED BY:** City Administrator's Office





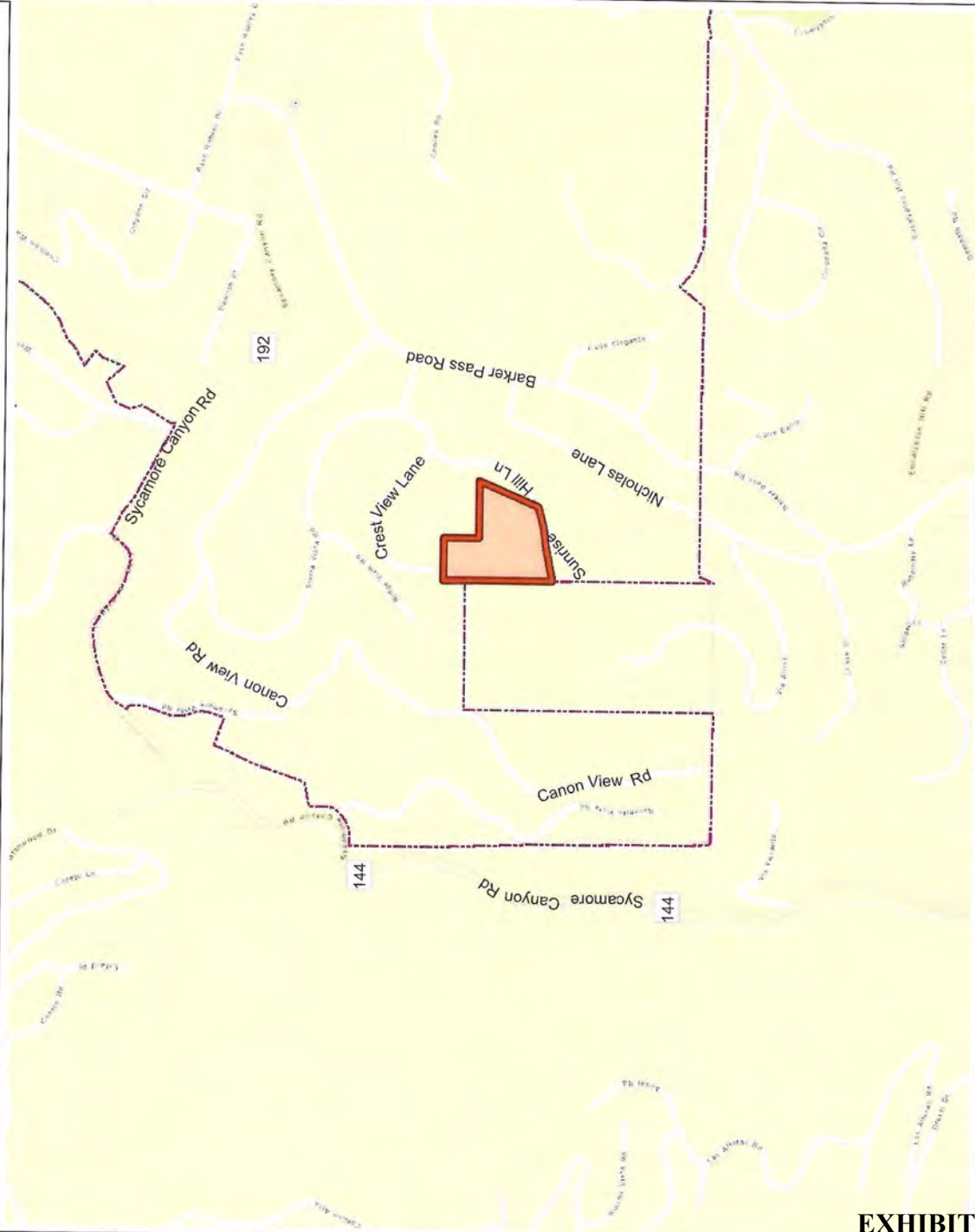
- Legend**
- City Limits and Sphere of Influence Boundary
  - Assessor's Parcels - City World Street Map

1:10,445



Notes

# 4 Sunrise Hill Lane



**MAP DISCLAIMER**

This service has been provided to allow a visual display of City information. Every effort has been made to ensure the accuracy of the map and data. The City of Santa Barbara assumes no responsibility arising from the use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT A WARRANTY OF ANY KIND. This map was created using the City of Santa Barbara Mapping Analysis and Printing System application.



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 Reported on 11/14/2019 02:13 PM  
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# City of Santa Barbara - MAPS



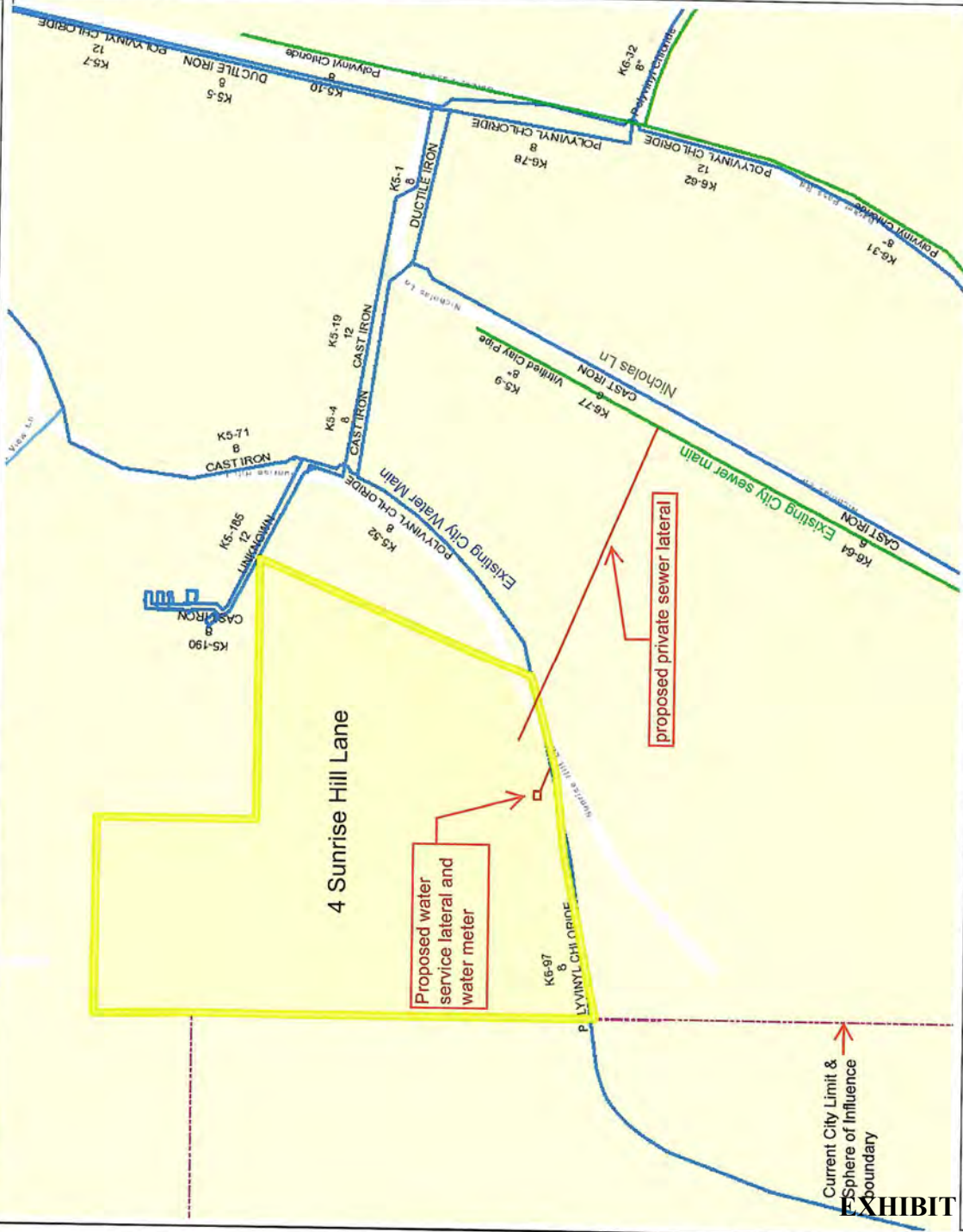
- Legend**
- City Limits
  - Assessor's Parcels - City
  - Sewer Mains
    - <all other values>
    - LIVE; <Null>-Gravity, Buried
    - ABIAN
    - Force Main
  - Water Mains
    - FACILITIES
    - GOLETA CITY WATER DISTRICT
    - MAIN
    - MONTECITO CITY WATER DISTRICT
    - PRIVATE
    - PUMP
    - TRANSMISSION
  - World Street Map

1:2,259



### Notes

Enter Map Description



**MAP DISCLAIMER**

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188,237 376.475 Feet



376.475

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EXHIBIT

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

**Questionnaire for Amending a Sphere of Influence.**

Sphere of Influence of the **City of Santa Barbara**

**Purpose of the proposal**

1. Why is this proposal being filed? List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map or development permit.

The property owners (Matthew M. and Margaret A. Winkler) of 4 Sunrise Hill Lane (APN 013-210-049) submitted an application to the County of Santa Barbara Department of Planning and Development for a new single-family residence on a vacant lot located in the unincorporated area of Santa Barbara County. The new residence requires water and sewer services from the City of Santa Barbara. In order to receive LAFCO approval of an Out-Of-Agency Service Agreement for water and sewer services (see separate LAFCO application), a Sphere of Influence Amendment to include the parcel in the City's Sphere of Influence is required by LAFCO.

**Consultation with the County (City sphere changes only)**

2. Provide documentation regarding consultation that has occurred between the City and the County with regard to agreement on boundaries, development standards and zoning requirements for land in the proposed sphere as required by Government Code §56425.

Documentation is provided in the enclosed email correspondence with County of Santa Barbara staff.

**Description of area to be included in the sphere**

3. What area is proposed to be included in the sphere? Attach a map identifying the current sphere and the proposed addition. What is the acreage?

The area proposed to be included is 4 Sunrise Hill Lane, which is a 3.94 acre parcel (APN 013-210-049). Please see enclosed map with the current City and Sphere of Influence boundaries. The proposed area to be included is shown in red.



## Application to Amend Sphere of Influence

4. Why was it decided to use these particular boundaries?

The owners of the parcel recently submitted an application to the County of Santa Barbara for a new single-family residence. It is the only parcel in the vicinity that is requesting water and sewer services at this time.

5. What are the existing land uses for the proposal area? Be specific.

The parcel is currently vacant.

6. Are there proposed land uses for the proposal area? Be specific.

Yes. The application submitted to the County of Santa Barbara Department of Planning and Development consists of one new single-family residence.

### Relationship to Existing Plans

7. Describe current County general plan and zoning designations for the proposal area.

The current Montecito Community Plan land use designation is SRR-0.5 (Semi-Rural Residential, 0.5 units per acre, 2-acre minimum parcel size). The current Zoning designation is 2-E-1 (Single Family Residential, 2-acre minimum lot area).

8. Describe any City general plan and rezoning designations for the proposal area.

- There are currently no City general plan and rezoning designations for the parcel; however, the adjacent parcels within the City limits have low-density residential land use and zoning designations.

### Environmental Assessment

9. What is the underlying project? Who is the lead agency? What type of environmental document has been prepared for the proposed project?

The County of Santa Barbara Department of Planning and Development is the lead agency for review of the proposed new single-family residence. The City of Santa Barbara prepared the enclosed Notice of Exemption for the Sphere of Influence Amendment and the Out-Of-Agency Service Agreement.

Application to Amend Sphere of Influence

Justification

10. To assist LAFCO in making determinations pursuant to Government Code §56425, please provide information relevant to each of the following:

A. Present and planned uses in the area, including agricultural and open-space lands.

The parcel is currently vacant and the planned use for the subject parcel is a single-family residence.

B. Present and probable needs for public facilities and services in the area.

The subject parcel is in need of water and sewer services, which will be provided with the approval of the Out-Of-Agency Service Agreement. No other needs have been identified.

C. Present capacity of public facilities and adequacy of public services the affected agency provides or is authorized to provide.

The City of Santa Barbara has water and sewer mains in the area with capacity sufficient to provide service to the subject parcel.

D. Existence of any social or economic communities of interest in the area.

No social or economic communities of interest have been identified.

Additional Comments

11. Provide any other comments or justifications regarding the proposal.

The City currently provides water and sewer services to other properties in the unincorporated area of Santa Barbara County in the vicinity of 4 Sunrise Hill Lane. No other water or sanitary districts operate in the vicinity of the subject parcel. Including the parcel in the City's Sphere of Influence is appropriate if the City will be providing water and sewer services to the subject parcel.

12. Enclose any pertinent staff reports and supporting documentation related to this proposal.

Please see enclosed City of Santa Barbara Council Agenda Report and Council minutes dated December 17, 2019.



Application to Amend Sphere of Influence

13. Notices and Staff Reports

List up to three persons to receive copies of the LAFCO notice of hearing and staff report.

- | <u>Name</u>   | <u>Address</u> |
|---|----------------|
| 1. Eva Turenchalk, Turenchalk Planning Services, 231 Santa Barbara Shores Dr., Goleta, CA 93117                                       |                |
| 2. Graham Lyons, Mullen & Henzel, 112 E. Victoria St., Santa Barbara, CA 93101  |                |
| 3. Kathleen Kennedy, Project Planner, Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA 93101 |                |

Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Kathleen Kennedy, Project Planner Community Development Department, Planning Division 630 Garden Street, Santa Barbara, CA 93101 <u>KKennedy@SantaBarbaraCa.gov</u>		(805) 564-5470 x 4560

Signature Kathleen Kennedy

Date 3/30/20

20-1

**From:** [Wilkinson, Whitney](#)  
**To:** [Kathleen Kennedy](#)  
**Cc:** [Lackie, David](#); [Klemann, Daniel](#)  
**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment  
**Date:** Friday, September 27, 2019 3:05:10 PM  
**Attachments:** [image001.png](#)

EXTERNAL

Hi Kathleen,  
The County does not have any comments on the proposed sphere change at this time.  
Thanks for reaching out to us.  
Best,  
Whitney

**From:** Wilkinson, Whitney  
**Sent:** Wednesday, September 25, 2019 2:22 PM  
**To:** 'Kathleen Kennedy'  
**Cc:** Lackie, David ; Klemann, Daniel  
**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment

Hi Kathleen,  
Apologies for the delay, we are discussing internally and will likely get back to you with some comments, hopefully tomorrow.  
Thanks,  
Whitney

**From:** Kathleen Kennedy <[KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)>  
**Sent:** Wednesday, September 25, 2019 8:50 AM  
**To:** Wilkinson, Whitney <[wwilkinson@co.santa-barbara.ca.us](mailto:wwilkinson@co.santa-barbara.ca.us)>  
**Cc:** Lackie, David <[DLackie@co.santa-barbara.ca.us](mailto:DLackie@co.santa-barbara.ca.us)>; Klemann, Daniel <[dklemann@co.santa-barbara.ca.us](mailto:dklemann@co.santa-barbara.ca.us)>  
**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment  
**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Hi Whitney,  
I am checking in to see if you have any additional comments on this project.  
Thank you,

**Kathleen Kennedy**

*Project Planner*  
CITY OF SANTA BARBARA, Community Development  
(805) 564-5470 x 4560 | [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)

**From:** Kathleen Kennedy  
**Sent:** Wednesday, September 11, 2019 2:13 PM  
**To:** 'Wilkinson, Whitney' <[wwilkinson@co.santa-barbara.ca.us](mailto:wwilkinson@co.santa-barbara.ca.us)>  
**Cc:** Lackie, David <[DLackie@co.santa-barbara.ca.us](mailto:DLackie@co.santa-barbara.ca.us)>; Klemann, Daniel <[dklemann@co.santa-barbara.ca.us](mailto:dklemann@co.santa-barbara.ca.us)>  
**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment

Ok. We are not quite ready to submit to LAFCO. We first need to go to City Council for their approval.

Thank you,

**Kathleen Kennedy**

*Project Planner*

CITY OF SANTA BARBARA, Community Development  
(805) 564-5470 x 4560 | [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)

**From:** Wilkinson, Whitney [<mailto:wwilkinson@co.santa-barbara.ca.us>]

**Sent:** Wednesday, September 11, 2019 1:56 PM

**To:** Kathleen Kennedy

**Cc:** Lackie, David ; Klemann, Daniel

**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment  
EXTERNAL

Hi Kathleen,

I just left you a message- please hold off on contacting LAFCO, we would like to take another look at this project and determine if we have comments. We hope to have them for you next week. Sorry for any confusion.

Thanks,

Whitney

**From:** Kathleen Kennedy <[KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)>

**Sent:** Wednesday, September 11, 2019 1:51 PM

**To:** Wilkinson, Whitney <[wwilkinson@co.santa-barbara.ca.us](mailto:wwilkinson@co.santa-barbara.ca.us)>

**Cc:** Lackie, David <[DLackie@co.santa-barbara.ca.us](mailto:DLackie@co.santa-barbara.ca.us)>; Klemann, Daniel <[dklemann@co.santa-barbara.ca.us](mailto:dklemann@co.santa-barbara.ca.us)>

**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment

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Hi Whitney,

Thank you for responding.

In this case, an annexation is not being requested. It is only an amendment to our Sphere of Influence. As part of our application to LAFCO, we need to provide documentation that the City and County have consulted on this issue. From what you have said below in your email, I will convey to LAFCO that the County has no immediate concerns at this time about this proposed amendment to the Sphere of Influence.

Thank you,

**Kathleen Kennedy**

*Project Planner*

CITY OF SANTA BARBARA, Community Development  
(805) 564-5470 x 4560 | [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)

**From:** Wilkinson, Whitney [<mailto:wwilkinson@co.santa-barbara.ca.us>]

**Sent:** Thursday, September 05, 2019 6:21 PM

**To:** Kathleen Kennedy <[KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)>

**Cc:** Lackie, David <[DLackie@co.santa-barbara.ca.us](mailto:DLackie@co.santa-barbara.ca.us)>; Klemann, Daniel <[dklemann@co.santa-barbara.ca.us](mailto:dklemann@co.santa-barbara.ca.us)>

**Subject:** RE: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment  
EXTERNAL

Hi Kathleen,

The County doesn't have any immediate comments at this time; I believe we have seen this application come through in a previous iteration. Unless we see any glaring red flags (which we don't in this case) we typically hold off on providing any comments until we do a distribution to County departments to review the annexation request from LAFCO. We will wait to hear from LAFCO on this one.

Feel free to reach out if you have any other questions or concerns. Also, per Selena's comment below, you can send me any requests for comments on annexations in the future as Selena no longer fulfills this roll.

Thanks,



**Whitney Wilkinson**

**Senior Planner**

Planning & Development, Long Range Planning Division

123 E. Anapamu St.

Santa Barbara, CA 93101

805-568-2067

<http://www.countyofsb.org/plndev/home.sbc>

**From:** Evilsizor, Selena

**Sent:** Thursday, September 5, 2019 11:25 AM

**To:** Wilkinson, Whitney

**Cc:** Lackie, David ; Klemann, Daniel

**Subject:** FW: 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment

Hi Kathleen,

Thank you for this notice. I am forwarding it to Whitney Wilkinson, as she is coordinating the County's review of LAFCO applications now.

Best,

Selena



**Selena Evilsizor, AICP**

**Senior Planner**

Planning & Development

123 E. Anapamu Street

Santa Barbara, CA 93101

805-568-3577

<http://www.countyofsb.org/plndev/home.sbc>

**From:** Kathleen Kennedy <[KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)>

**Sent:** Thursday, September 05, 2019 11:11 AM

**To:** Klemann, Daniel <[dklemann@co.santa-barbara.ca.us](mailto:dklemann@co.santa-barbara.ca.us)>; Evilsizor, Selena <[sevilsizor@co.santa-barbara.ca.us](mailto:sevilsizor@co.santa-barbara.ca.us)>

**Subject:** 4 Sunrise Hill Lane - LAFCO Sphere of Influence Amendment

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Good morning, Dan and Selena,

The owner of 4 Sunrise Hill Lane (APN 013-210-049) is seeking water and sewer service from the City of Santa Barbara for a new residence. Since this property is in the County of Santa Barbara, LAFCO has required the owner to request an amendment to the City's Sphere of Influence prior to approving an Out of Agency Service Agreement. We are in the process of reviewing the request.



As required by Government Code §56425, I am contacting you to initiate a discussion about "the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere".

It is our understanding that the owner has submitted a building application with the County and that the permit is ready to be issued pending LAFCO approval. Also, it is our understanding that the current County zoning designation is 2-E-1 (Single Family Residential, 2 acre minimum) and the County comprehensive plan designation is SRR-0.5 (Semi-Rural Residential, 0.5 units/acre, 2 acre minimum), which allows the construction of a single family residence. The surrounding City zoning and land use designations also allow the construction of single family residences. The development of the subject property with a single family residence would result in logical and orderly development, consistent with the surrounding City development.

Please provide us with any comments or concerns regarding the amendment to the City's Sphere of Influence to include this property or the request for water and sewer service. Also, please let me know if you have any questions.

Thank you,

**Kathleen Kennedy**

*Project Planner*

CITY OF SANTA BARBARA, Community Development  
(805) 564-5470 x 4560 | [KKennedy@SantaBarbaraCA.gov](mailto:KKennedy@SantaBarbaraCA.gov)  
[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)



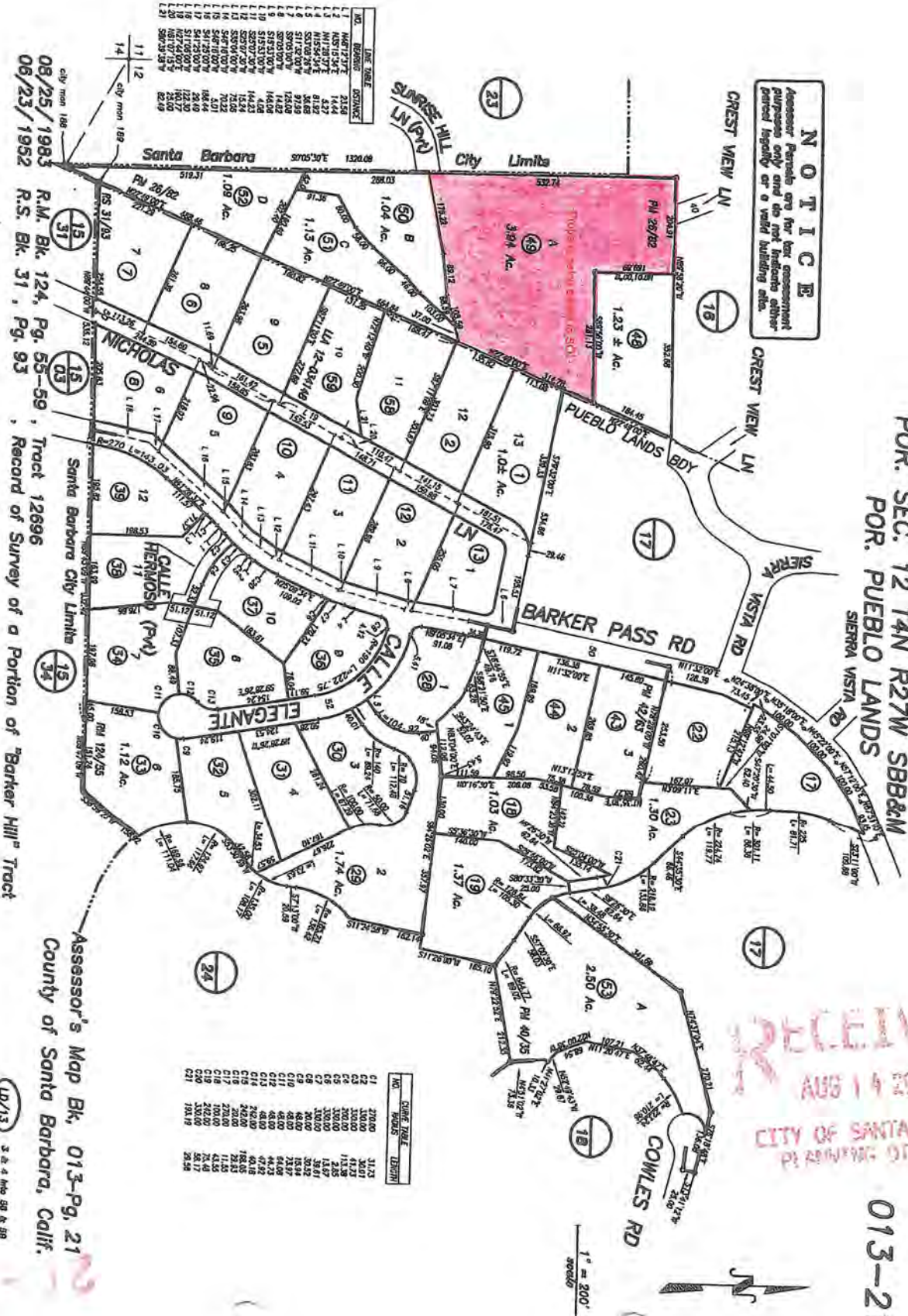
**NOTICE**  
 Assessor's Parcels are for tax assessment purposes only and do not indicate either partial legality or a valid building site.

POR. SEC. 12 T4N R27W SBB&M  
 POR. PUEBLO LANDS  
 SIERRA VISTA

RECEIVED  
 AUG 14 2013  
 CITY OF SANTA BARBARA  
 PLANNING DIVISION

013-2

EXHIBIT B



City map 186  
 08/25/1983  
 06/23/1952

R.M. Bk. 124, Pg. 55-59, Tract 12696  
 R.S. Bk. 31, Pg. 93

Assessor's Map Bk, 013-Pg. 21  
 County of Santa Barbara, Calif.

UD/13 3 of 4 Map 98 & 99

21-1

21-1

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

Application for Out-of Agency Service Agreement

1. City or District                      City of Santa Barbara

Who should be contacted if there are questions about this application?

Name, address and telephone:

*Dana Hoffenberg, Water Resources Specialist  
805-560-7585  
DHoffenberg@SantaBarbaraCA.gov*

*Mailing address:  
City of Santa Barbara, Water Supply Management  
ATTN Dana Hoffenberg  
PO Box 1990  
Santa Barbara, CA 93102*

2. Affected Property Owners

Names, addresses and telephones:

*Margaret Winkler & Matthew W. Winkler  
960 Live Oak Circle  
West Lake Hills, Texas 78746  
512-565-8364*

3. Address/location/size of property:                      Parcel number: 013-210-049

*4 Sunrise Hill Lane - 3.94 Acres*

Complete all relevant questions

4. Is the property within the service agency's sphere of influence? Yes \_\_\_\_\_ No x

*A sphere of influence amendment application has been filed concurrently with this application to include this property within the City's sphere of influence.*

5. What types of services are to be provided under contract?

*Water and wastewater service.*



6. Discuss the justification for the service agreement. Is this an emergency health and safety situation? Why is annexation not possible at this time?

*The City currently provides water and wastewater services to other properties in the unincorporated area of Santa Barbara County in the vicinity of 4 Sunrise Hill Lane. No other water or sanitary districts operate in the vicinity of the subject parcel.*

*The property owner is in the process of obtaining a building permit for a new residence in the near future and has already begun the development review process with the County. Because the property owner has already begun development review with the County, it would be more timely and cost effective to acquire service from the City through an Out-of-Agency agreement rather than annexation, which would require the project be reviewed and developed under City regulations.*

7. Is annexation of the territory anticipated at some future time? Yes \_\_\_\_\_  
No  X  If yes, when? If no, why not?

*There are no plans for annexation of the subject parcel in the near future. The surrounding unincorporated parcels are not within the City's Sphere of Influence. This area is not included in the City's General Plan list of sites to be annexed at the earliest opportunity.*

8. What is the existing use of the site? Be specific.

*The property is currently vacant.*

9. If a change in use is proposed, provide a description of the change.

*The property owners have submitted an application to the County of Santa Barbara Department of Planning and Development for one new single family residence.*

10. Describe in detail how services will be extended to the property:

- A. Describe needed improvements including distance for connections.

*There is an existing City water main in Sunrise Hill Lane fronting the subject property, therefore no water main extensions are necessary. There is an existing City sewer main one street over in Nicholas Lane. The property owners plan to install a private sewer lateral from the existing sewer main in Nicholas Lane through an adjacent private property by way of a private easement, to the subject property. No water or sewer main extensions are proposed.*

- B. What are the costs of improvements and other start up costs?

*Water service installation costs due to the City for a new 1" water service lateral and a 5/8" water meter are currently approximately \$4,000. Water capacity charges, which are charges to "buy in" to the equity of the City's water system are currently \$9,012 (assuming a 5/8" meter).*

*Sewer installation costs due to the City for a sewer main tap is currently approximately \$1,400. Sewer capacity charges, which are charges to "buy in" to the equity of the City's wastewater system, are currently \$3,662 (assuming a 5/8" water meter).*



*The property owner will also incur costs from their private contractor for improvements and construction on private properties and construction in the street, and from the County of Santa Barbara for permitting fees associated with construction in the County's public right-of-way.*

C. How is financing to occur, both capital costs and ongoing operations?

*The applicant will pay all costs due to the City upfront, before any installations occur. Ongoing water and wastewater service will be funded through the property owner's monthly utility bills.*

11. What environmental review has been conducted for the project? If exempt, please provide a copy of the agency's Notice of Exemption.

*A Notice of Exemption is included.*

Provide a vicinity map showing the property, the city or district boundary and sphere line and existing and proposed infrastructure as relevant to this agreement.

Attach a copy of the proposed services agreement and any staff reports or supporting documentation related to this application.

This request and a processing fee set forth in LAFCO's fee schedule should be submitted to:

Santa Barbara LAFCO  
105 East Anapamu Street  
Santa Barbara CA 93101  
805/568-3391

Recorded in Official Records  
County of Santa Barbara

JOSEPH E. HOLLAND  
County Clerk-Recorder  
DOC # 2020-0027425

RECORDING REQUESTED BY )  
AND WHEN RECORDED MAIL TO: )  
 )  
City of Santa Barbara )  
City Clerk )  
P.O. Box 1990 )  
Santa Barbara, CA 93102-1990 )

06/04/2020 Titles: 1 Pages: 7  
09:50 AM  
SBC Fees: \$32.00  
Taxes: \$0.00  
E1 CA SB2 Fee: \$0.00  
Total: \$32.00

Agreement No. 26,605  
Location: 4 Sunrise Hill Lane  
APN: 013-210-049

No fee per GOVT. CODE 6103

Agreement For Provision of Water and Sewer Service to  
Real Property Located Outside City Limits  
Government Code § 56133

THIS AGREEMENT, made and entered into this 21<sup>st</sup> day of  
April, 2020,

by and between

CITY OF SANTA BARBARA, a  
municipal corporation, hereinafter  
referred to as "City",

and

Matthew M. Winkler and  
Margaret A. Winkler, hereinafter  
referred to as "Owners",

A. Owners, husband and wife as community property, own undeveloped real property located in the unincorporated area of the County of Santa Barbara, State of California, immediately adjacent to, but outside the boundary of the City, generally known as 4 Sunrise Hill Lane (APN: 013-210-049) and described in the attached "Exhibit A" [the "Real Property"].

B. Owners desire to develop the Real Property with one single family residence and related accessory structures, and requires water and sewer services. The City has water and sewer mains in the area with capacity sufficient to provide service to the Real Property. The City currently provides water or sewer service to other property outside of the City's boundary and within the vicinity of the Real Property. However, because of amendments to Government Code § 56133, the City cannot provide new or extended service to the Real Property unless it is either annexed to the City or is within the City's sphere of influence and a service agreement has been approved by LAFCO.

C. Owners have submitted all necessary applications for an amendment to the City's sphere of influence to include the Real Property. Further, Owners agree to waive any right of protest and all objections to future annexation of the Real Property to the City and to pay the annexation fee required by Chapter 4.04 of the Santa Barbara Municipal Code or any successor law in effect at the time of annexation.

NOW, THEREFORE, the parties hereto agree as follows:

1. City will provide water and sewer service to the Real Property upon the same term, conditions, and requirements that apply to similar service to property located within the boundaries of the City.

2. Owners are responsible for acquisition of all easements and construction of all pipeline, fixtures, and facilities to connect the Real Property to the City's water and sewer system, except that the City will be responsible for installation of the connection to the City's water main and water meter in accordance the City's Municipal Code. If extension or expansion of an existing City water or sewer main is required to provide service to the Real Property, Owners will pay the cost of the extension or expansion as a condition precedent to development of the Real Property. Owners agree to dedicate to City such easements and pipelines, fixtures, and facilities as may be required by the City.

3. Owners will pay water and sewer connection and capacity fees according to the City's standard fee resolution in effect at the time Real Property is connected to the City's water or sewer system, respectively.

4. Owners agree to comply with all City laws governing the use, waste, or conservation of water and the discharge of sewage. Owners agree that City's administrative penalties and civil remedies for violation of City laws apply to violations of this paragraph of this Agreement.

5. Owners will establish a water and sewer service account upon connection of the Real Property to the City's water and sewer system. Owners agree that in addition to any other remedy provided by law, City may discontinue water service to the Real Property and terminate this Agreement if Owners are delinquent in the payment of service charges for a period of more than 30 days.

6. The City's obligation under section 1 of this Agreement will become operative upon approval of an amendment to the City's sphere of influence and upon written confirmation by the Executive Director of Santa Barbara LAFCO that this agreement has been approved in accordance with Government Code § 56133.

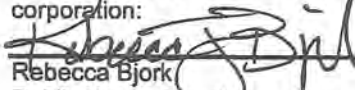
7. Owners waive any right of protest and all objections to future annexation of the Real Property to the City and Owner agrees to pay the annexation fee required by Chapter 4.04 of the Santa Barbara Municipal Code or any successor law in effect at the time of annexation regardless of whether the annexation is initiated by property owner petition or by motion of the City Council. The waiver does not affect Owners' rights to participate in proceedings relating to zoning or other land use regulation of the Real Property.

8. This agreement is an instrument affecting the title and possession of the real Property and shall run with the Real Property. All of the provisions herein imposed shall be binding upon and inure to the benefit of the successors in interest of Owners.

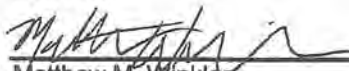
9. This Agreement shall be recorded at the Office of the Recorder of the County of Santa Barbara. Owner will pay all fees and charges for recordation if payment of fees is required by the Office of the Recorder.

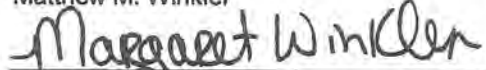
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF SANTA BARBARA, a municipal corporation:

  
Rebecca Bjork  
Public Works Director

OWNER:

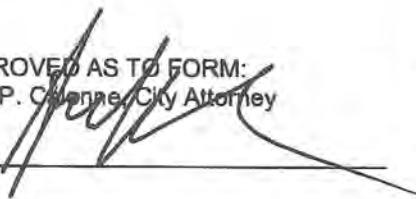
  
Matthew M. Winkler

  
Margaret A. Winkler

960 Live Oak Circle  
Address

West Lake Hills, TX 78740  
City, State, Zip Code

512-656-9369  
Phone Number

APPROVED AS TO FORM:  
Ariel P. Channe, City Attorney  
By 

[SIGNATURES MUST BE NOTARIZED, except for signatures approving as to form.]



## EXHIBIT A

### LEGAL PROPERTY DESCRIPTION

Real property in the unincorporated area of the County of Santa Barbara, State of California, described as follows:

**PARCEL 1:**

PARCEL "A" OF PARCEL MAP NO. 12,759, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 26, PAGES 82 AND 83 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**PARCEL 2:**

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITIES PURPOSES TO BE USED IN COMMON WITH OTHERS, OVER AND ALONG A STRIP OF LAND 50 FEET IN WIDTH, BEING A PORTION OF PUEBLO LOT 78 OF THE OUTSIDE PUEBLO LANDS OF THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, THE CENTER LINE OF WHICH STRIP IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF A 50 FOOT PRIVATE ROAD AT ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN DEED TO LORENZO DALL'ARMI, JR., REGISTERED APRIL 18, 1951 AS TORRENS NO. 3228, IN THE OFFICE OF THE REGISTRAR OF TITLES OF SAID COUNTY, AND FROM WHICH THE SOUTHWESTERLY CORNER OF SAID DALL'ARMI TRACT OF LAND BEARS NORTH 79°32' WEST 116.14 FEET, AND FROM WHICH STATION 27 ON THE CENTER LINE OF SAID 50 FOOT ROAD BEARS NORTH 22°48' EAST, 98.39 FEET, AS SAID 50 FOOT ROAD AND STATION 27 ARE SHOWN ON THE MAP OF A SURVEY FILED IN BOOK 30, PAGE 146 OF RECORD OF SURVEYS OF SAID COUNTY; THENCE 1ST, SOUTH 22°48' WEST, 44.53 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, WITH A DELTA OF 27°31', A RADIUS OF 175.00 FEET AND A TANGENT OF 42.85 FEET; THENCE 2ND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 84.05 FEET; THENCE 3RD, SOUTH 50°19' WEST, 95.38 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WITH A DELTA OF 24°43' A RADIUS OF 175.00 FEET AND A TANGENT OF 38.34 FEET; THENCE 4TH, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 75.49 FEET; THENCE 5TH, SOUTH 75°02' WEST, 2.32 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY LINE OF GOVERNMENT LOT SIX (6) OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 27 WEST, SAN BERNARDINO MERIDIAN, SAID POINT BEING DISTANT THEREON SOUTH 22°49' WEST, 244.07 FEET FROM THE SOUTHWESTERLY CORNER OF SAID DALL'ARMI TRACT OF LAND.

**PARCEL 3:**

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES TO BE USED IN COMMON WITH OTHERS, OVER AND ALONG A PORTION OF EUCALYPTUS KNOLL TRACT IN COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON MAP THEREOF FILED IN BOOK 30, PAGE 86 RECORD OF SURVEYS, BEING A STRIP OF LAND 50 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN DEED TO LORENZO DALL'ARMI, DATED AUGUST 8, 1950 AND REGISTERED AUGUST 15, 1950 AS DOCUMENT NO. 2947, IN THE OFFICE OF THE REGISTRAR OF TITLES OF SAID COUNTY, DISTANT THEREON SOUTH 82°34' EAST, 28.13 FEET FROM THE MOST NORTHERLY CORNER OF SAID DALL'ARMI TRACT OF LAND; THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 88.95 FEET AND A DELTA OF 60°09' THE TANGENT TO WHICH AT THE POINT OF BEGINNING BEARS SOUTH 35°21'

## EXHIBIT A

WEST, 51.51 FEET, A DISTANCE OF 93.38 FEET TO THE END OF SAID CURVE; THENCE SOUTH 24°48' EAST, 33.54 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 107.04 FEET AND A DELTA OF 47°36'; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 88.93 FEET TO THE END OF SAID CURVE; THENCE SOUTH 22°48' WEST, 51.18 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF THE TRACT OF LAND DESCRIBED IN DEED TO LORENZO DALL'ARMI, DATED MARCH 16, 1951 AND REGISTERED APRIL 17, 1951 AS DOCUMENT NO. 3228, IN THE OFFICE OF THE REGISTRAR OF TITLES OF SAID COUNTY FROM WHICH THE MOST WESTERLY CORNER OF SAID LAST MENTIONED TRACT BEARS NORTH 79°32' WEST, 116.14 FEET.

PARCEL 4:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES, TO BE USED IN COMMON WITH OTHERS, OVER AND ALONG A PORTION OF EUCALYPTUS KNOLLS TRACT, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON MAP THEREOF FILED IN BOOK 30, PAGE 86 OF RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A STRIP OF LAND 50 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 23 OF SIERRA VISTA ROAD, AT THE INTERSECTION OF THE CENTER LINE OF BARKER PASS ROAD, AS SAID ROADS ARE SHOWN ON SAID MAP ABOVE REFERRED TO: THENCE 1ST, ALONG SAID CENTER LINE OF SIERRA VISTA ROAD, NORTH 72°09' WEST 217.25 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE 2ND, WESTERLY AND SOUTHWESTERLY LEAVING THE CENTER LINE OF SIERRA VISTA ROAD AND FOLLOWING ALONG THE CENTER LINE OF A 50 FOOT ROAD AS SHOWN ON SAID MAP, ALONG THE ARC OF SAID CURVE TO THE LEFT, 99.84 FEET, SAID CURVE HAVING A DELTA OF 74°11', A RADIUS OF 77.11 FEET AND TANGENT OF 58.30 FEET; THENCE 3RD, SOUTH 33°40' WEST 63.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE FOURTH, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 64.55 FEET, SAID CURVE HAVING A DELTA OF 36°59', A RADIUS OF 100.00 FEET AND A TANGENT OF 33.44 FEET; THENCE 5TH, SOUTH 70°39' WEST, 40.18 FEET TO THE BEGINNING OF A CURVE TO THE LEFT FROM WHICH STATION 25 AT THE INTERSECTION OF THE CENTER LINE OF CREST VIEW LANE BEARS SOUTH 70°39' WEST 41.36 FEET; THENCE 6TH, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, 80.09 FEET, SAID CURVE HAVING A DELTA OF 35°18', A RADIUS OF 130.00 FEET AND A TANGENT OF 41.36 FEET; THENCE 7TH, SOUTH 35°21' WEST, 22.67 FEET TO A POINT ON THE NORTHERLY LINE OF THE TRACT OF LAND DESCRIBED IN DEED TO LORENZO DALL'ARMI, JR., DATED AUGUST 9, 1950 AND REGISTERED WITH THE REGISTRAR OF LAND TITLES ON AUGUST 15, 1950 AS DOCUMENT NO. 2947, FROM WHICH THE NORTHWEST CORNER OF SAID DALL'ARMI TRACT BEARS NORTH 82°34' WEST 28.13 FEET.

APN: 013-210-049

## EXHIBIT A

Page 2 of 2

EXHIBIT D

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Santa Barbara

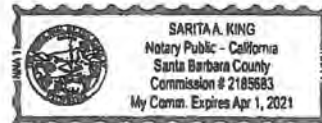
On April 21, 2020 before me, Sarita A. King, Notary Public  
(insert name and title of the officer)

personally appeared Rebecca Jill Bjork  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sarita A. King (Seal)





## TEXAS NOTARY ACKNOWLEDGMENT

State of Texas

County of Travis

Before me, Melissa Flores (insert the name and character of the officer), on this day personally appeared <sup>Matthew Winkler</sup> ~~Margaret Winkler~~, known to me (or proved to me on the oath of \_\_\_\_\_ or through TX Driver License (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 9<sup>th</sup> day of April, 2020.

Melissa Flores

Notary Public Signature





20-1

Posting Start Date (Above)

Posting End Date (Above)

County Clerk of the Board Signature \_\_\_\_\_

### NOTICE OF EXEMPTION

**TO:** COUNTY CLERK OF THE BOARD  
COUNTY OF SANTA BARBARA  
105 E. ANAPAMU STREET  
SANTA BARBARA, CA 93101

**FROM:** CITY OF SANTA BARBARA  
PLANNING DIVISION  
P.O. BOX 1990  
SANTA BARBARA, CA 93102-1990

**Project Title:** Amendment to City's Sphere of Influence and Out-of-Agency Service Agreement

**Project Applicant:** City of Santa Barbara, Public Works Department

**Project Number:** PRT2019-00543

**Assessor's Parcel Number:** 013-210-049

**Land Use Zone:** 2-E-1 (Single Family Residential, 2 acre minimum)

**Projection Location (Specific):** 4 Sunrise Hill Lane

**Project Location:** County of Santa Barbara

**Project Description:** A single-family residence is proposed on a vacant parcel in the County of Santa Barbara. Connections to the City's water and wastewater system are requested through an Out-of-Agency Service Agreement. The parcel is contiguous to the City's Sphere of Influence and City boundary along the western property line. The Local Agency Formation Commission (LAFCO) requires that the City's Sphere of Influence be amended to include the parcel prior to approval of the Out-of-Agency Service Agreement.

**Name of Public Agency Approving Project:** City of Santa Barbara

**Name of Person or Agency Carrying Out Project:** City of Santa Barbara, Public Works Department

**Lead Agency Contact:** Joshua Haggmark, Water Resources Manager, Telephone: (805) 564-5393

**Exempt Status:** Exempt pursuant to CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies) and 15303 (New Construction, utility extensions).

**Reason Why Project is Exempt:** Projects involving an amendment to the Sphere of Influence that do not change the geographical area in which previously existing powers are exercised, and Out-of-Agency Service Agreements to provide water and wastewater services to a new single-family residence, are exempt from further environmental review under CEQA.

Environmental Analyst Signature:

*Kathleen A. Kennedy*

Date: December 18, 2019

Kathleen A. Kennedy, Project Planner, Planning Division, Community Development Department

## ***NOTICE OF EXEMPTION***

### **Filing of Notice of Exemption in Compliance with Section 15162 of the CEQA Guidelines**

**TO:** County Clerk  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara CA 93101

**FROM:** Local Agency Formation Commission  
105 East Anapamu Street, Room 403  
Santa Barbara CA 93101  
805/568-3391

**PROJECT TITLE:** **LAFCO 20-01** Sphere of Influence Amendment and Out of Agency Services Agreement for City of Santa Barbara to provide water and sewer services to vacant property located at 4 Sunrise Hill Lane, Montecito, CA, APN: 013-210-049.

**PROJECT LOCATION; CEQA Exemption:** The property to be included in the City's sphere of influence is located at 4 Sunrise Hill Lane, Montecito, CA., which is a 3.94-acre vacant parcel adjacent to the City boundary. The County's land use designation in the Montecito Community Plan for the Property is SSRR-0.5 (Semi-Rural Residential, 0.5 units per acre, 2-acre minimum parcel size). The Property is zoned 2-E-1 (Single Family Residential, 2-acre minimum lot area). Through an out of agency service agreement, the City will be authorized to provide water and sewer services for the property. The County of Santa Barbara will still have permit jurisdiction. The proposal is categorically exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., pursuant to CEQA Guidelines Section 15303 (construction and location of limited numbers of new, small facilities or structures, including one single-family or a second dwelling unit in a residential zone or in urbanized areas, up to three single family residences may be constructed); Section 15320 change in organization of local agencies; and Section 15061(b)(3) "common sense" exemption.

---

The Santa Barbara Local Agency Formation Commission approved the above-referenced project on September 3, 2020 and determined it to be exempt from further environmental review for the requirements of the CEQA, as defined in the State and local Guidelines for the implementation of CEQA.

Exempt Status:

- Ministerial
- Statutory
- Categorical Exemptions:
  - Class 19 – Annexation of Existing Facilities and Lots for Exempt Facilities
  - Class 20 – Changes in Organization of Local Agencies
- Emergency Project
- "Common sense" exemption, No Possibility of Significant Effect, Sec. 15061(b)(3).

By: \_\_\_\_\_  
Commission Secretary

Date: \_\_\_\_\_



COMMISSION AMENDMENT OF CITY OF SANTA BARBARA SPHERE OF INFLUCENE  
AND APPROVAL FOR THE CITY TO PROVIDE OUT-OF-AGENCY SERVICES TO  
PROPERTY LOCATED AT 4 SUNRISE HILL LANE

WHEREAS, the City of Santa Barbara, with the consent of the property owner, has filed a proposal with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) for the City to provide services outside of its boundaries to the property located at 4 Sunrise Hill Lane, 93108, in the unincorporated area of Santa Barbara County known as Montecito, APN 013-210-049, LAFCO Application No. 20-10 (the "Property"); and

WHEREAS, pursuant to Government Code section 56133(b), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

WHEREAS, to facilitate the services agreement, City has concurrently applied to include the Property within the City's sphere of influence.

The City is already providing water and sewer services to other residential parcels in the neighborhood and the subject parcel is zoned under the Montecito Community Plan land use designation as SRR-0.5 (semi-Rural Residential, 0.5 units per acre, 2-acre minimum parcel size).

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

- (1) The proposal is categorically exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., pursuant to CEQA Guidelines Section 15303 (construction and location of limited numbers of new, small facilities or structures, including one single-family or a second dwelling unit in a residential zone or in urbanized areas, up to three single family residences may be constructed); Section 15320 change in organization of local agencies, and Section 15061(b)(3) the "common sense" exemption.
- (2) With the amendment to the City's sphere of influence, the project is found to be consistent with good planning and reasonable extension of water and sewer services to the property.
- (3) Pursuant to Government Code section 56425(e), the Commission has considered and hereby adopts the written determinations in the Staff Report regarding the (1) present and planned land uses in the area, including agricultural and open-space

Santa Barbara LAFCO  
LAFCO 20-01 Out of Agency Service Agreement  
4 Sunrise Hill

lands; (2) present and probable need for public facilities and services in the area; (3) present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide; and (4) existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

- (4) This approval is subject to the following terms and conditions:
- a. This approval shall not authorize connection of the property to the City sewer or water systems until the property owner has executed and recorded a landowner consent approved by the Executive Officer that consents to future annexation of the territory, which consent shall inure to and bind all successors in interest to the property.
  - b. Said out-of-agency service agreement is for water and sewer service only and shall remain in effect until such time as an annexation to the City of Santa Barbara is approved by the Commission and becomes final.

This out-of-agency service agreement is hereby approved on this 3rd day of September, 2020, in Santa Barbara, California and shall be effective when signed.

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

\_\_\_\_\_  
Craig Geyer, Chair  
Santa Barbara Local Agency  
Formation Commission

ATTEST

\_\_\_\_\_  
Jacquelyne Alexander, Clerk  
Santa Barbara Local Agency Formation Commission