

LAFCO

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

April 22, 2008

Shelly Stahl, Director
Planning and Community Development
City of Solvang
411 Second Street
Solvang CA 93463

Annexation of the Skytt Property, 1130 Mission Drive

Dear Shelly:

We have received the application materials you submitted for the proposed out-of-agency service agreement for the Skytt Trust property at 1130 Mission Drive (APN 137-250-024).

Our Commission's adopted standards state 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."

Would the City rather annex the property than provide services outside its boundaries? Is the City willing to annex the property?

Annexations to cities require contiguity. Although the Skytt parcel itself is not contiguous to the City boundaries, it is within the City's sphere of influence and I believe is annexable via Mission Drive (SR 246), which connects the property to the City. Government Code Section 56031 (enclosed) allows a roadway to establish contiguity provided the connecting portion is not more than 300 feet in length. It appears therefore that the Skytt property can be annexed to the City without the need to include the intervening property owned by another owner.

I understand from our conversation that the intervening property owner does not favor being annexed to the City at this time. That reluctance will not frustrate the Skytt property annexation. In the future the intervening property owner may choose to annex, especially if municipal services are required for future land use on the property.

The Commission's policy sets forth circumstances wherein it may favorably consider out-of-agency agreements. None of these circumstances (enclosed) appear to apply in this case.

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If for some reason the City prefers not to annex the Skytt parcel at this time, the written consent of the owner to annex to the City, recorded as a covenant with the property, is a standard requirement for an out-of-agency agreement based on the following adopted LAFCO policy:

Whenever the affected property may ultimately be annexed to the agency, a standard condition for approval of an out-of-agency service agreement is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.

Since we do not understand why the City would prefer to extend services to land zoned industrial and general commercial rather than annex the property, we suggest the City consider withdrawing its out-of-agency service request (we have not yet processed the application) and replace it with a proposal to annex the territory. As a result, future land use decisions for this property would require City approval and be treated comparably with other properties in the City.

Please let me know your thoughts on this matter. By copy of this letter I am making City Manager Brad Vidro aware of our conversation.

Sincerely,

BOB BRAITMAN
Executive Officer

cc: Brad Vidro, City Manager

Government Code Section 56031

(a) "Contiguous" means both of the following:

(1) In the case of annexation, territory adjacent to, or territory adjoining territory within, the local agency to which annexation is proposed.

(2) In the case of consolidation, territory of a local agency or agencies which is adjacent to, or adjoining the territory of, the consolidating local agency or to the territory of another local agency which is contiguous to the consolidating local agency and to be consolidated with the consolidating local agency.

(b) Territory is not contiguous if the only contiguity is based upon a strip of land more than 300 feet long and less than 200 feet wide, that width to be exclusive of highways.

Santa Barbara LAFCO Commissioner Handbook

Standards for Out-of-Agency Service Agreements

Considerations for Approving Agreements

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:

1. 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.
2. 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.
3. Where public agencies have a formal agreement defining service areas, provided LAFCO has formally recognized the boundaries of the agreement area
4. Emergency or health related conditions mitigate against waiting for annexation.
5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Santa Barbara LAFCO.

Agreements Consenting to Annex

Whenever the affected property may ultimately be annexed to the agency, a standard condition for approval of an out-of-agency service agreement is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.