

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

December 4, 2003 (Agenda)

LAFCO 03-14: Expansion of the Summerland Sanitary District sphere of influence, and .
Pacifica/Fell Annexation to the Summerland Sanitary District

PROPONENT: Board of Directors of the Summerland Sanitary District, by resolution.

ACREAGE &
LOCATION Approximately 33 acres located west of and adjacent to Lambert Road,
about 600 feet north of Via Real.

PURPOSE: To make public sewers available to the area being annexed, the Pacifica
Graduate Institute and the Fell property.

INTRODUCTION

This proposal would annex to the Summerland Sanitary District the Pacifica Graduate Institute, a private educational facility, and the Fell property with a single-family home and horse stable.

This application is similar in some ways to the Carpinteria Valley Farms Annexation approved by the Commission on March 6, 2003. That was a 20-acre parcel with a single-family home (under construction), agricultural employee dwellings, a barn, stables and a field permitted as a sod farm and used at times for polo matches. This proposal is adjacent to the prior annexation.

GENERAL ANALYSIS

Pending Modification of CUP for Pacifica Graduate Institute

The Pacifica Graduate Institute is an educational facility providing graduate degree programs in the fields of psychology and mythological studies. Onsite structures include classrooms, library, bookstore, offices, dining area and guest quarters.

The Institute operates under a County-issued Conditional Use Permit (CUP 88-CP-005). Currently under review by the County is a proposed CUP Modification. A caretaker's cottage would be allowed and existing guest quarters would be converted to non-residential uses.

Institute wastewater is disposed by means of on-site disposal system (i.e septic tank and dry wells). If the annexation is approved, the private sewage disposal system would be abandoned and a sewer main would be extended from the District's service boundary to the site.

The County Planning & Development staff proposes that LAFCO not act on the annexation at this time, and that a decision be delayed until the proposed CUP Modification is processed. We understand from the County staff that the environmental document for that proposed modification will “explore the impacts of sewer extension and the alternative of onsite treatment and disposal, including the possible growth-inducing effects of sewer extension.”

The County staff indicates a focused EIR would be prepared for the CUP Modification, taking “a few months” to prepare and followed by “a few weeks” for hearings and decisions.

Litigation Settlement

To resolve a lawsuit between private interests, a “Settlement Agreement” was reached between the Institute and neighboring property owners. The section entitled “Sewage” states,

The Revised CUP application shall include a request for a sewer connection as the preferred method of sewage disposal for the project and, in the event a sewer connection is not permitted, an Advanced Treatment System (“ATS”). Pacifica shall primarily advance the sewer connection request and secondarily advance ATS as alternative method of sewage disposal through the land use process of its Revised CUP Application, although both can be presented in the same revised application so long as they are prioritized as set forth above.”

Should annexation of the Pacifica property to the appropriate sanitary district or extension of sewer lines be denied by LAFCO or other governmental authority, Pacifica shall be allowed to implement the ATS alternative.

Rick Merrifield in the Environmental Health Department has noted that the County has limited experience with ATS systems. Such systems require a higher level of maintenance and technical expertise than do regular on-site disposal systems but may be required in this area due to past experiences with septic disposal.

County Land Use Policies

The County informs us that the proposal conflicts with County policies discouraging the extension of sewers into Rural or Agricultural areas. The annexation area is within the Coastal Land Use Plan, which contains the following policies:

Coastal Land Use Plan, Policy 2-10 - Annexation of a rural area to a sanitary district or extension of sewer lines into rural areas as defined on the land use plan maps shall not be

permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health or as a logical extension of services.

Agricultural Element, Goal II - Agricultural land shall be protected from adverse urban influence.

The annexation is also within the Summerland Community Plan that contains the following policy to limit expansion of public infrastructure outside of the Urban Area to prevent urban sprawl and the conversion of agricultural lands to urban uses.

Policy SD-S-1 – The County shall actively discourage any extension of sewer lines east of the White Hole properties in order to minimize potential growth inducement and subsequent agricultural impacts in the Edgewood Estates area.

The County Planning & Development Department's response to the proposal is attached, and contains the following statement:

P&D staff is aware of identified problems with the existing septic system on the Pacifica property, and also is aware that the Regional Water Quality Control Board and County EHS have approved changes to the system to resolve these problems.

P&D staff also is aware of the litigation settlement between Pacifica and some of its neighbors, wherein Pacifica committed to applying for annexation and connection to sanitary sewers. Neither the County nor LAFCO are parties to this settlement, and there is no obligation to approve the sphere amendment and annexation.

Furthermore, in fulfilling its obligations under the litigation settlement, Pacifica amended the Project Description for its pending CUP Modification to include annexation and hookup to sewers (P&D case number 02NEW-00000-00001 which amends existing CUP No. 88-CP-005). Therefore, applying the CEQA Guidelines Class 19 Categorical Exemption represents the improper bifurcation of environmental review for the Pacifica project. The proper environmental document would address the whole of the Pacifica project, including the proposed annexation and sewer hookup. Therefore, any LAFCO action should be deferred until the county completes and certifies an environmental document on the Pacifica project and makes a fully-informed decision on the project. . . The LAFCO decision on sphere amendment and annexation should wait until after the Pacifica project is fully reviewed by the county.

Statutory Factors

Government Code Sections 56668 and 56668.3 list factors that LAFCO must consider in reviewing proposals. These include the following:

- Consistency with city or county general and specific plans.
- Need for organized community services; present cost and adequacy of governmental services in the area; probable future needs for those services.
- Population, land use; topography, natural boundaries and drainage basins.
- Proximity to other populated areas; the likelihood of significant growth in the area and adjacent areas during the next 10 years.
- The probable effect of the proposal and alternative actions on the cost and adequacy of services and controls in the area and adjacent areas.
- The effect on adjacent areas, mutual social and economic interests and the local governmental structure of the county.
- The effect on maintaining the physical and economic integrity of agricultural lands.
- Comments of affected local agencies or landowners.

Growth Inducement

It is argued that extending community sewer lines can facilitate development by removing an obstacle to growth. It allows safe disposal of liquid waste regardless of parcel size or soil conditions, which are key factors in the use of on-site disposal systems.

In the current instance growth inducement is reduced or mitigated by several factors. The existing General Plan and zoning designations would not allow a further parcelization or intensification of use for these properties. Moreover, recorded private restrictions on these parcels would not allow further parcelization even if sewers were present.

Staff Conclusion and Recommendation

Although planned and zoned for rural uses, the Pacifica Graduate Institute is functionally an urban use due to its intensity. The basic question is how sanitation services should be provided, by an on-site disposal system or by connection to the Summerland Sanitary District's sewage collection and treatment facilities.

Policy conflicts, if they exist, are between different but equally laudable public goals. One is to promote continued low-density agricultural or rural uses in the area. Another goal is to connect intensely developed uses to public disposal systems, with potential benefits for public health and groundwater and aquifer quality.

The proposed annexation and extension of sewers should be considered in light of the existing uses on the property, and irrespective of whether the County modifies the CUP. The proposed change may actually reduce the amount of waste generated on the premises. Given the options of serving the Institute by community sewers versus on-site disposal the staff concludes that community sewers are a better alternative to protect public health and groundwater quality.

While extending sewers can facilitate more intense parcelization than on-site disposal systems, in this circumstance that issue is not as pronounced given other limitations. These mitigating factors include (1) General Plan and zoning designations that prevent further divisions without planning and zoning amendments and (2) private covenants and restrictions that limit the size of the parcels in the Edgewood Ranch area.

Given these circumstances, the application may be consistent with Coastal Land Use Plan policies because it (1) protects public health and (2) is a logical extension of District services.

With respect to the pending CUP Modification, the staff notes that sewers are already needed and connecting the Institute to community sewers appears justified regardless of what happens with respect to modification of the CUP.

Alternatives for Obtaining Service

If it is decided to extend sewers to serve the property, two methods are available.

- Annexation to the Summerland Sanitary District - An advantage of annexation is that affected territory is treated like other property in the District and voters living on the property can participate in District elections.
- Out-of-agency-service-agreement - LAFCO can permit the District to serve property without annexation. An advantage is that LAFCO can precisely specify and limit the uses that can be served by such an agreement, thereby further reducing the potential for unplanned growth inducement.

PROPOSAL INFORMATION

1. Land Use and Zoning - Present and Future:

- Pacifica Graduate Institute (249 Lambert Road, APN 005-210-054)

This 12-acre parcel houses an educational facility providing graduate degree programs in psychology and mythological studies. Onsite structures include an office, library, bookstore, classrooms, dining area, guest quarters and restrooms. All of these facilities are presently served by on-site septic disposal systems.

- Fell Property (2709 Vista Oceano, APN 005-210-055)

This 18-acre parcel includes a single family home (under construction), swimming pool and horse stable. It is located between the Pacifica Graduate Institute and Carpinteria Valley Farms. There no immediate plans to connect to District sewers, but annexation would allow service in the future if desired.

No land use changes are proposed as a result of this annexation. The application notes that any future developments will require a Coastal Development Permit from the County.

The Pacifica Graduate Institute has filed an application with the County to convert guest quarters to non-residential uses and to permit a caretaker cottage. No decisions have been made regarding that request (Case No. 88-CP-005 RV01) but if approved the change to the existing Conditional Use Permit would result in a smaller amount of sewage effluent than with the currently permitted uses.

2. Surrounding Land Uses:

Surrounding uses are Agriculture-Equestrian to the east, large-lot Residential to the west, the Carpinteria Valley Farms parcel to the south and agriculture to the north.

3. Conformity with Plans:

The proposed annexation is not adjacent to the District sphere of influence and the District has proposed an expansion of the sphere to include the annexation area.

County General Plan and zoning designations are Agriculture-I, 10 and 20 acre minimum lot size. The Pacifica Graduate Institute operates pursuant to a Conditional Use Permit.

4. Topography, Natural Features and Drainage Basins

The topography varies, with slopes of 5% to 20%. There are no natural features that would affect the proposal.

5. Population:

The Pacifica Graduate Institute has five guest rooms and six offices/guest rooms. There is one single-family home (under construction) on the Fell parcel. No change in population will result from this annexation other than the construction of the caretaker residence.

6. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The initiating agency's "Plan for Providing Services within the Affected Territory" is attached a part of this report as required by Government Code section 56653.

7. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within tax rate area 59010. The assessed value is \$5,501,762 (2003-04 roll). The overall tax rate will not be affected by this change.

8. Environmental Impact of the Proposal:

The Summerland Sanitary District as lead agency found the annexation to be categorically exempt from CEQA and has filed a Notice of Exemption.

The CEQA Guidelines define a Class 19 Categorical Exemption as:

- a. Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- b. Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

It appears that the proposal is consistent with the definition. The parcels proposed for annexation cannot be divided without amending the County General Plan and zoning and cannot be further developed without a County-issued land use permit, either of which would be subject to subsequent environmental review.

Also, the proposed modification of the Institute CUP would result in a smaller amount of sewage effluent than the currently permitted uses.

9. Landowner and Annexing Agency Consent:

Written consent has been received from all property owners. The property is uninhabited, meaning there are fewer than 12 registered voters residing there. The annexing district consents to waiving conducting authority proceedings.

10. Boundaries, Lines of Assessment and Registered Voters:

There are no conflicts with lines of assessment or ownership. The property is contiguous to the District.

The boundaries are definite and certain. A map sufficient for filing with the State Board of Equalization has not yet been received.

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 annexation as submitted.

- A. Find the proposal to be categorically exempt.
- B. Amend the sphere of influence of the Summerland Sanitary District to include the proposed annexation area.
- C. Adopt this report and approve the proposal, to be known as the Pacifica/Fell Annexation to the Summerland Sanitary District.
- D. Condition the annexation upon the territory being annexed being liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the District.

- E. Find: 1) the subject territory is uninhabited, 2) all affected landowners have given written consent to the annexation and 3) the annexing agencies have given written consent to the waiver of conducting authority proceedings.
- F. Waive the conducting authority proceedings and direct the staff to complete the proceeding.

OPTION 2 – REFER the matter back to the District for an Out-Of-Agency Service request.

- A. Indicate a preference for an out-of-agency-service agreement to serve the existing and planned uses without annexation to the District.
- B. Request the District to withdraw the application and request authorization to serve the property without annexation.

OPTION 3 – DENY the proposal.

- A. Find the proposal to be categorically exempt.
- B. Adopt this report and deny the proposal.

OPTION 4 - CONTINUE consideration of the proposal to a future meeting.

RECOMMENDED ACTION:

Approve **Option 1 or Option 2**

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

Government Code Section 56668

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (l) The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
- (m) Any information or comments from the landowner or owners.
- (n) Any information relating to existing land use designations.

Government Code Section 56668.3

- (a) If the proposed district annexation has not been terminated based upon receipt of a resolution requesting termination pursuant to either Section 56751 or Section 56857, factors to be considered by the commission shall include all of the following:
 - (1) Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.
 - (2) Any factors which may be considered by the commission as provided in Section 56668.
 - (3) Any resolution raising objections to the action that may be filed by an affected agency.
 - (4) Any other matters which the commission deems material.
- (b) The commission shall give great weight to any resolution raising objections to the action that is filed by a city or a district. The commission's consideration shall be based only on financial or service related concerns expressed in the protest. Except for findings regarding the value of written protests, the commission is not required to make any express findings concerning any of the factors considered by the commission.