

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT (OASA)

July 11, 2019 (Agenda)

- LAFCO 19-04 City of Santa Maria to provide Water to the St Marie Mobile Home Park.
- PROPONENT: City of Santa Maria on behalf of the St Marie Mobile Home Park
- ACREAGE & LOCATION Approximately 5.13 acres located at 1380 West Main Street, on the southeast corner of Main Street and Hanson Way, Santa Maria, CA 93456. St. Marie Mobile Home Park contains 80 mobile home park units (APN 117-200-028) (**Exhibit A**).
- PURPOSE: The mobile home park is located outside City limits, in the jurisdiction of Santa Barbara County, but is within the City's sphere of influence, and is adjacent to City boundaries to the north, east and south.
- Provision of domestic water to properties outside the City boundary requires LAFCO approval for an Out-of- Agency Service Agreement. St. Marie Mobile Home Park is requesting a domestic water connection from the City of Santa Maria since the existing well water source has been tested to have nitrate levels exceeding the maximum contaminant level and has been cited by Santa Barbara County Environmental Health Services (EHS) for noncompliance (**Exhibit B**).

GENERAL ANALYSIS:

1. Description of Project

According to the citation issued on January 3, 2019, EHS determined that St. Marie Mobile Home Park's water system has violated or is violating the California Safe Drinking Water Act, due to surveys indicating nitrate levels exceeding the maximum contaminant level. St. Marie Mobile Home Park is currently served by one well, not equipped with nitrate treatment, which provides water to 80 mobile home park units, one (1) office and one (1) laundry facility, including approximately 200 to 250 residents. The mobile home park manager has distributed notification or made direct contact to all residents and is providing bottled water to susceptible populations. St. Marie Mobile Home Park is required to submit a plan to EHS for approval.

City staff believes that a domestic water connection would be a logical solution to St. Marie Mobile Home Park's water quality violation affecting public health and safety.

The property served by a well that has a documented existing or impending threat to the public health and safety of one site.

2. Requirement for LAFCO Approval

LAFCO regulates boundary changes and extensions of service without boundary changes. Government Code Section 56133 states that "A city or a district may provide new or extended services by contract or agreement outside its boundaries only if it first requests and receives written approval from the commission in the affected county."

It further provides that LAFCO "...may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization."

3. Sphere of Influence

The area proposed for the Out-of-Agency Agreement is within the City of Santa Maria's sphere of influence. This is in anticipation of a future annexation. **(Exhibit B)**.

4. Plan for Services:

The applicant is requesting domestic water connection to best mitigate the violation, since There are existing water mains that run adjacent to the mobile home park, in Main Street and in Hanson Way. The only improvements necessary for provision of domestic water is a service connection to the water main. The City has indicated that they have adequate capacity to serve the site.

5. Landowner Consent to Annex in Order to Receive Services

Commission policy states that when property may ultimately be annexed to a city or a district, approval of an Out-of-Agency Service Agreement should require the landowner to agree to annex the territory with a consent to annex form. This is a condition of approval.

6. Environmental Impact of the Proposal

LAFCO Staff has prepared a Categorical Exempt (Class 1 and Class 3) from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures

or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures (**Exhibit C**).

### EXHIBITS

Exhibit A	Map of the Sphere of Influence and Proposed Out-of-Agency Service Area
Exhibit B	Documentation of Existing Threat to Public Health and Safety
Exhibit C	Categorical Exemption Class 1 and 3, CEQA Guidelines Section 15301 and 15303
Exhibit D	Out-of-Agency Service Agreement

### ALTERNATIVES FOR COMMISSION ACTION

After reviewing this report and any testimony or materials that are presented, the Commission can follow one of the following options:

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

- a). Find the proposal to be Categorically Exempt (Class 1 and Class 3) from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures.
- b). Find that this project the proposed domestic water connection would not result in additional impacts since there will be no modification to the original development approval and no change in use. The domestic water connection would be provided solely to mitigate a threat to the health and safety of the public.


- c) Water service will be limited to the approximately 5.13 acres located at 1380 West Main Street, Santa Maria, CA 93456 (St. Marie Mobile Home Park).
- d) The landowner shall execute and record an agreement approved by the Executive Officer that consents to any future annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.
- e) Said out-of-agency service agreement is for water service only shall remain in effect until such time as an annexation is approved by the Commission.

OPTION 2 –Deny the request.

OPTION 3 - Continue the item to obtain additional information.

RECOMMENDED ACTION:

Approve OPTION 1.

  
\_\_\_\_\_  
PAUL HOOD  
Executive Officer  
LOCAL AGENCY FORMATION COMMISSION








**PROJECT SITE**

**MAIN STREET**

**COOK STREET**

**BLOSSER ROAD**



-  City Boundary
-  Sphere of Influence
-  Project Site

VICINITY MAP  
EXHIBIT A





**Environmental Health Services**

225 Camino del Remedio • Santa Barbara, CA 93110  
805/681-4900 • FAX 805/681-4901

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485

*Lawrence Fay, REHS Director of Environmental Health*

January 3, 2019

De Baun Family Trust  
Saint Marie Mobile Home Park  
901 Zurich Circle  
Newport Beach, CA 92663

Water System No: CA4200842

**CITATION NO. 04 72 19C 001**  
**NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**  
**FOR DECEMBER 2018**

Dear Mr. & Mrs. De Baun:

Enclosed is a Citation issued to the Saint Marie Mobile Home Park public water system.

Your receipt of this notice indicates that your water system has exceeded the Maximum Contaminant Level (MCL) for Nitrate on December 13, 2018. The Health and Safety Code requires that you immediately notify the water consumers of these test failures and associated health risks. A Tier 1 Notification template has been provided to you at the time this department was notified of the exceedance. Additionally, the State Water Resources Control Board, Division of Drinking Water requires that our department issue a formal Enforcement Action, e.g. a citation or compliance order, in such circumstances.

The following are the instructions on how to complete the noticing and what information will need to be returned to this office:

- A. The Tier 1 Notification must be issued to the public (all water users) as soon as possible within 24 hours of learning of the MCL exceedance, in a manner designed to reach residential, transient, and non-transient users of the water system, using one of the following forms at minimum: (1) Radio or television; (2) Posting in conspicuous locations throughout the area

**EXHIBIT B**

served by the water system; (3) Hand delivery to persons served by the water system; or (4) Other method approved by EHS.

- B. A copy of the signed and dated notice must be returned to this office by January 18, 2019.
- C. A written proposed plan and timeline for corrective action must be returned to this office by January 18, 2019. Several options for correction have been discussed with the water system manager and certified operator, including, but not limited to: connection to the City of Santa Maria public water system, or the installation of treatment equipment such as reverse osmosis or ion exchange. Environmental Health is a strong proponent for the connection to the City of Santa Maria, if feasible.

Please find the Citation for this incident attached, carefully read the "Directives" section for further required action, and note the relevant regulation sections included for your reference.

If you have any questions regarding this matter, please contact me at (805) 346-8475 or Deanna.Talerico@sbcphd.org

Sincerely,

*Deanna Talerico*

Deanna Talerico  
Senior Environmental Health Specialist  
EHS Drinking Water Systems Program, Santa Barbara County

Any person who is aggrieved by a citation issued by Santa Barbara County EHS may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when SBC EHS mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at: [http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

Enclosures  
Certified Mail No. [Cert. Number]

cc:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

COUNTY OF SANTA BARBARA  
DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH SERVICES

**Name of Public Water System:** Saint Marie Mobile Home Park

**Water System No:** CA42000842

**Attention:** De Baun Family Trust  
Saint Marie Mobile Home Park  
901 Zurich Circle  
Newport Beach, CA 92663

**Issued:** January 3, 2019

**CITATION FOR NONCOMPLIANCE**  
**NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**  
**CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431**  
**DECEMBER 2018**

The California Health and Safety Code (hereinafter "CHSC"), CCR Title 22, Chapter 14, Article 4, Section 64258 authorizes the Local Primacy Agency, in this case the Santa Barbara County Environmental Health Services department (hereinafter "SBC EHS") to conduct enforcement actions and issue citations to a public water system under the jurisdiction of the local primacy agency when EHS determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing



1 with Section 116270), or any regulation, standard, permit, or order issued or  
2 adopted thereunder.

3  
4 SBC EHS, acting by and through its delegation from the State Water  
5 Resources Control Board, Division of Drinking Water, hereby issues this  
6 citation pursuant to Section 116650 of the CHSC to Saint Marie Mobile  
7 Home Park (hereinafter "Saint Marie MHP") for violation of Title 22,  
8 California Code of Regulations (CCR), Section 64431.

9  
10 A copy of the applicable statutes and regulations are included in Appendix 1,  
11 which is attached hereto and incorporated by reference.

12  
13 **STATEMENT OF FACTS**

14 Saint Marie MHP is classified as a Community water system, serving an 80-  
15 unit mobile home park with approximately 200-250 residents. The Saint  
16 Marie MHP is located on the outskirts of the City of Santa Maria, and abuts  
17 neighboring properties that practice intensive agriculture. The Saint Marie  
18 MHP water system has one active well, which has had nitrate results  
19 "trending" upward for at least two decades, but has not previously exceeded  
20 the Maximum Contaminant Level (MCL) until this time. SBC EHS received  
21 laboratory results that reported a result of 11 ppm for Nitrate (as NO<sub>3</sub>-N) for  
22 the Saint Marie MHP water system on December 14, 2018, exceeding the  
23 MCL of 10 ppm. EHS emailed the nitrate Tier 1 Notification template to the  
24 water system Certified Operator and MHP manager for posting, immediately  
25 upon receiving the lab results on December 20, 2018. The Tier 1 Notification  
26 was distributed to all residents by the MHP manager within the following 24

1 hours, and bottled water is currently being provided to susceptible  
2 populations.

3

4

**DETERMINATION**

5 The Saint Marie MHP water system is in violation of Title 22, California Code  
6 of Regulations (CCR), Section 64431: Specifically, Saint Marie MHP  
7 exceeded the Primary Maximum Contaminant Level (MCL) of 10 ppm for  
8 Nitrate listed in Table 64431-A, in the water supplied to the public.

9

10

**DIRECTIVES**

11 Saint Marie MHP is hereby directed to take the following actions:

12

13

1. As soon as possible, within 24-hours after learning of a nitrate MCL  
14 exceedance, notify both EHS and the public (all water users) of the  
15 acute nitrate MCL violation. The notification must contain the Tier 1  
16 required health effects languages and a description of the incident.  
17 (This directive has been completed, but must remain in effect until the  
18 water being provided is below the nitrate MCL, verified with lab  
19 sampling and approved by EHS.)

20

21

2. A copy of the completed consumer notification and proof of  
notification shall be submitted to EHS no later than January 18, 2019.

22

23

24

25

3. By January 30, 2019, submit to EHS a written proposed plan and  
timeline for corrective action that will bring the water system into  
compliance with all state drinking water standards (e.g. treatment  
options, connection to the City of Santa Maria, or other). This has

1           been discussed with the Certified Operator and MHP manager.  
2           Obtain approval from EHS prior to any changes to the water system.

- 3         4. Maintain consumer notification signage posted until further notice, or  
4           approval by EHS to remove.

5  
6         All submittals required by this Citation shall be electronically submitted to the  
7         SBC EHS at the following address. The subject line for all electronic  
8         submittals corresponding to this citation shall include the following  
9         information: Water System name and number, citation number and title of  
10        the document being submitted.

11  
12                                     Deanna Talerico

13                                     Deanna.Talerico@sbcphd.org

14  
15         SBC EHS reserves the right to make such modifications to this Citation as it  
16         may deem necessary to protect public health and safety. Such modifications  
17         may be issued as amendments to this Citation and shall be effective upon  
18         issuance.

19  
20         Nothing in this Citation relieves Saint Marie MHP of its obligation to meet the  
21         requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter  
22         4, commencing with Section 116270), or any regulation, standard, permit or  
23         order issued or adopted thereunder.

24  
25   **PARTIES BOUND**



1 This Citation shall apply to and be binding upon Saint Marie MHP, its  
2 owners, shareholders, officers, directors, agents, employees, contractors,  
3 successors, and assignees.

4

5

6

**SEVERABILITY**

7 The directives of this Citation are severable, and Saint Marie MHP shall  
8 comply with each and every provision thereof notwithstanding the  
9 effectiveness of any provision.

10

11

12 \_\_\_\_\_ Date  
13 Deanna Talerico  
14 Senior Environmental Health Specialist  
15 EHS Drinking Water Systems Program  
Santa Barbara County Public Health Department

16



22

**Appendices:**

23

1. Applicable Statutes and Regulations

24

2. Tier 1 Public Notification for Nitrates template (English and Spanish)

25

26

27

28

29

Certified Mail No. [Cert. Number]



**NOTICE OF EXEMPTION**

**Filing of Notice of Exemption in Compliance with Section 21108 of the Public Resources Code**

**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 19-04 OASA Santa Maria-St Marie Mobile Home Park

**PROJECT LOCATION AND DESCRIPTION:**

Approximately 5.13 acres located at 1380 West Main Street, on the southeast corner of Main Street and Hanson Way, Santa Maria, CA 93456. St. Marie Mobile Home Park contains 80 mobile home park units

APNs: 117-200-028

---

Find the proposed Out-of-Agency Service Agreement to be Categorically Exempt (Class 1 and Class 3) from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures.

Exempt Status:

- Ministerial
- Statutory
- Categorical Exemption: Class 1 Section 15301, operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and Class 3, Section 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures.
- Emergency Project
- No Possibility of Significant Effect [Sec. 15061 (b,3)]

**By:** \_\_\_\_\_  
**Commission Clerk**

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

LAFCO 19-04 OUT-OF AGENCY SERVICE AGREEMENT (OASA)

AUTHORIZATION BY THE LOCAL AGENCY FORMATION COMMISSION FOR THE CITY  
OF SANTA MARIA TO PROVIDE OUT-OF-AGENCY SERVICES TO THE ST. MARIE  
MOBILE HOME PARK PROPERTY  
(1380 West Main Street, Santa Maria, CA 93456)

WHEREAS, the City of Santa Maria on behalf of the property owners of St Marie Mobile Home Park have 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 water service outside of its boundaries at 1380 West Main Street, Santa Maria; and

WHEREAS, Government Code Section states that “A city or a district may provide new or extended services by contract or agreement outside its boundaries only if it first requests and receives written approval from the commission in the affected county.” The section further provides that LAFCO “...may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization if the City has provided the commission with documentation of a threat to the health and safety of the public or the affected residents; and

WHEREAS, for purposes of the California Environmental Quality Act (“CEQA”), the Commission finds the proposal to be Categorically Exempt (Class 1 and Class 3) from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures.

WHEREAS, the proposed domestic water connection would not result in additional impacts since there will be no modification to the original development approval and no change in use. The domestic water connection would be provided solely to mitigate a threat to the health and safety of the public. Additionally, there is an existing City water main adjacent to the site.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission has considered the Categorical Exemptions (Class 1 and Class from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures.

(2) The Commission finds the Out-of-Agency service request to be in the best interests of the affected area. The Commission finds that the new potable water service being provided responds to an existing threat to the health or safety of the public or residents of the affected territory. The City has provided documentation of the threat to public health by providing the documentation from EHS.

(3) The extension of services shall be subject to the following conditions:

a) The City's provision of water service shall be limited to the St Marie Mobile Home Park at 1380 West Main Street, Santa Maria, CA 93456.

b) The property owner shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.

c) Said out-of-agency service agreement is for potable water service only shall remain in effect until such time as an annexation is approved by the Commission.

(4) Said out-of-agency service agreement is hereby approved.

PASSED AND ADOPTED this 11th day of July 2019, in Santa Maria, California by the following vote.

AYES:

NOES:

ABSTAINS:

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

\_\_\_\_\_  
Chair  
Santa Barbara Local Agency  
Formation Commission

ATTEST

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