

LAFCO 23-07

LAFCO 23-02 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 RAY
WATER COMPANY

(APNs 111-030-005 (3.01 acres), 111-030-006 (0.30 acres), 111-030-007 (0.20 acres), 111-030-008 (0.33 acres), 111-030-009 (0.43 acres), 111-030-011 (0.49 acres), 111-30-012 (0.25 acres), 111-030-013 (0.22 acres), 111-040-010 (1.40 acres))

WHEREAS, the City of Santa Maria and property owners of Ray Water Company 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 services outside of its boundaries to approximately 6.6 acres located west on Betteravia Road, Santa Maria, CA 93456; and

WHEREAS, Government Code Section 56133 authorizes the Commission to approve such out of agency service agreements provided the subject area is within the sphere of influence, in this case the City has provided the commission with documentation of a threat to the health and safety of the public or the affected residents and is in anticipation of a later change of organization; and

WHEREAS, for purposes of the California Environmental Quality Act ("CEQA"), the City of Santa Maria is the lead agency for this project. The "project" is to provide potable water services from the City to the Ray Water Company users located along West Betteravia Road, in the unincorporated area of the County west of the City of Santa Maria. The City adopted a Mitigated Negative Declaration, indicating the connection would not result significant impacts since there will be no modification to the original development and no change in land use.

WHEREAS, Santa Barbara County Environmental Health Services ("EHS") has determined that Ray Water Company's water system has violated or is violating the California Safe Drinking Water Act because surveys indicate nitrate levels are exceeding the maximum allowable contaminant level. Pursuant to an EHS citation, Ray Water Company was required to submit a plan for correction to EHS. Ray Water Company plan of correction is to obtain potable drinking water from the City of Santa Maria.

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.

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

(1) The Commission is acting as the responsible agency for purposes of compliance with CEQA. The Commission has considered the Final Mitigated Negative Declaration prepared by the City of Santa Maria as Lead Agency under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., for the Ray Water Company Consolidation Project SP2021-0008.

(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 services shall be limited to Ray Water Company site of approximately 6.6 acres located at Right-of-Way, Betteravia Road, APNs 111-030-005 (3.01 acres), 111-030-006 (0.30 acres), 111-030-007 (0.20 acres), 111-030-008 (0.33 acres), 111-030-009 (0.43 acres), 111-030-011 (0.49 acres), 111-30-012 (0.25 acres), 111-030-013 (0.22 acres), 111-040-010 (1.40 acres), Santa Maria, CA 93456.

b) The property owners shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall enure 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 for water service only.

PASSED AND ADOPTED this day of April 6, 2023, in Santa Barbara, California by the following vote.

AYES: Commissioner Allen, Geyer, Patino, Osborne, Stark, Nelson, and Hartmann

NOES: None

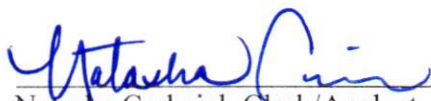
ABSTAINS: None

Dated: 4/6/23



Chair
Santa Barbara Local Agency
Formation Commission

ATTEST



Natasha Carbajal, Clerk/Analyst
Santa Barbara Local Agency Formation Commission