



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT
LONG RANGE PLANNING
MEMORANDUM**

DATE: August 5, 2013

TO: Paul Hood, Executive Officer, LAFCO

FROM: Glenn Russell, Ph.D., Director, Planning and Development Department

SUBJECT: LAFCO Sphere of Influence Amendment Application – Santa Rita Hills Community Services District

This memorandum is in response to the notice of application for a Sphere of Influence (SOI) Amendment regarding the above-referenced proposal. Based on our review of the application materials, we submit the following information for your consideration.

Project Description

The LAFCO Questionnaire for Amending a SOI states that the Santa Rita Hills Community Services District (District) is requesting an amendment of its Sphere of Influence to include a 33-acre portion and a 9-acre portion of Assessor Parcel Number (APN) 099-150-016 in order to allow the District to fund, construct, and maintain an access road from the end of the County maintained portion of Sweeney Road to the District boundary. The amendment would also modify Section 5.D of LAFCO Resolution 03-13 to allow the District "...to use eminent domain, if necessary, to acquire access to the District from Sweeney Road to the District Boundary." The area is currently used for an unpaved access road and commercial crop production, consistent with its Agricultural Commercial (AC) land use designation and AG-II-100 zone district.

Verification of County Comprehensive Plan & Zoning Designations

| APN(s) | Acres | County Comprehensive Plan Land Use Designation | County Zoning | Community Planning Area | Open Space per G.C. § 65560 | Prime Agricultural Land G.C. § 56064 | Coastal Zone |
|-------------|--------|--|---------------|-------------------------|-----------------------------|--------------------------------------|--------------|
| 099-150-016 | 346.16 | AC | AG-II-100 | N/A | No | Yes | No |

Santa Barbara County Comprehensive Plan

APN 099-150-016 is located in the Rural Area, east of the City of Lompoc.

Background

In 1986, the Board of Supervisors adopted a resolution designating approximately 2,600 acres in the Santa Rita Mountains between Sweeney Road and Mail Road, including Lakeview Estates Tract, as a “Special Problem Area.” In 1990, a Memorandum of Agreement (MOA) and Easement Location Document between Giovanni and Clementina Cargasacchi, Lakeview Properties, and Ranch Dos Mundos was signed to guide the future development of an access road to the Lakeview Estates Tract. In 2004, the County approved a permit (00LUP-00002-06435) for an access road from Sweeney Road to the Lakeview Estates Tract. Concerns over the permit’s conformance with the MOA as well as unsatisfied conditions of approval delayed construction of the access road; the permit expired, and the case was closed in 2013.

LAFCO Application Considerations

California Government Code §61105(f) states, “. . .the Santa Rita Hills Community Services District may, for roads owned by the district and that are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, by ordinance, limit access to and the use of those roads to the landowners and residents of that district.” The District may have the right to allow access only to those landowners and residents of the District and restrict access to others, including the public and owners and residents of parcels adjacent to the District boundaries. Limiting access to landowners and residents of the District could impede land uses that are otherwise allowed on land zoned for agricultural use but depend on retail sales and public access, such as wineries/tasting rooms, equestrian facilities, and agricultural product sales.

CEQA/Environmental Review

The LAFCO Questionnaire states that Santa Barbara LAFCO is the lead agency for the purposes of CEQA compliance on the proposed SOI amendment and that no environmental document was prepared because

...the proposed project...is only for an amendment to the existing SOI and therefore, we understand to be categorically exempt in accordance with CEQA. Later, any construction will be subject to further environmental review with the District as lead agency. Environmental documentation necessary to comply with CEQA will be completed once the environmental impacts for the construction of the access road have been identified. There are no specific physical changes proposed at this time, therefore expanding the SOI is categorically exempt from the definition of a CEQA project under §15378(b)(4) et al of the CEQA Guidelines. Once a construction project is determined, the CSD will at that time, prepare any necessary CEQA documentation.

For purposes of CEQA, the amendment should be reviewed first to determine if it is a “project,” and if it is a “project,” then it should be reviewed for qualification as statutorily or categorically exempt from CEQA. CEQA Guidelines §15378(a) defines a “project” as “. . .the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” (e.g., construction of an access road). The proposed SOI amendment is being proposed expressly to allow the construction and maintenance of an access road that would otherwise not be allowed under the District’s current boundary, SOI, and powers; the application goes so far as to specify the

location of the road to be constructed. As a result, the proposed SOI amendment appears to be a “project” and subject to environmental review unless it can be shown to be exempt from CEQA.

Document Review

In the course of review, staff considered the following documents:

- LAFCO Application for Sphere of Influence Amendment – Santa Rita Hills Community Services District, dated May 25, 2013.
- Planning and Development Department GIS data, dated September 2012.
- Planning and Development Permit History, dated 2000-2013.

cc: LRP Chron File