

L A F C O M E M O R A N D U M

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
105 East Anapamu Street ♦ Santa Barbara CA 93101 ♦ (805) 568-3391 ♦ Fax (805) 568-2249

September 6, 2018 (Agenda)

TO: Each Member of the Commission

FROM: Paul Hood *PLH*
Executive Officer

SUBJECT: **LAFCO File 18-04 Revision to Out of Agency Service Agreement OSR
Cooler- Santa Maria**

Since the Staff Report for this agenda item was prepared, staff was advised by County Planning and Development that a land use permit, substantial conformity determination or other land use clearance would be required for this proposal.

The revised Out-of-Agency Service Agreement has been posted on the Commission's website and will be distributed to the Commission at the September 6, 2018 meeting.

Please contact the LAFCO office if you have any questions.

LAFCO 18-04 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 OSR COOLER
PROPERTY

(1701 East Betteravia Road, Santa Maria, CA 93456)

WHEREAS, the City of Santa Maria and property owners of OSR Cooler 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 at 1701 East Betteravia Road, Santa Maria; and

WHEREAS, Government Code Section 56133(c) authorizes the Commission to approve such out of agency service agreements provided the subject area outside the sphere of influence 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 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 OSR Cooler facility located at 1701 East Betteravia Road, in the unincorporated area of the County east of the City of Santa Maria. This OSR Cooler Facility was originally approved by Santa Barbara County in 2008. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility. The Addendum assumed that all potable water for the facility would be provided from groundwater. However, Santa Barbara County Environmental Health Services (“EHS”) has determined that OSR’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, OSR Coolers was required to submit a plan for correction to EHS. OSR Coolers 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. Additionally, there is an existing City water main on Rosemary Road adjacent to the facility site. Therefore, approval of this project will not result in an extension of water infrastructure services outside of the City, other than to allow OSR Coolers to hookup to an existing water main line on Rosemary Road.

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 that the City of Santa Maria is the lead agency for purposes of compliance with CEQA. The City relied on environmental analysis prepared by the County when this project was originally approved by the Santa Barbara County in 2008. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility. The Commission finds that none of the conditions set forth in Public Resources Code section 21166 have occurred and therefore there is no basis to require additional environmental review. Additionally, the Commission finds pursuant to CEQA Guidelines Section 15162, no substantial changes are proposed in the original project, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore, this action does not justify additional environmental review.

(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 sewer services shall be limited to the OSR Cooler site at 1701 East Betteravia Road, 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.

d) The out-of-agency service agreement shall expire one year after approval unless the property owner obtains the necessary land use clearance(s) or necessary permit(s) from the County of Santa Barbara Planning and Development Department. The period may be extended for one year by the Commission's Executive Officer for good cause.

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

PASSED AND ADOPTED this 6th day of September, 2018, 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

Santa Barbara LAFCO
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