

Santa Barbara LAFCO

LAFCO File 15-3 – Out-of Agency Service Agreement –City of Solvang
(Wilkins)

May 7, 2015

Out-of Agency Service Agreements (OASA's)

- 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.”
- Section 56133(c) also allows service outside a sphere of influence to respond to an existing or impending threat to the public health and safety of residents of the affected territory if both of the following requirements are met:
 - (1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.
 - (2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

Proponent, Acreage and Location, Purpose of Annexation

- Proponent: City of Solvang on behalf of Property Owners Greg and June Wilkins
- Acreage and Location: Approximately 5.3 acres located at 750 Chalk Hill Road, Solvang, CA 93463. The site is comprised of one 0.28 acre parcel within the city limits (on which the City has a utility easement which contains a sewer main, and one 4.75 acre parcel directly adjacent to the City limit line
- Purpose: The owners are requesting approval of an Out-of-Agency Service Agreement for sewer service from the City because of a failing septic tank. Several attempts to repair the system were unsuccessful. A Notice to Correct Substandard Septic System is attached to the staff report. The property includes a second unit that is also served by a separate septic tank which operated efficiently.

Description of the Project

- The property is outside the City of Solvang's sphere of influence. Therefore the request is to respond to an existing or impending threat to the public health and safety of residents. Documentation has been provided.
- The property owners are served by a well that is part of an association with 10 other property owners. If the property is annexed, the city would require connection to the City water system. The property owners wish to remain on the association water supply and are not requesting annexation.
- A condition of OASA approval is that the property owners agree to sign a consent to future annexation.

Environmental Determination and Recommendation

- The City has prepared a Notice of Categorical Exemption, CEQA Guidelines Section 15303(d) for the proposed out-of-agency service agreement.
- APPROVE the request for an Out-of Agency Service Agreement, subject to the following terms and conditions:
 - a) Find that the Categorical Exemption for the Out-of-Agency Service Agreement to provide sewer service to the property located at 750 Chalk Hill Road, Solvang, prepared by the City of Solvang is sufficient for purposed of the agreement.
 - b) The District's provision of sewer services shall be limited to the single family residence located at 750 Chalk Hill Road.
 - c) The landowner 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.
 - d) Said out-of-agency service agreement is for sewer service only shall remain in effect until such time as an annexation is approved by the Commission.

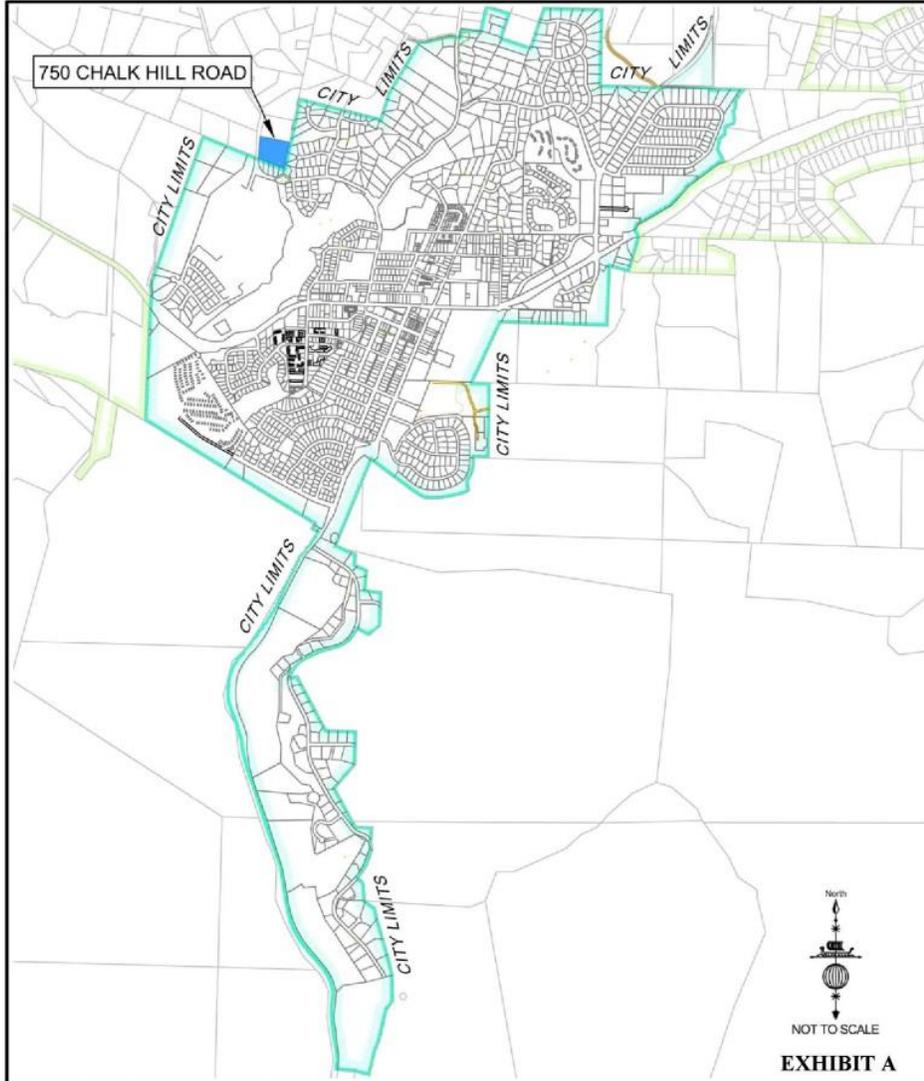


EXHIBIT A



DATE 4/27/2015
 DESIGNED FMS
 DRAWN FMS
 CHECKED _____

Project: LAFCO OUT-OF-AGENCY
 SERVICE AGREEMENT
 Title: 750 CHALK HILL ROAD

SHEET: ---
 OF SHEETS
 PROJECT NO. ---