

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

September 14, 2000 (agenda)

LAFCO 00-21: Carpinteria Sanitary District - Whitney

LOCATION Approximately five acres at the northerly terminus of Mark Avenue for two existing single-family homes (APN 001-190-041).

REQUEST: The Carpinteria Sanitary District requests authorization to provide sewer services outside of its boundaries for two existing single family homes.

GENERAL ANALYSIS:

1. Introduction

Government Code § 56133 provides that “A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundaries only if it first requests and receives written approval from the commission.”

The Carpinteria Sanitary District has requested LAFCO’s authorization to sewer two existing single-family homes. In 1998 the District allowed the landowner to install a lateral from the sewer main to serve these homes and they are already connected. Overlooked inadvertently was the fact that the parcel was not in the District.

It was a situation where on-site septic systems were failing, as confirmed by the County Environmental Health Department. Apparently these homes are used for farm worker housing. Approval of this request will legitimize the current situation in which the homes are already receiving service.

2. Present and Future Land Use, City Boundaries and Public Services

These dwellings are located on a five-acre parcel in agricultural production. The County staff opposes annexing the parcel due to its agricultural zoning. The County considers parcels as small as five-acres to be “viable” agricultural parcels.

3. Annexation vs. Out-of-Agency Service Agreement

The property is adjacent to but outside of the District and its sphere of influence, and it is adjacent to but is outside of the City of Carpinteria.

The Commission's policy is that "Annexations to cities and special districts are generally preferred for providing public services; however, out-of-agency service agreements can be an appropriate alternative."

"While each proposal must be decided on its own merits, the Commission may favorably consider such agreements in the following situations:

1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.
2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
3. Where public agencies have a formal agreement defining service areas, provided LAFCO has formally recognized the boundaries of the agreement area
4. Emergency or health related conditions militate against waiting for annexation.
5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Santa Barbara LAFCO."

Before approving the District's request for out-of-agency service, the Commission should determine whether it would be preferable for the property to annex to the District. In that regard, Santa Barbara County's Coastal Land Use Plan Policy 2-10 prohibits annexations of rural agricultural parcels such as this, or the extension of a sewer main to serve parcels, however, due to the location of a sewer in Via Real, no mainline extensions are needed.

Allowing the District to serve without annexation is at this time the most logical solution and is consistent with Policy No. 1. stated above.

4. Landowner Consent to Annex

It is a Commission policy that whenever a property may ultimately be annexed to the local agency, approving an out-of-agency service agreement should be conditioned upon the recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.

Given the existing and planned agricultural nature of this parcel, and the fact that its outside of the District's sphere of influence, the staff does not recommend requiring a consent to annex by the landowner.

3. Environmental Impact of the Proposal

The proposal may not be a project under CEQA but given the nature of the application it would be consistent with a Class 19 categorically exemption.

4. Alternatives for LAFCO Actions

Alternatives available to the Commission include:

- Option 1. Approve the request, as recommended below.
- Option 2. Approve the request with different terms and conditions.
- Option 3. Deny the request.
- Option 4. Continue the item to obtain additional information.

RECOMMENDED ACTION

Option 1 is recommended, authorizing the District to provide sewer service to this parcel subject to the following terms and limitations:

- LAFCO's approval applies to both current and future property owners.
- Sewer disposal is the only authorized services and only for the two existing homes.
- Approval to extend District services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

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LOCAL AGENCY FORMATION COMMISSION