

LAFCO

Santa Barbara Local Agency Formation Commission

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March 5, 2009 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street, Room 403
Santa Barbara CA 93101

Adoption of the Sphere of Influence of the City of Goleta

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission after consideration of this report and any testimony:

- A. Determine that adopting a Sphere of Influence for the City of Goleta that adheres to the existing City boundary has no environmental impact.
- B. Certify it reviewed and considered the information contained in the General Plan/Coastal Land Use Plan Final EIR (Chapter 4.0) prepared and certified by the City of Goleta regarding Future City Service Area/Sphere of Influence.
- C. Approve the determinations set forth below and adopt a Sphere of Influence for the City of Goleta that includes:
 - The territory within the existing City boundary and
 - The Glen Annie Golf Course (known as Area E), with the addition of Assessor Parcels 077-530-027, -029 and -032
- D. Confirm the existing policy of including within the City of Goleta Sphere of Influence land in the Eastern Goleta Valley only in conjunction with a concurrent proposal to annex such territory to the City.
- E. Deny the request to include within the Sphere of Influence part of the South Patterson Agricultural Block (Area A) and
- E. Deny the request to include within the Sphere of Influence the North Fairview Avenue Area (Area C).

DISCUSSION

Commissioners: Bob Orach, Chair ♦ Joe Centeno ♦ Dick DeWees ♦ Martin Mariscal ♦ Bob Orach ♦ Cathy Schlotmann
Larry Wilson ♦ Janet Wolf ♦ Joe Armendariz ♦ Doreen Farr ♦ John Fox ♦ Bob Short ♦ **Executive Officer:** Bob Braitman

Introduction and Background

LAFCO's enabling statute, the Cortese-Knox-Hertzberg Local Government Reorganization Act at Government Code Section 56425 states:

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

Section 56426.5 directs the Commission to determine the sphere of influence for any newly incorporated city within one year of the effective date of incorporation. For the City of Goleta this deadline would have been February 1, 2003.

Since the City, however, had not adopted its general plan by that date, and with legal advice that the one-year legal deadline is directory and not mandatory, the Commission decided to delay adopting the City's sphere of influence until it prepared and adopted its general plan, which has now been completed.

Municipal Service Review

Code Section 56430 requires LAFCOs to prepare "Municipal Service Reviews" in order to examine and make written determinations regarding public services. The relationship between MSRs and spheres is found in Section 56430, which states:

In order to prepare and to update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission.

The Municipal Service Review for the City of Goleta was approved by the Commission on September 1, 2005. It describes services provided by the City and is enclosed for informational purposes as Attachment A.

Requested Sphere of Influence

The Goleta City Council has requested a Sphere of Influence consisting of approximately 5,937 acres in four components:

- Existing incorporated area – approximately 5,075 acres consisting of the territory within the existing City of Goleta boundaries
- Area A (Portion of South Patterson Agricultural Block) – approximately 85 acres located south of Hollister Avenue and east of State Route 217.
- Area C (North Fairview Avenue Area) - approximately 616 acres located east and west of Fairview Avenue, north of and adjacent to La Goleta Road.
- Area E (Glen Annie Golf Course) - approximately 161 acres located north of and adjacent to Cathedral Oaks Road, west of and adjacent to Glen Annie Road, consisting of the Glen Annie Golf Course.

Requested Sphere of Influence

- Existing City boundary

The proposed sphere includes all territory within the existing City boundary as determined by the Commission on May 3, 2001 and confirmed by the incorporation election that was conducted on November 20, 2001.

The existing City boundaries encompass approximately 5,075 acres located generally located between Cathedral Oaks Road on the north; the Pacific Ocean, UCSB and the City of Santa Barbara boundaries on the south; Maria Ignacio Creek on the east and extending to and including the Bacara Resort on the west. (See Exhibit A)

The City boundary encompasses various uses including a variety of residential, industrial, commercial, institutional, agricultural and open space uses. At the very least the sphere should include the territory presently within the City boundaries.

- Area A (Portion of South Patterson Agricultural Block)

The City General/Coastal Land Use Plan EIR states the following about Area A:

Existing land uses and the County's zoning designation for the entirety of this subarea are Agriculture. The City's proposed land use designation for this tract of land is also Agriculture.

This area contains about 85 acres in two parcels south of Hollister Avenue and east of State Route 217. It is zoned and designated by the County for agricultural use as part of the South Patterson Agricultural Block.

Both parcels are in productive agricultural use. One is owned by St. Athanasius Orthodox Church. As the Commission is aware, the County approved the northerly 4.6 acres for a church and related facilities and the parcel has been annexed to the Goleta Sanitary District.

In the enclosed letter the County notes that significant portions of this agricultural block are defined as Important Farmlands.

Given the agricultural nature of this area, and the fact that both the City and County have land use plans calling for continued agricultural use, the staff is not in a position to recommend including the territory within the City sphere.

- Area C (North Fairview Avenue Area)

This area of approximately 616 acres is located east and west of Fairview Avenue, north of and adjacent to La Goleta Road. It contains 73 residential parcels and an office complex, and some scattered agricultural parcels. The City does not propose any land use changes.

In the enclosed letter the County notes the area is zoned single-family residential and rural Ranchette uses (RES-1.5 and -1.8 and RR -5).

A number of area residents expressed opposition to inclusion within the City sphere. A February 1, 2008 letter to the Goleta City Council transmitting a petition with 97 signatures of area residents stating they do not wish to be within the City sphere or boundaries is enclosed as Attachment B.

The Commission will recall that in 2007 it considered a proposal by the Committee for One, endorsed by the Santa Barbara City Council, to expand that City's sphere to include the Eastern Goleta Valley. The Commission denied the request, stating its intention is to consider city sphere expansions in the Eastern Goleta Valley, for either Santa Barbara or Goleta, only in conjunction with concurrent annexations to the affected city.

If Area C is considered to be part of the Eastern Goleta Valley, and the staff believes it is, the Commission's policy is to consider including this area within the City of Goleta sphere only if accompanied by an actual proposed annexation.

The Commission itself determines the location of spheres. Annexations on the other hand require approval of both Commission and the landowners or registered voters who would be annexed. Tying together the sphere change and annexation insures the consent of those being annexed in conjunction with amending the sphere.

As noted in our October 11, 2007 staff report:

A sphere is like an engagement; an annexation is like a marriage. Engagement presumes marriage. The only true way to measure resident or landowner support is through an actual annexation proceeding.

Staff recommends city sphere expansions within the Eastern Goleta Valley be approved only in conjunction with concurrent annexation to the city. In this way affected voters and landowners will determine to which city, if either, they wish to annex.

Tying sphere changes to annexations will also avoid situations, which have existed before, where land is included by LAFCO in a city sphere with little or no likelihood of being annexed to the city within the foreseeable future.

The enclosed letter from the County Executive Officer recommends, “. . . that a sphere of influence should not be considered for areas of the unincorporated Goleta Valley without a concurrent reorganization proposal submitted by the City of Goleta to LAFCO for annexation.”

North Fairview Area residents also support concurrent Sphere of Influence and annexation proceedings. See the enclosed letter from Steve Shaeffer (February 15, 2009).

- Area E (Glen Annie Golf Course)

The Glen Annie Golf Course consists of about 161 acres located north of and adjacent to Cathedral Oaks Road, west of and adjacent to Glen Annie Road.

At the time of incorporation the LAFCO staff favored including the Glen Annie Golf Course as part of the City. The County Planning staff opposed including the site because the County General Plan and zoning for the site (AG-II-40) are Agriculture. Golf courses are permitted land uses in these agricultural designations.

A golf course is a quasi-urban use. It contains not only golf links but a pro-shop and restaurant on the premises. Further, in the case of this golf course all vehicular access to and from the site is by means of City streets.

The staff has become aware that interest is being expressed by the owner of the golf course in cutting back the size of the course and constructing a number of homes. At this point such an action is conjecture. Regardless of whether or not such a proposal is eventually submitted to and approved by the City, in our view, the existing use should be in the City sphere. Any change in land use or zoning could be considered at such time as an annexation is proposed.

If the Commission follows the staff recommendation to include the golf course in the sphere the following three Assessor Parcels should also be included to avoid splitting legal lots and to promote orderly boundaries. These Assessor Parcels total 17.23 acres and consist of:

- APN 077-530-027 (David and Gail Lee) – 13.66 acres
- APN 077-530-029 (David and Gail Lee) – 2.56 acres
- APN 077-530-032 (Mark and Caroline Abate) – 1.01 acres

A map of golf course area showing these three APNs is enclosed as Attachment C.

Sphere of Influence Determinations

Section 56425 states that in adopting the sphere of influence of each local agency, LAFCO shall prepare a written statement of its determinations in specific areas. The staff proposes that the Commission approve the following determinations in conjunction with approving the sphere:

1. Present and planned land uses in the area, including agricultural and open-space lands.

The City encompasses a variety of residential, industrial, commercial, public and quasi-public, agricultural and open space land uses. No change in present or planned uses within the City would result from the adoption of the sphere of influence.

Including a portion of South Patterson Agricultural Block within the sphere might convey a message it is timely to consider converting this land to other uses and for this reason it is not recommended.

The North Fairview Avenue Area is largely developed with residences, an office complex and scattered agricultural parcels. There would be no change in present or planned uses by including the property within the City sphere.

Glen Annie is an existing golf course. There have been discussions that the landowner may seek a general plan amendment to construct residences on the property but no such changes have been formally proposed.

2. Present and probable need for public facilities and services in the area.

The existing and planned land uses within the City require a variety of public services. Some are provided by the city and others are provided by the County and by special districts that serve the area.

Fire protection within the City and the surrounding area is provided by the Santa Barbara County Fire Protection District. Law enforcement within the City is provided by the County Sheriff, under contract to the City.

As documented in the MSRs prepared for local agencies serving the Goleta Valley, it is projected public facilities and services will be sufficient to serve planned land uses.

Productive agricultural lands do not require the same range and level of services as do urban uses; public services are projected to be sufficient for agriculture in the South Patterson area.

Services for the North Fairview Avenue area are comparable to other unincorporated, urbanized areas in the Eastern Goleta Valley. Public service demands are not anticipated to significantly change since the area is already largely developed.

Public services and facilities for the Glen Annie Golf Course are sufficient and no change in land use is presently anticipated that would change this situation.

3. Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

As documented in the MSR, the City provides a variety of municipal services, which include the following:

- Law enforcement including traffic law enforcement (contract with Sheriff)
- Parks and open space maintenance
- Land use planning and regulation of building
- Library services
- Refuse collection, recycling and disposal
- Street maintenance and street lighting
- Drainage and storm water disposal

The City is developing a Capital Improvement Plan (CIP) and no significant changes are anticipated by the adoption of the proposed sphere of influence.

4. Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Almost the entire requested sphere is within the City and as such can be considered to be part of the same social and economic community of interest.

Moreover, much of the Goleta Valley shares similar social, economic, public service and natural conditions. The City of Goleta incorporation process carefully studied boundary options including UCSB and Isla Vista and the Eastern Goleta Valley. Those areas were not included within the City's initial boundaries.

Environmental Documentation:

Almost the entire requested sphere is within the City of Goleta. Adopting a sphere coterminous with the existing City boundaries may not even be a "project" under CEQA and would, at any rate, have insignificant environmental impacts.

With respect to the three areas outside of the City, in the process of studying and adopting its General Plan/Coastal Land Use Plan the City prepared and certified an Environmental Impact Report (EIR). Chapter 4.0 of that report, which discusses "Future City Service Area/Sphere of Influence," is enclosed as Attachment D.

This document describes the environmental setting, impacts and mitigation measures to reduce or avoid potentially significant impacts related to a potential Sphere of Influence.

Alternative Commission Actions

The Commission has great latitude in adopting spheres of influence for local agencies. Alternatives for the City of Goleta sphere include the following.

Option 1 – Adopt this report and APPROVE a sphere as follows.

- A. Determine that adopting a Sphere of Influence for the City of Goleta that adheres to the existing City boundary has no environmental impact.
- B. Certify it has reviewed and considered the information contained General Plan/Coastal Land Use Plan Final EIR (Chapter 4.0) prepared and certified by the City of Goleta regarding Future City Service Area/Sphere of Influence.
- C. Approve the determinations set forth below and adopt a Sphere of Influence for the City of Goleta that includes:

- The territory within the existing City boundary and
 - The Glen Annie Golf Course (known as Area E), with the addition of Assessor Parcels 077-530-027, -029 and -032
- D. Confirm the existing policy of including within the City of Goleta Sphere of Influence land in the Eastern Goleta Valley only in conjunction with a concurrent proposal to annex such territory to the City.
- E. Deny the request to include within the Sphere of Influence part of the South Patterson Agricultural Block (Area A) and
- E. Deny the request to include within the Sphere of Influence the North Fairview Avenue Area (Area C).

Option 2 – Adopt this report APPROVE a sphere as proposed by the City.

Option 3 - Adopt this report APPROVE a sphere coterminous with existing City boundaries.

Option 4 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.

Please contact the LAFCO office if you have any questions.

Very truly yours,

BOB BRAITMAN
Executive Officer
Exhibits:

- Map 1 – Proposed Sphere of Influence
- Map 2 – Proposed Sphere Area A
- Map 3 – Proposed Sphere Area C
- Map 4 – Proposed Sphere Area E

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Attachments:

- A. Municipal Service Review for the City of Goleta (September 2005)
- B. February 1, 2008 letter and petition to the Goleta City Council from North Fairview Avenue area residents
- C. Map of Glen Annie Golf Course area showing three additional Assessor Parcels.
- D. City of Goleta General Plan/Coastal Land Use Plan Final EIR (Chapter 4.0)