

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

August 5, 2004 (Agenda)

LAFCO 04 -6: Carpinteria Sanitary District – Everbloom

LOCATION A 1,630 square feet of an existing building on a 18.5-acre parcel approximately 800 feet south of Foothill Road (State Hwy 192), about 1,000 west east of Linden Avenue, at 4701 Foothill Road.

RECOMMENDATION Expand the sphere of influence of the Carpinteria Sanitary District to include the existing building, and

Authorize the Carpinteria Sanitary District to provide sewer service outside of its boundaries for the cafeteria and office space in an existing agricultural greenhouse building.

GENERAL ANALYSIS:

1. Present and Future Land Use, District Boundaries and Public Services

The 18.5 acre parcel where the services are being requested contains a 370,940 square foot greenhouse, with 1,618 square feet of cafeteria and offices uses, a 11,200 square foot storage building and a 1,612 square foot cold box.

As shown on the enclosed sketch of the greenhouse the sewers would be provided within the cafeteria and office space. The parcel is contiguous on the south with the existing District sphere of influence and District boundaries.

Connection of a portion of the existing parcel to the District sewers is the only application. No changes in land use are proposed or will result from this approval.

It is reported that the leach lines that have been serving the property are failing. In a January 18, 2004 letter, Mike Norris of H & N Plumbing reports to the property owner:

As you well know, H&N Plumbing has been at Ever-Bloom several times in the last year to try and fix the leach lines. I am sorry to report to you that in my professional opinion your system is beyond help. Although it is apparent that the leach field was built to handle a large capacity, the high groundwater table and the various detention basins in the area have infiltrated it. No matter how many time we run the snake through the lines, the current condition of the leach field will not improve.

At this time your best option is to connect your facility to the Carpinteria Sanitation District. I am sorry to be the bearer of bad news, but there is nothing I or any other plumber can do to improve your leach field.

Sewer service would be via 400 feet of 4" private gravity sewer and 1,200 feet of 2" private force main, which will be connected to the District's sewer main located approximately 25 feet from the parcel in Eucalyptus Street.

To allow the District to provide the requested service the Commission must (a) expand the District sphere of influence to include the service area and (b) authorize the District to provide services to this facility outside of its boundaries.

2. LAFCO Approval is Required

LAFCO regulates both boundary changes and extensions of service without boundary changes. Government Code §56133 states 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"

Furthermore, it 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."

For properties outside of its sphere of influence, LAFCO may authorize a city or district to provide services only to respond to an "existing or impending threat to the public health or safety" of the public or residents of the affected territory. This requires that (a) the entity applying for approval provide documentation of a threat to health and safety and (b) the Commission notify any alternate service provider that has filed a map and a statement of its service capabilities with the Commission.

3. Existing Commission Policy Regarding Out-of-Agency Services vs. Annexations

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."

The policy states that "While each proposal must be decided on its own merits, the Commission may favorably consider such agreements [if] 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,

4. Staff Analysis

Many aspects of this proposal are similar to the Van Wingerden out-of-agency service agreement approved by the Commission on May 6, 2004. While this proposal would extend sewer service into a "rural area" as defined on the land use plan map, it represents a logical extension of services. The building is existing and there are no parcels that are intervening or geological features to prevent service.

Considerations that reduce conflicts with land use plans and minimize growth inducement are outlined below.

- Connecting this facility to a sewage collection and disposal system will help protect the quality of the groundwater to a greater extent than using the failing on-site disposal system that discharges wastewater at the source.
- Service will be via a private lateral, not the extension of a public main sewer line.
- Only this parcel would be served, minimizing potential growth inducement.
- Also minimizing growth inducement is the fact that the agreement between the District and the landowner, and the Commission's own conditions, will limit service to the cafeteria and offices portions of the existing facilities.
- Connection to a public sewer does not change zoning or development standards for agricultural or open space areas (e.g. lot size, set backs, building size to lot size ratios and so forth.)

Allowing portions of the facility to connect to a public sewer system does not adversely affect and may enhance the property's integrity as a commercial agricultural use.

5. Landowner Consent to Annex in order to Receive Sewer Service

It is the Commission's policy that whenever property may ultimately be annexed to a city or district, approval of an out-of-agency service agreement should require the landowner to agree to annex the territory with a recorded consent to annex.

Since most of the parcel will remain in agriculture, the use to be served is not residential and annexing a portion of 18.5-acre parcel would create conflicts with lines of assessment and ownership, the staff recommends a recorded consent to annex not be required.

6. Environmental Impact of the Proposal

The Commission's approval is exempt from CEQA based on the logic of categorical exemption Class 19 - Annexation of Existing Facilities and Lots for Exempt Facilities.

No change in land use is proposed as a result of the sphere of influence change and the out-of-agency service extension.

7. Alternatives for LAFCO Actions

Alternatives available to the Commission include:

- Option 1 Continue the item to obtain additional information.
- Option 2 Deny the request, require service by an on-site septic system.
- Option 3 Amend the District sphere of influence to include only the service area and approve the request with specific terms and conditions:

RECOMMENDED ACTION

Approve Option 3.

Find the sphere extension and out-of-agency service agreement to be categorically exempt.

Amend the District Sphere of Influence to include that portion of the site that will be served as shown on the enclosed map.

Authorize the Carpinteria Sanitary District to provide sewer service subject to the following terms and limitations:

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

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION