

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

March 6, 2003 (Agenda)

LAFCO 02-17: Carpinteria Valley Farms Annexation to Summerland Sanitary District, and Modification of the sphere of influence of the Summerland Sanitary District

PROPONENT: Board of Directors of the Summerland Sanitary District, by resolution.

ACREAGE & LOCATION Approximately 20 acres located north of and adjacent to Via Real, west of and adjacent to Lambert Road, Summerland area (2800 Via Real).

PURPOSE: To provide sewer service for a single-family home (under construction), barn and horse stables with an office and agricultural employee dwellings.

GENERAL ANALYSIS:

1. Introduction and Background

This proposal is to annex territory to the Summerland Sanitary District. It presents an apparent conflict between extending community sewers to serve existing uses and County Local Coastal Program policies that discourage extending sewers lines into rural areas.

Building permits for existing uses were issued based on reliance on individual sewage disposal systems. The main residence permit was issued in October 1999 and the barn in August 1999. Connection of the properties to a sewer system was not required by the County.

The site is permitted as a sod farm but has been used at times as a venue for polo matches attracting numbers of visitors to the property. These non-agricultural uses may generate a need or desire for public sewers. The owner has submitted an application to the County for a Conditional Use Permit to allow polo use at the site.

2. Land Use, Planning and Zoning - Present and Future:

The site contains an irrigated field of grass, single-family home (i.e., main residence), horse stables and barn with an office, and agricultural worker residences.

No changes in land use are proposed. Upon annexation the structures will be connected to the District's sewage collection and treatment system.

The site is not within the District's Sphere of Influence and it is proposed that the sphere be expanded to include the property.

The property is Open Space as defined in the Government Code. The County General Plan designation for the site is A-I-20 (Agriculture I, 20-acre minimum lot size). A portion of the site is subject to an ESH Overlay (Environmentally Sensitive Habitat).

The County's Coastal Land Use Plan (Summerland Community Plan) designates the site as Rural Area, Agriculture I, 20-acre minimum lot size with a portion of the site subject to an Environmentally Sensitive Habitat Overlay.

The enclosed memorandum from County Planner Greg Mohr identifies conflicts between this proposal and adopted County plans and policies, including the following:

“The subject property is located within the Rural Area, not contiguous with the Urban Boundary, and has agricultural land use and zoning designations. The extension of urban service to the site therefore raises significant general concern, and directly conflicts with the following three adopted county policies found in the County's Certified Local Coastal Program.

“1. Summerland Community Plan, Sec. III.F. (p. 64):

The intent of the following policy is to limit the expansion of public infrastructure outside of the Urban Area to prevent, to the greatest degree possible, urban sprawl and the conversion of agricultural lands to urban uses.

Policy SD-S.1: The County shall actively discourage any extension of sewer lines east of the White Hole properties in order to minimize potential growth inducement and subsequent agricultural impacts in the Edgewood Estates area: [The Carpinteria Valley Farms property is east of and adjacent to the “White Hole” properties.]

“2. Coastal Land Use Plan, Policy 2-10 (p. 18):

Annexation of a rural area(s) to a sanitary district or extensions of sewer lines into rural area(s) as defined on the land use plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services.

“3. Agricultural Element, Goal II (p. 11):

Agricultural lands shall be protected from adverse urban influence.”

The southerly side of the site is adjacent to Via Real and the 101 Freeway. Surrounding uses to the north and east are agricultural-equestrian with agricultural-grazing to the west. Surrounding zoning is A-I-20 (Agriculture I, 20-acre min. lot size) to the north and east, with RR-5 (Residential Ranchette, 5-acre minimum lot size) to the west.

Pending permit applications for the site include a Major CUP for polo and horse raising, a plan for a storage building and a variance for the single-family home. The applicant states the proposed annexation is separate from and independent of these other applications.

It appears however that there may be a relationship between extending community sewers to this site and activities related to polo matches or special events.

3. Extension of Public Infrastructure

The proposal includes constructing approximately 1,000 linear feet of 6” sewer main from the District’s current service boundary which is located to the west of the property.

4. Topography, Natural Features and Drainage Basins

A portion of the site is level, and a portion slopes from the northwest to the southeast. The general topography of the surrounding area consists of coastal foothills with some level areas. There are no significant natural features affecting this proposed annexation.

5. Population:

The property contains one single-family home (under construction) and two agricultural employee dwellings. No additional homes are proposed.

6. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The initiating agency’s “Plan for Providing Services Within the Affected Territory” is on file in the LAFCO office as required by the Government Code.

7. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within tax rate area 59010. The overall tax rate will not be affected by this change. The assessed value is \$13,820,868 (2002-2003 roll).

8. Environmental Impact of the Proposal:

The Summerland Sanitary District, as lead agency, found the proposal to be categorically exempt. (Class 19 - Annexation of Existing Facilities and Lots for Exempt Facilities) and prepared the enclosed Notice of Exemption.

The staff does not concur with this environmental determination. The full text of Class 19 (CEQA Guidelines Section 15319) is as follows:

Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. (Emphasis added)
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

While the annexation of the property may in itself be categorically exempt, provided it is currently developed to the maximum extent allowed by the current zoning, the extension of 1,000 feet of 6" sewer line has the capacity to serve other facilities. For this reason there must be environmental analysis of the growth inducing impacts of extending the sewer main.

If the Commission feels the annexation has merit the matter should be referred back to the Summerland Sanitary District for proper compliance with CEQA. Such compliance would include not only a discussion of the potential impacts of extending the sewer line but also the questions of compatibility with land use policies that apply to the property.

9. Landowner and Annexing Agency Consent:

The proponent certifies that the property owner has given written consent. The annexing district consents to the waiver of conducting authority proceedings.

10. Boundaries, Lines of Assessment and Registered Voters:

There are no conflicts with lines of assessment or ownership. The property is contiguous to the District. The territory is uninhabited; there are fewer than 12 registered voters.

The boundaries are definite and certain, though containing minor errors. A map sufficient for filing with the State Board of Equalization has not yet been received.

11. Alternatives to Annexation

If the proposed annexation creates unmitigatable conflicts with County land use policies for rural areas, two alternatives for the Commission to consider are.

- Deny the Application

Denial of the application would prevent the District from connecting the existing uses to the sewer system, requiring that the property continue to be served by on-site disposal systems.

The enclosed memorandum from County Planning states the Environmental Health Department has identified problems with the existing septic system and attributes this to heavy use during special events hosted by the property owner.

The Environmental Health Department has been requested to attend the March 6 hearing and provide information for the Commission regarding any problems and alternatives to resolve failures, if any, in an environmentally safe manner.

- Have the District Pursue an Out-of-Agency Services Agreement

Annexing a 20-acre parcel of agriculturally designated land to an urban service district, especially when it requires a 1,000-foot sewer main extension, may create significant growth-inducing pressure for land designated as rural on adopted plans.

As an alternative the Commission could allow the District, if requested, to extend service without annexation. While this option presents growth-inducing issues, such as extension of the sewer main, LAFCO can restrict its approval to specific uses on the site, i.e. the existing structures.

This alternative would allow current structures to connect to the sewer but ensure no new connections without the Commission's subsequent review and approval.

ALTERNATIVES FOR COMMISSION ACTION

After reviewing any testimony or materials that are presented the Commission can take one of the following actions:

OPTION 1 – DENY the proposal.

- A. Find that the environmental determination is incorrect and that the proposal is not categorically exempt from CEQA.
- B. Adopt this report and deny the proposal.

OPTION 2 – DENY the proposal and invite the Summerland Sanitary District to submit a request for approval of an out-of-agency agreement to serve the property without annexation.

- A. Amend the sphere of influence of the Summerland Sanitary District to include the annexation area.
- B. Find that the environmental determination is incorrect and that the proposal is not categorically exempt from CEQA.
- C. Adopt this report and deny the proposal without prejudice to extending sewer services to the property without annexation only to serve existing permitted uses.

OPTION 3 – APPROVE the annexation as submitted.

- A. Find the proposal to be categorically exempt.
- B. Amend the sphere of influence of the Summerland Sanitary District to include the annexation area.
- C. Adopt this report and approve the proposal, to be known as Carpinteria Valley Farms Annexation to the Summerland Sanitary District.

- D. Condition the annexation upon the territory being annexed being liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the District.
- E. Find: 1) the subject territory is uninhabited, 2) all affected landowners have given written consent to the annexation and 3) the annexing agency has given written consent to the waiver of conducting authority proceedings.
- F. Waive the conducting authority proceedings and direct the staff to complete the proceeding.

OPTION 4 - CONTINUE consideration of the proposal to a future meeting.

RECOMMENDED ACTION:

Approve OPTION 1 – Deny the proposal.

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

Enclosures:

Memo from Grey Mohr, County Planning & Development (2-4-03)
Notice of Exemption from Summerland Sanitary District (11-20-02)
Can and Will Serve Letter from Summerland Sanitary District (9-16-02)
Letter from Summerland Citizens Association (2-19-03)