

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

September 5, 2002 (Agenda)

LAFCO 02-12: City of Santa Barbara – Schechter

LOCATION About one acre south of Sycamore Canyon Road, between Sycamore Vista Road and Canon View Road (62 Canon View Road).

REQUEST: The City of Santa Barbara requests authorization to provide sewer service outside of its boundaries for an existing single family home.

GENERAL ANALYSIS:

1. Introduction

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.”

Further, “The commission 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.”

The statute provides further that LAFCO “may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the 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.”

The property is not within the City’s sphere of influence. The application from the City explains that:

“The service agreement is necessary in order to allow the owner to abandon an existing septic tank that has failed, creating a potential health and safety threat (see attached letter from owner and sanitation company report). Annexation is not possible at this time because the property is not contiguous with the City. The out-of-agency agreement includes a consent to annex and waiver of right to protest annexation.”

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

The site contains a single family home. No change in land use proposed.

The site receives water service from the City.

A private sewer lateral, approximately 200 feet long, is planned from the owner's property line to the City's existing sewer main in Sycamore Canyon Road.

The property is not contiguous to the City, although it is in close proximity to the City boundary, as shown on the enclosed map. There have been similar connections to the City sewer line in the vicinity of this application.

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

The Commission's policy about out-of-agency services states 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:

- A. 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.
- B. 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.

- C. Where public agencies have a formal agreement defining service areas, provided LAFCO has formally recognized the boundaries of the agreement area.
- D. Emergency or health related conditions militate against waiting for annexation.
- E. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Santa Barbara LAFCO.”

It appears to staff that items B. Lack of Contiguity and D. Health-related Conditions apply to this application to obtain sewer service from the City without annexation.

LAFCO and City staffs have initiated discussions of ultimate City boundaries in this area to determine if there are realistic expectations for annexation in the future.

4. Landowner Consent to Annex

The Commission's policy is that whenever a property may ultimately be annexed to a city or special district, approval of an out-of-agency service agreement should require the landowner to record an agreement consenting to annex the territory and that such consent inure to future owners of the property.

The application submitted by the City includes an “Agreement for Sewer Connection” in which the landowners waives any rights to protest future annexation.

5. Environmental Impact of the Proposal

The site contains an existing dwelling unit. No change in use is proposed. The City is the lead agency and has filed a Notice of Exemption. The proposal is statutorily exempt from CEQA pursuant to CEQA Guidelines § 15282 (1).

6. 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

Authorize the City of Santa Barbara to provide sewer service to this parcel subject to the following terms and limitations:

1. LAFCO's approval applies to both current and future property owners.
2. Sewer service is the only authorized service.
3. Approval to extend services beyond those specifically noted herein is withheld and is subject to future LAFCO review.
4. Before the service is provided the property owner shall record an agreement consenting to annex to the City.
5. Before the service is provided the requisite processing fee shall be paid.

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION