

# LAFCO

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**Santa Barbara Local Agency Formation Commission**  
105 East Anapamu Street ♦ Santa Barbara CA 93101  
805/568-3391 ♦ FAX 805/647-7647  
www.sblafco.org ♦ lafco@sblafco.org

June 4, 2009 (Agenda)

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

## **Giovanni Cargasacchi Letter Regarding Lakeview Estates Area**

Dear Members of the Commission:

### RECOMMENDATION

It is recommended the Commission review the enclosed letter from Giovanni Cargasacchi regarding the Lakeview Estates area and provide direction to staff.

### DISCUSSION

The enclosed letter from John Cargasacchi expresses concerns about the Lakeview Estates subdivision. Many of these issues were raised during the Commission's review of the proposed formation of the Santa Rita Hills Community Services District.

LAFCO has no jurisdiction over many of the issues raised in the letter, such as access roads to the area. A similar letter from Mr. Cargasacchi dated April 3 was addressed to the County.

It is our recommendation that the Commission provide direction to staff to respond to the letter and that we prepare our response in consultation with County staff.

Please contact the LAFCO office if you have any questions.

Very truly yours,



**BOB BRAITMAN**  
Executive Officer

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

**AGENDA ITEM NO. 9**

April 22, 2009

Mr. Bob Orach  
Chairperson  
Santa Barbara Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara, California 93101

Dear Mr. Chairperson and Members of the Commission:

When I presented the following materials to the Board of Supervisors, Board staff suggested that I send these materials to LAFCO and allow LAFCO the opportunity to review and resolve these issues.

Bob Braitman presented LAFCO with a letter from Fire Chief Scherrei dated May 9, 2008 to support that only one access road was necessary for the Santa Rita Community Service District. I believe that this letter misrepresents the real facts. (See letter attachment dated May 9, 2008).

Because of Fire Chief Scherrei's letter, this apparent misinformation was incorporated into LAFCO 03-13 (As amended November 6, 2008) RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE FORMATION OF THE SANTA RITA HILLS COMMUNITY SERVICES DISTRICT (see attached document).

First of all, I called Fire Chief Scherrei regarding his letter dated May 9, 2008, and he indicated that he had never seen, nor knew anything about, what is specifically stated in the letter, "...that the Santa Barbara County Fire Department has agreed in the past that the single proposed access to the Lakeview Estates sub-division would satisfy fire department requirements." He then indicated to me that he would have the County Fire Marshall look for this prior agreement and send me a copy. After not receiving a copy of this prior agreement, I called the Fire Marshall, and he told me he was unable to locate any documents pertaining to this prior agreement. I also have spoken with the current Fire Marshall, Fire Marshall Todd, and after he also did some research, he said that he was unable to locate any information about this agreement. Fire Marshall Todd said that other people in the fire department he had contacted were also unaware that any agreement existed. Would the Commission be able to clarify this discrepancy?

If the prior agreement does not exist, then Fire Chief Scherrei's letter confirming it is invalid. In addition, even if this letter were to be found valid, how could it supersede a decision made by the Board of Supervisors? (See letter attachment dated May 20, 1986).

The second point that I wish to make is that Fire Chief Scherrei's letter specifically releases the Lakeview Estates sub-division from a second access road. Yet, the Lakeview Community Service District also includes Rancho Dos Mundos which still requires a



second access road as imposed by the Board of Supervisors. Would the Commission be able to clarify this discrepancy as well?

The third point I would like to make is that back in 1986, when the Lakeview sub-division emerged from the Agricultural Preserve, the Board of Supervisors instructed Public Works to create by resolution designating the Lakeview Properties a Special Problems Area. (See Resolution attachment dated February 18, 1986). This Special Problems Area included other properties in addition to the Lakeview sub-division. After public meetings and various different proposals made by County Staff and members of the public, it was decided to recommend to the Board of Supervisors that it was up to them whether or not to choose to implement the Fire Department's road standards. (See letter attachment dated May 20, 1986).

Another point I would like to make is that the two access roads required and recommended to the Board by Public Works were recommended because a remote subdivision of this size requires them for safety purposes, especially for not being trapped by a fire. Second, Sweeney Road is a substandard road which needed and still needs major repairs. Public Works felt they did not have the funds to make the necessary repairs. Throughout the year falling rocks and slides are a constant problem. This road to this day still has a summer crossing that at times of rain cannot be crossed. After the rains, debris such as tree trunks and boulders make it impassable for a while until they are removed. Farther east from this point, during heavy rains the road becomes submerged in a lake of muddy water, and the road surface is not visible requiring people to get out their car to feel with their feet where the road's surface is. Additionally, at the eastern end of the road, the black top pavement is too narrow for two cars to pass each other safely when it rains or when vegetables are being irrigated. Many cars have gotten stuck there.

At the end of the county road (Sweeney Road), there is the Cargasacchi Private Road Easement. This easement has limits on its use and the burden that can be imposed. This easement was mediated by the County of Santa Barbara, and some of its conditions and recommendations were made by the County including limiting its use in order to protect our ranch and Sweeney Road. This decision was made based on the understanding that most of the Lakeview traffic would be using Mail Road. According to County of Santa Barbara Planning and Development (see letter attachment dated June 27, 2007 addressed to John Cargasacchi), it states "County Counsel determined that all Lakeview owners have an enforceable agreement with you that they will not use the existing road for any use not already in existence and they will build the new road per the agreement. Unless a Lakeview owner gets your permission, they cannot obtain a permit in Lakeview. Also, no permit issuance that requires access can be issued without consideration of the Specials Problems Area Committee."

At the end of the Cargasacchi Private Road Easement, where the Lakeview sub-division begins, the Lakeview attorney and road engineer asked the County and received permission to reduce the width of the road to twelve feet because of the steep river bank. Several years ago, a fire started at Santa Rosa Park and with a south breeze jumped the river and burned the ranches at the end of Mail Road, burned through the Carmelites and

Lakeview properties, and moved west through the Cargasacchi Ranch stopping at Highway 246 and La Purísima Mission flats. The County Fire Department did not go out to fight this fire on Sweeney Road because they said there was not the required second access road. Does the Commission believe this should be the sole entrance and exit to the Lakeview sub-division?

I believe that this road problem can be resolved if the correct facts and the necessary repairs needed on Sweeney Road are made public, and the County and public are made fully aware of these issues since they will very likely have to pay for them. As recommended in the past by various County officials, if the Lakeview owners wish to improve the use and burden restrictions of the Cargasacchi Easement, they should negotiate for them. It should be noted that to date, the present and past owners of the Lakeview sub-division have not paid a single penny out of their pockets to the owners of the Cargasacchi Ranch for the road easement.

Lastly, would the Commission tell me why building, safety, and health codes are not enforced in the Lakeview sub-division? (See letter attachment dated June 27, 2007).

As I am sure you are aware, the above mentioned issues have been ongoing for quite some time now. I would appreciate it if you would bring these issues before the Commission for discussion, and hopefully, by working together, we will be able to reach some sensible decisions that will benefit all involved. If I am notified when this will be brought up on the Commission's agenda for discussion, I will try to be present to answer any questions that may arise.

Thank you for your time and consideration.

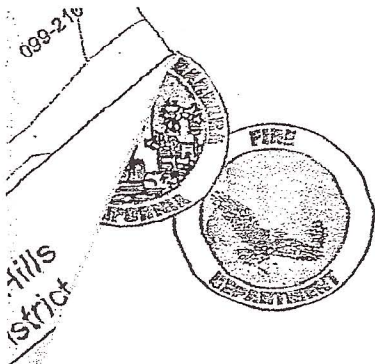
Sincerely,



Giovanni Cargasacchi  
Post Office Box 188  
Lompoc, California 93438  
(805) 736-0463

enclosures





# Fire Department

"Serving the community since 1926"

John M. Scherrei  
Fire Chief  
County Fire Warden

## HEADQUARTERS

4410 Cathedral Oaks Road  
Santa Barbara, CA 93110-1042  
(805) 681-5500 FAX: (805) 681-5563

May 9, 2008

Mr. Braitman,

This letter is to confirm that the Santa Barbara County Fire Department (SBCFD) has agreed in the past that the single proposed access to the Lakeview Estates sub-division would satisfy fire department requirements. SBCFD will continue to honor this agreement as long as the subdivision maintains the original configuration as recorded at the time of the agreement. Additionally, it should be noted that since SBCFD did not have the chance to condition the project at the time it was subdivided, there will now be significant impacts on individual property owners with regard to infrastructure improvements (i.e., roads and water).

If we can be of any further assistance, please let us know.

Yours in the interest of life and fire safety,

A handwritten signature in cursive script that reads 'John M. Scherrei'.

John M. Scherrei  
Fire Chief

JMS:rp



LAFCO 03-13

(As amended November 6, 2008)

**RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION  
COMMISSION MAKING DETERMINATIONS AND APPROVING THE FORMATION OF  
THE SANTA RITA HILLS COMMUNITY SERVICES DISTRICT**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) and the Community Services District Law (Section 61000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, territory within the proposal is designated Agriculture on the County General Plan and zoned 100-acre minimum lot size; other than one parcel that is less than one acre in size all of the existing parcels are approximately 40 acres in size and cannot be further subdivided absent a General Plan Amendment and rezoning; and

WHEREAS, one road is planned to provide access to the Lakeview Estates parcels from the end of Sweeney Road to the tract; and

WHEREAS, the Santa Barbara County Fire Department has informed the Commission that this single access road to the Lakeview Estates subdivision will satisfy County requirements provided the subdivision maintains the original configuration as recorded.



# COUNTY OF SANTA BARBARA FIRE DEPARTMENT

Since 1926



**RICH PETERSON**  
FIRE CHIEF

4410 CATHEDRAL OAKS ROAD  
SANTA BARBARA, CALIFORNIA 93110-1042  
Telephone (805) 964-3578

**DONALD PERRY**  
DEPUTY CHIEF

May 20, 1986

Bill Menchen, Assistant Director  
Department of Public Works, Roads Division  
123 E. Anapamu Street  
Santa Barbara, California 93101

RE: LAKEVIEW ESTATES SPECIAL PROBLEMS AREA

Dear Bill,

The Fire Department submits the following recommendation to be considered by the Board of Supervisors if they choose to implement our standards.

Recommendation:

1. Construct access roadways and driveways to current Fire Department standards (see attached).
2. Require two access roads into the Lakeview Estates parcels.
- X 3. Require that an assessment district be formed to pay for the necessary engineering and construction of the required roadways.
4. That, prior to the issuance of a building permit the roadways shall be constructed and approved by the Fire Department.
- X 5. That a County Service Area be formed to assure maintenance of the roadway system.

Discussion:

The Fire Code standards most likely would not be applied to the Lakeview Estates area today if it were to go through the normal County review process.


I am certain that a County road with a 60' right of way and built to County road standards would be required through the project as the main access road connecting both Sweeney Road and Mail Road as well as going north through the development and connecting with Highway 246. Further, it is my belief that, given the size of the project, County rural road standards would apply to all other roads within the project. That certainly is the Fire Department's preference.

It is our belief that County Fire road standards were not intended to apply to a development of this size. However, if the Board of Supervisors chooses to implement those standards, the Fire Department would consider our recommendations to be the minimum necessary for property and life safety to the community and to our personnel who would be expected to respond into the area and render service.

I must reemphasize that Fire Code access requirements were never intended to take the place of accepted Road Division standards that would normally be applied to a development of this size, scope and impact.

Very truly yours,



 Richard R. Peterson  
Fire Chief

RRP:MTB:jj



LAKEVIEW ESTATES SPECIAL PROBLEMS AREA

Santa Barbara County Fire Department conditions to be met prior to issuance of a Fire Protection Certificate for a building permit:

Roadway from end of Sweeney Rd. to Western boundary of Lakeview Estates.

- 1) Engineered and designed to County Fire Road Standard F-1(b).
- 2) Property and easements acquired.
- 3) Funding for construction and maintenance assured.
- 4) Roadway Constructed.

Private Roads Within Development

- 1) Roadways designated with access to each parcel within the special problems area.
- 2) Engineered and designed to County Fire Road Standard F-1(b).
- 3) Property/easements acquired to provide access to all parcels.
- 4) Funding for construction assured.
- 5) Means of financing ongoing maintenance.
- 6) Driveways to be designated to building site and engineered to County Fire Road Standard F-1(a).

Note: Roadways and driveways shall be constructed and approved by the Fire Department prior to the erection of combustible materials at the building site.

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MTB:tl

BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA  
NOTICE OF PUBLIC HEARING

DATE: February 18, 1986.

TIME: 9:00 am or shortly thereafter

PLACE: Board of Supervisors Hearing Room  
Fourth Floor of the Administration Building  
105 East Anapamu Street  
Santa Barbara, CA 93101

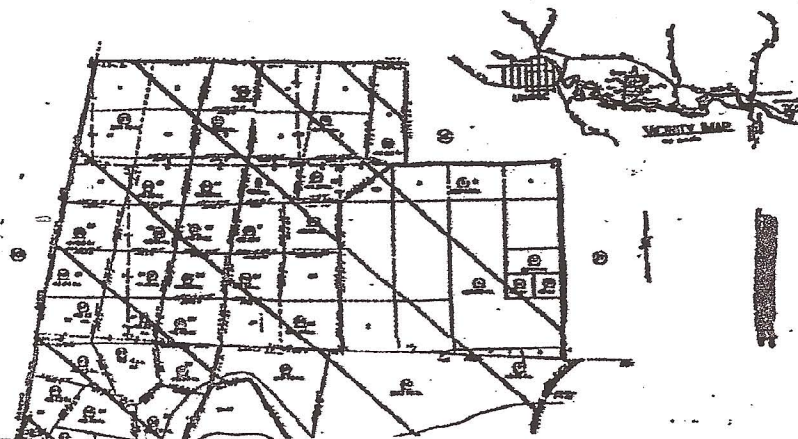
SUBJECT: Request of Public Works to create, by resolution, a Special Problems designation for the Lakeview Properties. The Special Problems designation would be implemented due to flooding, drainage, grading, road work, access, sewage disposal, water supply, location and elevation problems. The Special Problems designation would require applicants in the Lakeview Properties subdivision to have additional county review before any building permits are issued on the subject parcels.

LOCATION: The properties designated in the Special Problems area would be Assessor's Parcel Numbers 099-200-02, 05, 06, 08, 10, 12, 14, 15, 18, 19, 21, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 45, 47, 48, 51, 52, 53, 54, 55, 56 and 57 located at the end of Sweeney Road, Lompoc area, Fourth Supervisorial District.

Written comments will be accepted by the Board of Supervisors and interested persons may appear to offer information relative to the subject case. Please reference "Lakeview Properties" in all communication to the Board of Supervisors. Thank you.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence to the Board of Supervisors at, or prior to, the public hearing.

/s/ Albert J. McCurdy, Deputy Director  
Development Review Division





1 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
2 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA  
3

4 A RESOLUTION DESIGNATING A )  
5 CERTAIN AREA IN THE SANTA RITA ) RESOLUTION NO. 86-93  
6 MOUNTAINS BETWEEN SWEENEY ROAD )  
7 AND MAIL ROAD AS A )  
8 "SPECIAL PROBLEM AREA" )  
9

10 WHEREAS, Section 10-21(b) of the Santa Barbara County  
11 Code amends Section 303 of the the Uniform Building Code to  
12 provide for a designation of certain areas which have present or  
13 anticipated flooding, drainage, grading, road width, access,  
14 sewage disposal, water supply, location, or elevation problems  
15 as "Special Problem Areas"; and

16 WHEREAS, building permits shall not be issued in such  
17 "Special Problem Areas" until and unless plans and  
18 specifications for the proposed buildings or structures have  
19 been reviewed by the Santa Barbara County "Special Problems  
20 Committee" and any and all reasonable and necessary conditions  
21 have been imposed as conditions of approval of said building  
22 permit application, as provided in said amended section 303; and

23 WHEREAS, that certain area in the Santa Rita Mountains  
24 between Sweeney Road and Mail Road as described on the attached  
25 EXHIBIT A, is an area with present or anticipated flooding,  
26 drainage, grading, road width, access, sewage disposal, water  
27 supply, location and elevation problems,

28 NOW, THEREFORE, BE IT RESOLVED that the area depicted  
on the attached map, marked EXHIBIT A and incorporated herein by  
reference, is hereby designated as a "Special Problem Area"

1 pursuant to the provisions of Santa Barbara County Code Section  
2 10-21(b) by reason of the present and anticipated flooding,  
3 drainage, grading, road width, access, sewage disposal, water  
4 supply, location and elevation problems found in the area,  
5 PROVIDED; HOWEVER, that the portion of real property which is  
6 designated as Assessor's Parcel No. 99-200-56 on the attached  
7 Exhibit A, comprising approximately 502.79 acres, shall be  
8 excluded from the "Special Problem Area" upon the determination  
9 of the Santa Barbara County Fire Chief that there exist adequate  
10 roads and improvements for residential and emergency equipment  
11 access.

12 BE IT RESOLVED, FURTHER, that a copy of the attached  
13 map, marked EXHIBIT A, shall be certified as a true and correct  
14 copy by the Clerk of the Board of Supervisors and transmitted to  
15 the Director of Public Works; the Flood Control Engineer; the  
16 Director of County Health Care Services; the County Fire  
17 Department and the County Counsel.

18 BE IT RESOLVED, FURTHER, that a copy of said map, so  
19 certified, shall be deposited with the Building and Safety  
20 Division of the Department of Public Works for use as provided  
21 in said Section 10-21(b) of the Santa Barbara County Code.

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PASSED, APPROVED AND ADOPTED by the Board of  
Supervisors of the County of Santa Barbara, State of California,  
this February 18, 1986, by the following vote:

AYES: David M. Yager, Michael B. Stoker, William B.  
Wallace, DeWayne Holmdahl, Toru Miyoshi

NOES: None

ABSENT: None

ATTEST:  
HOWARD C. MENZEL  
COUNTY CLERK-RECORDER

/s/ Toru Miyoshi  
Toru Miyoshi, Chairman  
Board of Supervisors  
County of Santa Barbara

By /s/ Betsy Seamans (seal)  
Deputy Clerk-Recorder

APPROVED AS TO FORM;  
KENNETH L. NELSON  
COUNTY COUNSEL

By   
Robert W. Pike  
Deputy County Counsel

RWP:lh  
8207C





# County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning



June 27, 2007

RRR

John Cargasacchi  
P.O. Box 188  
Lompoc, CA 93438

Re: No Situs Address, APN 099-200-050, 05ZEV-00000-00089  
Unpermitted Structure

Dear Mr. Cargasacchi:

This letter is a follow-up to our phone conversation this morning. I reviewed the case file and found an August 12, 2005 County Counsel e-mail that states that because this is a Board of Supervisors' declared Special Problems Area based on access problems. No permit issuance that requires access can be issued without consideration by Special Problems Area Committee which would need to see the access proposal to determine if it solves the access (or lack thereof) problem.

The original letter to your son was drafted shortly after the site inspection in 2005 and before I received the County Counsel e-mail. When I was recently given approval to mail the draft letters, I failed to refer back to the correspondence received since the draft was typed. Therefore, my May 29, 2007 letter contains incorrect information regarding the option for legalization of the water tank if it was not on the property prior to September 29, 1958. That is corrected in this letter.

County Counsel determined that all Lakeview owners have an enforceable agreement with you that they will not use the existing road for any use not already in existence and they will build the new road per the agreement. Unless a Lakeview owner gets your permission, they cannot obtain a permit in Lakeview. Also, no permit issuance that requires access can be issued without consideration of the Special Problems Area Committee.

Regarding the water tower, if you can provide proof that the structure was on the property prior to September 29, 1958, the date that zoning went into effect in this area, the structure would be classified as nonconforming (legal). The Assessor's Office may have a record of the date the structure was placed on the property and its use at that time. Another acceptable proof is an aerial photograph with the agency providing the photograph and the date of the photograph officially noted. However, this photograph will not be able to verify the use of the structure at that time. Another acceptable proof is a notarized affidavit from a long term resident(s) of the area. The resident(s) must briefly state their length of time in the area and why they are familiar with the

Development Review  
Building & Safety  
Energy, Administration  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Phone: (805) 568-2000  
FAX: (805) 568-2030

Long Range Planning  
30 E. Figueroa St, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101  
Phone: (805) 568-3380  
FAX: (805) 568-2076

Building & Safety  
185 West Hwy 246, Ste 101  
Buellton, CA 93427  
Phone: (805) 686-5020  
FAX: (805) 686-5028

Development Review  
Building & Safety  
Agricultural Planning  
624 W. Foster Road  
Santa Maria, CA 93455  
Phone: (805) 934-6250  
FAX: (805) 934-6258

John Cargasacchi  
No Situs Address, APN 099-200-050, 05ZEV-00000-00089  
June 27, 2007  
Page 2 of 2

property. Most importantly, they must unequivocally state what the use of the structure was when it was placed on the property prior to September 29, 1958.

The structure may not be used as a dwelling because that use has been discontinued for at least one year. The enclosed Land Use Development Code (LUDC) Section 35.42.020.B.7.a. requires that an agricultural accessory structure must be a primary place of employment or be used by the public in order to contain bathing facilities. If you have employees working on-site there is a chance that the bathing facilities may be permitted. If you do not have employees working on-site, you may not keep the bathing facilities.

As we discussed, John Baker, P&D Director, has directed staff to place this and all other open Lakeview violation cases "on hold" while a determination is being made on the creation of a community services district for the area. Therefore, you should do nothing at this point in regard to the structure and the ground-mounted solar panels. When the determination is made, staff will send a letter with permitting information.

Thank you for your patience during this process. Please do not hesitate to call me at 934-6252 if you have questions about any of this information.

Sincerely,



BARBARA WALSHON, Planner/Code Enforcement  
North County Division

xc: John & Paula Cargasacchi, 6622 Polo Circle, Huntington Beach, CA 92648  
05ZEV-00000-00089 Case File

Enclosures: LUDC Section 35.42.020.B.7.a.