

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

April 7, 2005 (Agenda)

LAFCO 04 -7: City of Santa Barbara - Kennedy

LOCATION One-acre lot located east of Barker Pass Road, between Crestview Lane and Nicholas Lane (25 Crestview Lane).

RECOMMENDATION Authorize the City of Santa Barbara to provide sewer service outside of its boundaries for an existing single family home.

GENERAL ANALYSIS:

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

The parcel where service is requested contains a single family home. A recent repair of the septic system has failed completely.

The property is considered part of Montecito but it is not in the Montecito Sanitary District nor is it practical for the parcel to be served by the District.

The site is not within the City sphere of influence, nor is it contiguous to the City boundary. Therefore it cannot be annexed to the City at this time. It appears that connection to the City sewer system is the only feasible alternative. Sewer service would be via a private lateral to connect to the City sewer main in nearby Nicholas Lane which has capacity to serve this property.

No changes in land use are proposed or will result from this approval.

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."

It provides further 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."

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

It is the Commission's policy 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] 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."

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

As shown on the enclosed map the residential parcel to be served is not contiguous to the City though a City sewer main is located in Nicholas Lane that is able to serve the site.

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. That policy does not appear to apply in this situation given the location of the property within Montecito.

5. Environmental Impact of the Proposal

The Commission's approval is exempt from CEQA based on the criteria 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 out-of-agency service extension.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

Option 1 APPROVE the request with specific terms and conditions.

1. Find the out-of-agency service agreement to be categorically exempt.
2. Authorize the City of Santa Barbara to provide sewer service subject to the following terms and limitations:
 - LAFCO's approval applies to both current and future property owners.

- Approval to extend services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

Option 2 DENY the request and require continued service by an on-site septic system.

Option 3 CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

Approve **Option 1**.

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION