

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT (OASA)

May 7, 2015 (Agenda)

LAFCO 15-3 City of Solvang to provide Wastewater to the Wilkins Property.

PROPONENT: City of Solvang on behalf of Property Owners Greg and June Wilkins

ACREAGE &
LOCATION Approximately 5.3 acres located at 750 Chalk Hill Road, Solvang, CA 93463. The site is comprised of one 0.28 acre parcel within the city limits (on which the City has a utility easement which contains a sewer main, and one 4.75 acre parcel directly adjacent to the City limit line (APN's 137-132-28 and 137-132-09) (**Exhibit A**).

PURPOSE: The owners are requesting sewer service from the City because of a failing septic tank. The residence is approximately 395 feet from the City sewer line. Several attempts to repair the system were unsuccessful. The Notice to Correct Substandard Septic System is attached as **Exhibit B**. The property includes a second unit that is also served by a separate septic tank which operated efficiently. Therefore, the property owners are not requesting permission to connect the second unit to the City's sewer system.

GENERAL ANALYSIS:

1. Description of Project

Since the parcel is in the unincorporated area, land use authority within the County of Santa Barbara is AG-I-5 (Agriculture, 5-acre minimum parcel size) The County's Comprehensive Plan Designation is A-I-5.

The property owners are served with a well that is part of an association with 10 other property owners. If the property is annexed, the city would require connection to the City water system. The property owners wish to remain on the association water supply.

2. Requirement for LAFCO Approval

LAFCO regulates boundary changes and extensions of service without boundary changes. Government Code Section 56133 states that "A city or a district may provide

new or extended services by contract or agreement outside its boundaries only if it first requests and receives written approval from the commission in the affected county.”

It further 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.”

Section 56133(c) also allows service outside a sphere of influence to respond to an existing or impending threat to the public health and safety of 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.

3. Sphere of Influence

The area proposed for the Out-of-Agency Agreement is outside the City of Solvang's sphere of influence. However, the City has provided the commission with documentation of a threat to the health and safety of the public or the affected residents (**Exhibit B**).

4. Landowner Consent to Annex in Order to Receive Services

Commission policy states that when property may ultimately be annexed to a city or a district, approval of an Out-of-Agency Service Agreement should require the landowner to agree to annex the territory with a consent to annex form. This is a condition of approval.

5. Environmental Impact of the Proposal

The City has prepared a Notice of Categorical Exemption, CEQA Guidelines Section 15303(d) for the proposed out-of-agency service agreement (**Exhibit C**).

EXHIBITS

- | | |
|-----------|--|
| Exhibit A | Map of the Proposed Out-of-Agency Service Area |
| Exhibit B | Documentation of Existing Threat to Public Health and Safety |

Exhibit C City of Solvang Notice of Exemption.
Exhibit D LAFCO Authorization to Provide Out-of-Agency Services

ALTERNATIVES FOR COMMISSION ACTION

After reviewing this report and any testimony or materials that are presented, the Commission can follow one of the following options:

OPTION 1 – APPROVE the request for an Out-of Agency Service Agreement (**Exhibit D**), subject to the following terms and conditions:

- a). Find that the Categorical Exemption for the Out-of-Agency Service Agreement to provide sewer service to the property located at 750 Chalk Hill Road, Solvang, prepared by the City of Solvang is sufficient for purposed of the agreement.
- b). The District's provision of sewer services shall be limited to the single family residence located at 750 Chalk Hill Road.
- c) The landowner shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.
- d) Said out-of-agency service agreement is for sewer service only shall remain in effect until such time as an annexation is approved by the Commission.

OPTION 2 –Deny the request.

OPTION 3 - Continue the item to obtain additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



PAUL HOOD
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

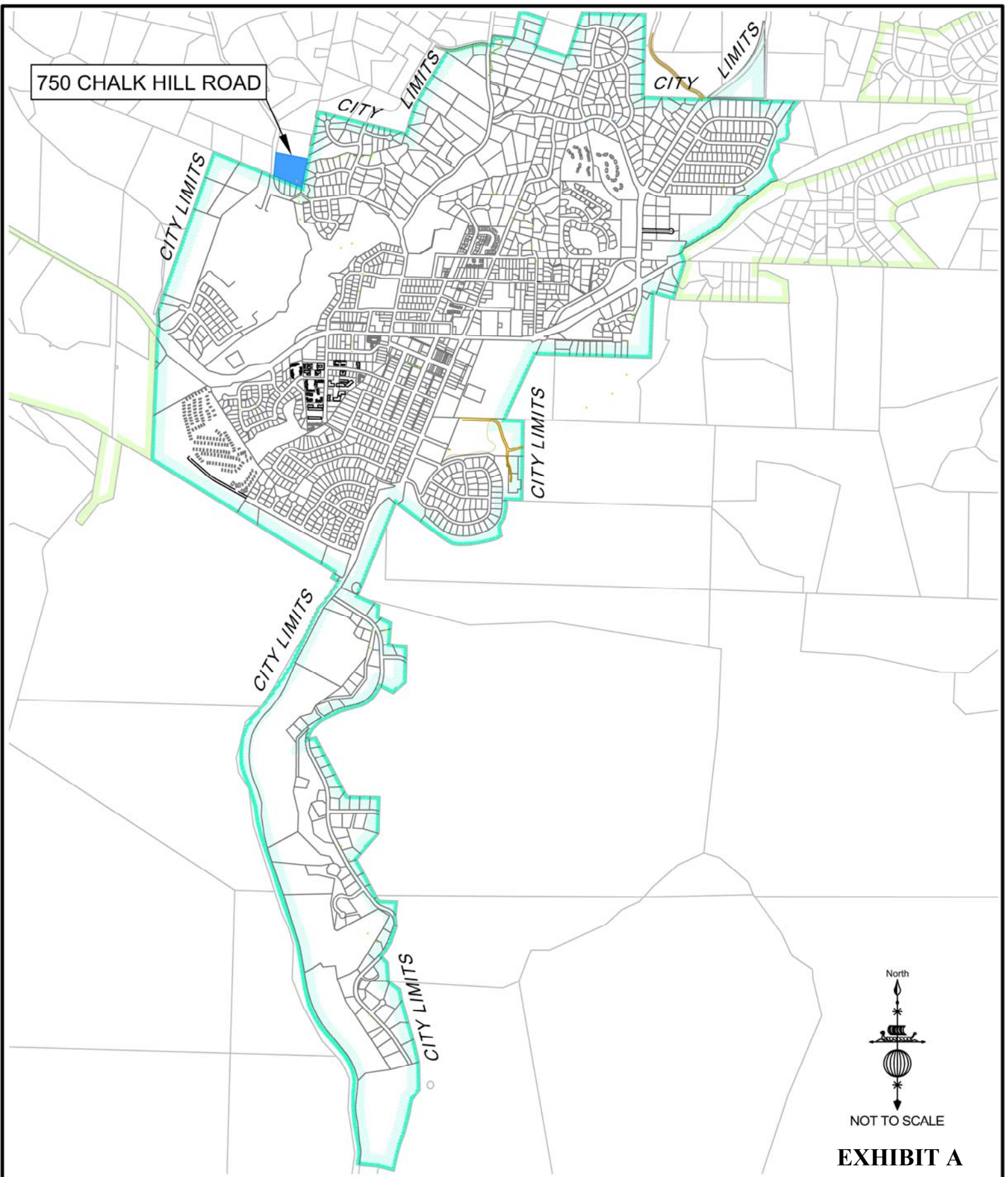



EXHIBIT A

	DATE <u>4/27/2015</u>	Project:	LAFCO OUT-OF-AGENCY SERVICE AGREEMENT 750 CHALK HILL ROAD	SHEET: <u> -- </u>
	DESIGNED <u>FMS</u>	Title:		OF SHEETS
	DRAWN <u>FMS</u>			PROJECT NO.
CHECKED _____			---	

Elliot Schulman, MD, MPH Director/ Health Officer
Michael D. Harris Deputy Director
Richard Merrifield, REHS Director of Environmental Health

225 Camino Del Remedio • Santa Barbara, CA 93110
805/681-4900 • FAX 805/681-4901
2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455
805/346-8460 • FAX 805/346-8485

Notice to Correct
Substandard Septic System

July 17, 2013

Wilkins Family Living Trust
Greg and June Wilkins
750 Chalk Hill Road
Solvang, CA 93463

SUBJECT: Septic System Located at 750 Chalk Hill Road, Solvang

As required by the Chapter 29 of the Santa Barbara County Code, Environmental Health Services is in receipt of a Septic Tank Inspection Report dated 7/1/2013 for the on-site sewage disposal system located on your property noted above. The code requires that copies of these reports be provided to the owner and to this office for review whenever a septic tank is pumped in the unincorporated area of the County. The code also requires this office to notify property owners of required corrections or upgrades.

The report for this septic system notes the condition(s) checked below that may constitute a danger to public health and safety; may impair proper operation and maintenance of the system; and fail to meet the standards of the Santa Barbara County Code. Please be advised, if sewer service is available within 200 feet, homeowners must connect to the sanitary sewer when any changes to their septic system require a permit. This requirement applies to items #1-5, 7 and 8 possibly #6 depending upon necessary septic system modifications.

1. Severely damaged septic tank requiring abandonment and replacement
2. **Unfilled seepage pit - requires filling of void with rock or abandonment**
Please be advised that filling a seepage pit may effect septic system operation by reducing the effluent holding capacity. Additional disposal area may be necessary
3. Cesspool - requires abandonment and replacement with approved septic tank and disposal field or connection to sewer, if available
4. Failed disposal field - replacement disposal field must meet current standards to maximum extent feasible
5. System constructed, modified, or abandoned without required permit
6. Discharge of sewage to ground surface or drainage course (includes laundry waste or other graywater)
7. Septic tank constructed of metal or wood – requires abandonment and replacement with an approved septic tank
8. Septic tank located under structure – requires abandonment and replacement with an approved septic tank, or removal or relocation of structure. If the septic tank is to be abandoned and replaced a permit must be obtained from Environmental Health

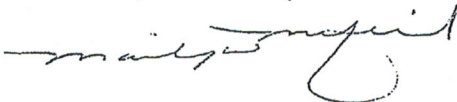
Services and the Santa Barbara County Building and Safety Division

The County Code specifies that the repair(s) / upgrade(s) required by this notice must be completed under permit and inspection from Environmental Health Services within thirty (30) days of this notice. Permits must be signed by Environmental Health Services before work is started. Unless there is an emergency, our office must be notified at least twenty-four (24) hours in advance for inspection appointments prior to any tank destruction. Necessary work must be completed by a contractor with a valid license for sanitation systems (C-42), plumbing (C-36) or engineering (A). General contractors or handymen are not licensed for this type of work.

Enclosed is an application for the necessary permit. The permit fee for a repair is \$190.00. The permit fee for an abandonment is \$310.00 and the permit fee for a modification of a system is \$410.00. The permit fee for a new system is \$820.00. Please return the completed permit application with the permit fee to our Santa Barbara office, Attn: Septic System Inspection Program, as soon as possible in order to complete the necessary corrections in the time period allotted by the County code. If this work has already been completed or if you believe this notice is in error, please contact me as soon as possible at (805) 681-4941.

Proper operation and maintenance of your septic system will prolong its useful life, enhance safety and help protect the quality of our water resources. Your cooperation is appreciated. If you have any questions about this notice, please call our Santa Barbara office.

Sincerely,



Marilyn Merrifield, REHS
Environmental Health Specialist

NTC-137-132-028

15-03



Environmental Health Services

225 Camino Del Remedio • Santa Barbara, CA 93110
805/681-4900 • 805/681-4901

Roger Heroux, MPA Director
Tara Brown, MBA Assistant Director
Elliott Schulman, MD, MPH Health Officer/Medical Director

Recommendation to Correct

July 17, 2013

Wilkins Family Living Trust
Greg and June Wilkins
750 Chalk Hill Road
Solvang, CA 93463

SUBJECT: Septic System located at 750 Chalk Hill Road

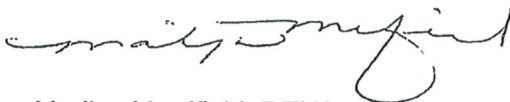
As required by Chapter 29 of the Santa Barbara County Code, Environmental Health Services is in receipt of a Septic Tank Inspection Report dated 7/1/2013 for the on-site sewage disposal system located on your property noted above. The code requires that copies of these reports be provided to the owner and to this office whenever a septic tank is pumped in the unincorporated area of the County.

The report for this system noted the condition(s) checked below that may impair proper operation or maintenance of the system and fail to meet accepted standards for septic systems.

1. **Disposal field not adequately absorbing tank effluent**
2. The size of the septic tank is inadequate for structure(s) served
3. Septic tank is missing the inlet/outlet tee(s)
4. Other: _____

Environmental Health Services recommends that you consult with a licensed septic tank contractor and make appropriate repairs or modifications to bring this system up to current standards. Proper operation and maintenance of your septic system will prolong its useful life, enhance safety and help protect the quality of our water resources. If you have any questions about this notice or the septic system program, please call me at (805) 681-4941.

Sincerely,



Marilyn Merrifield, REHS
Environmental Health Specialist

RTC-137-132-028

15-03 157-131-018

County of Santa Barbara
Septic Tank Inspection Report
(Please Print or Type)

RECEIVED
Department Date Stamp
JUL 16 2013
ENVIRONMENTAL HEALTH SERVICES

Date of Service/Maintenance: 07-01-13
Owner's name: Greta Wilkins Phone No.: 805 245-9041
Location of Inspection: 750 Chalk Hill Rd Solveng CA 93463
(ADDRESS) (CITY) (ZIP)
No. of Bedrooms: _____ Year Septic System Built: _____
Septage disposal location / date: SM

System Components:
 Septic tank with leach field or drywell Septic Tank With Seepage Pit (Hollow) Cesspod Other
Estimated capacity of septic tank of cesspool 1500gal. No of compartments 2 Amount pumped: 2100 gal.
No of. Access Lids: 2 Depth to Access Lids: Grade Diameter of Access Lids: 24in.

Construction of septic tank or cesspool:
 Rectangular Round Other
 Concrete Fiberglass Plastic Brick Other _____

Condition of tank:
Tank deteriorated No Yes
Baffle wall deteriorated No Yes
Lids are deteriorated No Yes
Heavy grease build-up No Yes
Inlet tee present No Yes
Outlet tee present No Yes
House lateral open No Yes
Needs pumping No Yes

Minimum concrete thickness at lids: 4 1/2 in. Method of Measurement: Tape

Prior to pumping, was effluent level above outflow tee? No Yes (may indicate falling system)

Signs of surfacing effluent? No Yes, location: _____

Any signs of past drainage problems? No Yes

Maintenance performed: pumped tank, located hollow pit, informed customer of problems

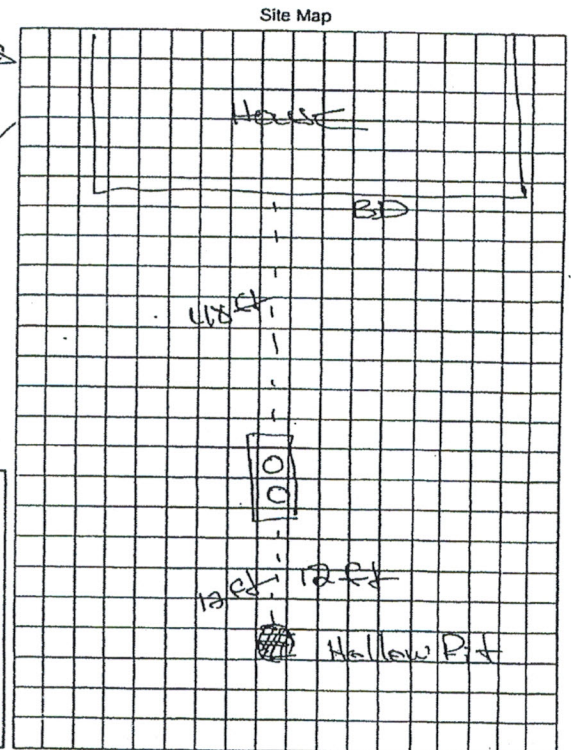
System appears to be functioning satisfactorily? No Yes

Repairs / upgrade required? (see reverse side) No Yes

- 1. Hollow pit
- 2. leach system not absorbing effluent
- 3. _____

Comments/Recommendations: rock up pit, need new leach system

Did a Qualified Inspector personally inspect system? No Yes



Clays Septic and Jetting, Inc.
Contractor's License No.: 674109

The useful life of any septic system is determined by numerous factors, including, but not limited to, soil characteristics, water usage, and proper maintenance. This inspection report is based on observations by the inspector and information provided by the system owner. It is not a guarantee of system adequacy.

Signature of Qualified Inspector: _____ Date: 07-01-13 Phone: 805 929 5005
Rev. 1/00



NOTICE OF EXEMPTION

To: County Clerk
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Project Title: LAFCO Out of Agency Service Agreement – Greg and June Wilkins

Project Description: The applicant is requesting to connect to the Solvang municipal wastewater system in lieu of constructing a septic system and associated leach field.

Specific Location: 750 Chalk Hill Road, Solvang CA 93463

Name of Public Agency Approving Project: City of Solvang / Santa Barbara County LAFCO

Name of Person or Agency Carrying Out Project: Arleen T. Pelster, Planning & Economic Development Dir.

Exempt Status: *(check one)*

- Ministerial [Sec. 21080(b)(1); 15268];
- Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
- Categorical Exemption. State type and section number: 15303(d)**
- Statutory Exemptions. State code number:
- No Possibility of Significant Effect [Sec. 15061(b)(3)]

Cite specific CEQA Guideline Section: **§15303(d)** Construction and location of limited numbers of new, small facilities or structures; (d) Water main, sewage, electrical, gas and other utility extensions, including street improvements of reasonable length to serve such connection.

Reasons to support exemption findings:

The sewer connection would not create any environmental impacts to biological, archaeological or historical resources. There would be no increase in traffic, water, sewer or other public services. The density would not be increased. The parcel is proposed to be residentially developed with a single-family residence and a second residential unit. No impacts would occur. Therefore, a categorical exemption is appropriate for this project.

Lead Agency Contact/Phone: Arleen T. Pelster / 805.688.4414

Signature: _____ Date: _____ Title: Planning Director

LAFCO 15-3 OUT-OF AGENCY SERVICE AGREEMENT (OASA)

AUTHORIZATION BY THE LOCAL AGENCY FORMATION COMMISSION FOR THE CITY
OF SOLVANG TO PROVIDE OUT-OF-AGENCY SERVICES TO THE WILKINS
PROPERTY
(750 Chalk Hill Road, Solvang, CA 93463)

WHEREAS, the City of Solvang and property owners Greg and June Wilkins have filed a proposal 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) for the District to provide services outside of its boundaries at 750 Chalk Hill Road, Solvang, CA 93463; and

WHEREAS, Government Code Section 56133(c) authorizes the Commission to approve such out of agency service agreements provided the subject area outside the sphere of influence if the City has provided the commission with documentation of a threat to the health and safety of the public or the affected residents and is in anticipation of a later change of organization; and

WHEREAS, the City of Solvang is the lead agency for purposes of compliance with the California Environmental Quality Act (“CEQA”) and has prepared a Notice of Exemption ,CEQA Guidelines Section 15303(d), , which has been submitted to the Commission for its consideration; and

WHEREAS, the out of agency service agreement includes a provision obligating the landowner to consent to be annexed to the District; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission has considered the Notice of Exemption, CEQA Guideline Section 15303(d), prepared by the City of Solvang.

(2) The Commission finds the out-of agency service request to be in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

(3) The extension of services shall be subject to the following conditions:

a) The City’s provision of sewer services shall be limited to the residence at 750 Chalk Hill Road, Solvang, CA. 93463.

b) The landowner shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.

c) The landowner shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.

d) Said out-of-agency service agreement is for sewer service only shall remain in effect until such time as an annexation is approved by the Commission.

(4) Said out-of-agency service agreement is hereby approved.

PASSED AND ADOPTED this 7th day of May, 2015, in Santa Barbara, California by the following vote.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency
Formation Commission

ATTEST

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission