

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

May 1, 2008 (Agenda)

LAFCO 08-1: St. Athanasius Orthodox Church Annexation to Goleta Sanitary District

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

ACREAGE & LOCATION: Approximately 22 acres south of and adjacent to Hollister Avenue, west of and adjacent to Plaza Del Centro.

PURPOSE: To provide sewer service for an approved church and related structures.

GENERAL ANALYSIS:

Description of Project

The proposal will annex a 22 acre agricultural parcel to the Goleta Sanitary District. As described in the application:

The County of Santa Barbara Planning Commission approved the project on March 1, 2006, for a Major CUP and certified the EIR.

St. Athanasius Orthodox Church received approval to develop a church complex on the northern approximately 4.6 acres of the subject parcel, leaving the remaining approx. 17 acres available for agricultural production.

The project involves four one-story buildings totaling 26,921 sq. ft., which would include a temple, a chapel, a fellowship hall and an administration building, with the rest of the site dedicated to parking, driveways, landscaping, walkways and courtyards.

Staff Analysis

The LAFCO staff is not opposed to the construction of the church facilities in this location as approved by the County. We wish to assist the congregation in meeting its long-time plans to construct its church buildings.

But the staff cannot recommend approval of the 22 acre annexation as submitted. Only 4.6 acres of the 22 acres (20% of the parcel) has an approved use requiring sewers. The remaining 80% of the parcel is intended to remain in agriculture.

Including the entire 22-acre parcel within the Goleta Sanitary District is growth-inducing and will promote the development of agricultural land that is planned and zoned to remain in agriculture.

Despite attempts to mitigate this growth inducement, annexing the entire parcel will create a continuing pressure to amend the general plan and zoning and authorize urban development of the site. One does not need to be clairvoyant to foresee future applications for urban uses arguing that a reason for approval is that the property is already within the sewer district.

The property is in an area designated by the County as the South Patterson Agricultural Block. A map showing this 610 acre agricultural area and the St. Athanasius Church parcel is enclosed.

An agricultural mitigation imposed by the County Planning Commission in approving the church is to retain the existing agricultural zoning on the remainder of the parcel. Such zoning can be changed in the future if the General Plan is changed. Placing the entire parcel within the sanitary district will create an incentive for the property owner to seek such a General Plan Amendment.

Likewise, the County-required "agricultural easement" on the remainder of the parcel has limited utility since it will apply only so long as the agricultural zoning exists. The easement will not be held by a land-use preservation agency.

There are two alternatives, either of which is preferable to the proposal as submitted.

- The first option is for LAFCO to approve a smaller annexation that includes only the area that has received land use approval. The portion of the parcel that is to be included in an agricultural easement should not be part of the annexation.

Among the factors the Commission must consider in reviewing the proposal is the "nonconformance of proposed boundaries with lines of assessment or ownership" but there is no legal prohibition against annexing a portion of a legal parcel to a local agency.

It is generally preferred to have local boundary lines adhere to legal lot lines, in this case the County zoning does not allow lots smaller than 10 acres. Rather than annex the entire 22 acres to the Goleta Sanitary District the preferable option is to annex only that portion of the agriculturally zoned parcel that will actually require sewers.

Generally speaking the District and LAFCO agree that entire parcels should be annexed to receive sewer service but this situation should be an exception to that general policy.

- The second option is for LAFCO to authorize the District to provide sewer service by means of an out-of-agency service agreement.

This is similar to out-of-agency service agreements the Carpinteria Sanitary District and LAFCO have approved for urban development on a portion of an agricultural parcel. The enclosed map of the Van Wingerden Out-of-Service Agreement shows the agricultural parcel and smaller area eligible for receiving sewer service from the District.

LAFCO can limit authorized services to the actual church uses as approved by the County and could, in the future, allow sewer connections for other uses on the property such as farm worker housing.

The staff recommends that the Commission approve both options, thereby allowing the District to choose which of the options it prefers.

If the Commission adopts the staff recommendation we are confident the Goleta Sanitary District will provide sewer service to the St. Athanasius Orthodox Church via one of these alternatives to annexing the entire parcel.

#### Either Alternative meets the County requirement for sewers

The County submitted the enclosed April 14 letter indicating support for the annexation to enable the Church to meet the conditions of its approval. It has also submitted the enclosed April 21 letter that either of the alternatives raised by the LAFCO staff – a smaller annexation or service via an out-of-agency agreement – “meet the conditions of the applicant’s Conditional Use Permit and are fully acceptable to the County.”

In consultation with the County staff we are informed that either of the suggested options are also acceptable to the County and will allow the project to meet the County requirement for sewers.

#### Meetings Prior to the Commission Hearing

- LAFCO staff-initiated discussion with interested parties – March 5

In order to explore the issues presented by this application, the LAFCO staff organized a meeting with the parties we thought would be interested in this proposed annexation. The meeting was held on Wednesday, March 5. Attending were representatives of the Goleta Sanitary District (the applicant), St. Athanasius Church (landowner), County Planning Department, City of Goleta and County Supervisor Janet Wolf (the project site is within her Supervisorial District).

The agenda for the meeting included (a) status of the St. Athanasius project and its conditions of approval, (b) inadvisability of annexing the entire 22 acres when sewers are needed for less than five acres, (c) the idea of dividing the parcel and annexing only the church portion and (d) concurrent annexation to the City of Goleta since the only means of access to the site is through the City.

- Goleta Sanitary District Board of Directors Meeting – April 7

As a result of the March 5 discussion the LAFCO staff wrote to the Goleta Sanitary District (March 7 letter enclosed) asking it to consider serving the St. Athanasius church by means of an out-of-agency agreement instead of annexing the entire 22 acre parcel.

On April 7 the District Board, after hearing from LAFCO staff as well as representatives of the Church, expressed the view it does not see this annexation any differently than other annexations. A landowner had requested annexation and the District has agreed to annex the property.

#### Project Information

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

The site is within the District Sphere of Influence and is contiguous to the District.

The existing use of the site is agricultural. As described in the application:

“The annexation area is used for productive agriculture. The parcel has been in agricultural production for at least 60 years, and the entire parcel is considered suitable for irrigated agriculture due to its soils and climate that characterize the South Patterson Agricultural Area.

“Approximately 17 acres of the subject parcel have been continuously leased to the Givens ranch since 2001 as part of John Givens’ combined organic agricultural operation. This existing organic farming operation produces a variety of row crops, including lettuce, eggplant, celery, tomatoes, squash, and strawberries. It is expected that the agricultural use will continue.”

The existing use conforms with the County Comprehensive Plan designation of Urban area and zoning of AG-1-10 (Agriculture, 10-acre minimum parcel size). The proposed church is allowed in this zoning with a Major Conditional Use Permit.

The site is within the Santa Barbara Municipal Airport Safety Area 2 Approach Zone (within 1-mile marker).

Surrounding uses are agriculture on AG-1-10 zoning to the west and south, mixed agricultural and office buildings to the east (within the City of Goleta) and commercial and residential to the north (within the City of Goleta).

2. Topography, Natural Features and Drainage Basins

The site and surrounding area are relatively level.

As described in the application, "No areas proposed for development are within the 100-year flood plain or are otherwise at particular risk for flooding. The agricultural easement required as mitigation would cover the flood zone area of the property, thereby ensuring no development in that area for the life of the easement. (Emphasis added)

3. Population:

There are no dwelling units within the proposal area and none are proposed.

4. 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.

5. Assessed Value, Tax Rates and Indebtedness:

The assessed value and overall tax rate for the property will not be affected by this change.

6. Environmental Impact of the Proposal:

The County of Santa Barbara is the lead agency. It determined significant environmental effects may result from the proposal and prepared and certified an Environmental Impact Report (EIR). This document was distributed to members of the Commission previously.

In accordance with State EIR Guidelines, the County as lead agency adopted mitigation measures to reduce significant effects and has adopted a Statement of Overriding Considerations in order to justify unmitigated impacts. This statement is attached and incorporated as part of this report.

7. 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.

8. 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 site is uninhabited; namely, there are fewer than 12 registered voters.

The boundaries are not definite and certain. A map sufficient for filing with the State Board of Equalization has not yet been received from the proponent.

ALTERNATIVES FOR COMMISSION ACTION

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

OPTION 1 – Staff preferred option - APPROVE the annexation with smaller boundaries and also authorize the District to provide services via an out-of-agency service agreement.

- A. Certify it has reviewed and considered the information contained in the EIR as prepared and certified by the County.
- B. Find that limiting the size of the annexation to the area requiring sewer service is within the LAFCO's jurisdiction and will help mitigate the significant impacts identified in the EIR.
- C. Certify it has considered the findings and statement of overriding considerations attached to this report as required by the California Environmental Quality Act.
- D. Adopt the enclosed resolution approving the proposal, known as St. Athanasius Orthodox Church Annexation to Goleta Sanitary District, limited to that portion of the application area that is not within the County-required agricultural easement.
- E. Condition the annexation upon the territory being liable for the indebtedness of the annexing agency and any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the District.

- F. 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.
- G. Waive the conducting authority proceedings and direct the staff to complete the proceeding.
- H. Adopt the enclosed resolution authorizing the Goleta Sanitary District to provide out-of-agency services to the approved church facilities subject to the specific terms and limitations as an alternative to annexing the church property.

OPTION 2 – APPROVE the proposal as submitted.

- A. Certify it has reviewed and considered the information contained in the EIR as prepared and certified by the County.
- B. Certify it has considered the findings and statement of overriding considerations attached to this report as required by the California Environmental Quality Act.
- C. Adopt this report and approve the proposal, to be known as St. Athanasius Orthodox Church Annexation to Goleta Sanitary District.
- D. Condition the annexation upon the territory being liable for the indebtedness of the annexing agency and 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 3 – Adopt this report and deny the proposal.

OPTION 4 - Continue the proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1: Provide the District with a choice by approving the annexation with smaller boundaries and authorizing the District to provide service via an out-of-agency service agreement.

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BOB BRAITMAN  
Executive Officer  
LOCAL AGENCY FORMATION COMMISSION

Enclosures:

March 7 letter to Kamil Azoury from the Executive Officer  
April 14 letter to the Executive Officer from John Baker  
April 21 letter to the Executive Officer from John Baker  
Map of South Patterson Agricultural Block  
Maps of proposed St. Athanasius Orthodox Church Annexation (2)  
Map of Van Wingerden Out-of-Service Agreement (Carpinteria Sanitary District)  
County Findings and Statement of Overriding Considerations (Attachment A)  
LAFCO Resolution Approving Annexation of Church Portion of Parcel  
LAFCO Resolution Approving Out-of-Agency Service Agreement