

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT (OASA)

September 5, 2019 (Agenda)

LAFCO 19-05 Santa Ynez Community Services District (SYCSD) to provide Wastewater Collection Services to 2401 Janin Way, Solvang, CA 93463 (APN 139-051-020). **(Exhibit A)**

PROPONENT: SYCSD by on behalf of the property owners Albert and Linda Linder.

PURPOSE: On July 16, 2019, County Environmental Health sent the property owners a Notice to Correct Substandard Septic System and a Recommendation to Correct stating that (i) the septic system serving the property is severely damaged and requires abandonment or replacement, and (ii) the septic system disposal field is not adequately absorbing the tank effluent. The reason that the property owners wish to connect to the SYCSD's sewage collection system is to remedy this situation.

GENERAL ANALYSIS:

1. Description of Project

The property owners need to correct a failing septic tank. The SYCSD approved a resolution of application on July 18, 2019 agreeing to connect the single-family residence to the district's sewage transmission line which front the property. The district has an agreement with the City of Solvang to treat the effluent in the city's wastewater treatment plant. Connection to the district line would be a preferred option to installing an advanced septic system. The properties in the Janin Acres Subdivision has been determined to be a Special Problems Area.

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."

Government Code Section 56133(c) reads as follows: The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat

to the health or safety of the public or the residents of the affected territory. The County Public Health Department has documented that the existing septic tank is inadequate and should be replaced or abandoned (**Exhibit B**).

3. Sphere of Influence

The area proposed for the Out-of-Agency Agreement is within the City of Solvang's sphere of influence. The City of Solvang has previously submitted a letter agreeing to allow the Santa Ynez Community Services District to provide sewer services to an adjacent site (**Exhibit C**).

The Janin Acres area may be an area that will be addressed in a future Municipal Service Review/Sphere of Influence update.

4. Plan for Services:

The Santa Ynez CSD has agreed to serve the site with sewage collection service. The district has indicated that it has sufficient capacity to serve the one-acre site.

5. 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.

6. Environmental Impact of the Proposal

The Santa Ynez CSD has prepared a Categorical Exempt (Class 1 and Class 3) from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures. (**Exhibit D**)

EXHIBITS

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

Exhibit C      Categorical Exemption Class 1 and 3, CEQA Guidelines Section 15301 and 15303  
Exhibit D      Out-of-Agency Service Agreement

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 E**), subject to the following terms and conditions:

- a). Find the proposal to be Categorically Exempt (Class 1 and Class 3) from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 which exempts operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses, and 15303, which exempts construction and location of limited numbers of new and small facilities or structures; installation of new equipment and facilities in small structures.
- b). Find that this project the proposed sewer line connection would not result in additional impacts since there will be no modification to the original development approval and no change in use. The sewer line connection would be provided solely to mitigate a threat to the health and safety of the public.
- c) Wastewater service will be limited to the approximately 0.93-acre site located at 2401 Janin Way, Solvang, 93463.
- d) The landowner shall execute and record an agreement approved by the Executive Officer that consents to any future annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.

e) Said out-of-agency service agreement is for sewer service only shall remain in effect until such time as an annexation to the Santa Ynez Community Services District is approved by the Commission and becomes final.

OPTION 2 –Deny the request.

OPTION 3 - Continue the item to obtain additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



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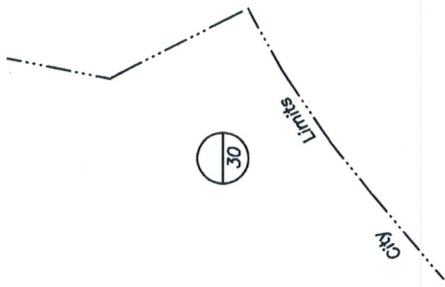
PAUL HOOD  
Executive Officer  
LOCAL AGENCY FORMATION COMMISSION



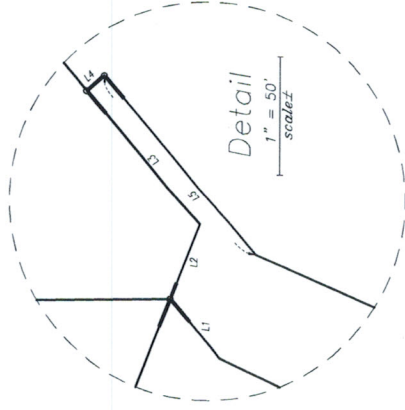


POR. SEC 14 T6N R31W SBB&M

139-05



NO.	BEARINGS	DISTANCE
L 1	N49°28'32"E	32.83
L 2	S88°25'46"E	33.85
L 3	N49°28'32"E	74.59
L 4	S49°28'32"W	66.10
L 5	S49°28'32"W	100.14



**NOTICE**  
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

06

052

04

053

51

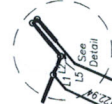
LD/10 051-047 into 57 & 58

Assessor's Map Bk, 139-Pg, 05  
County of Santa Barbara, Calif.

04

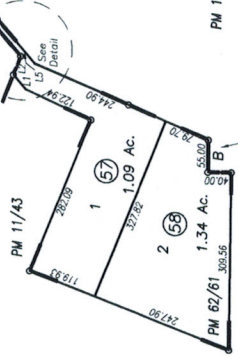
051

PM 10/63



25

PM 44/25 PM 44/23



PM 44/25 PM 44/23

53

04/28/1955 R.M. Bk. 35, Pg. 80, Tract "Louis Janin Tract"

**EXHIBIT "A"**

**Legal Description**

The following described property in the City of Solvang, County of Santa Barbara, State of California:

LOT 9 OF THE LOUIS JANIN TRACT, ACCORDING TO THE RECORD OF SURVEY THEREOF RECORDED APRIL 28, 1955 AS INSTRUMENT NO. 7736 IN BOOK 35, PAGE 80 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE WEST HALF THEREOF.

ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN AND TO THE OIL, GAS AND OTHER HYDROCARBON SUBSTANCES UNDERLYING OR BEING IN SAID LOT OR PARCEL, AS RESERVED IN DEED FROM ERWINA D. JANIN, TRUSTEE, ET AL, AND RECORDED OCTOBER 6, 1955 AS INSTRUMENT NO. 17947 IN BOOK 1339, PAGE 195 IN THE OFFICE OF THE COUNTY RECORDER.

**Notice to Correct**  
**Substandard Septic System**

July 16, 2019

Albert and Linda Linder  
2401 Janin Way  
Solvang, CA 93463

SUBJECT: Septic System Located at 2401 Janin Way, Solvang

As required by the Local Agency Management Program, Environmental Health Services is in receipt of a Septic Tank Inspection Report dated 7/8/2019 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



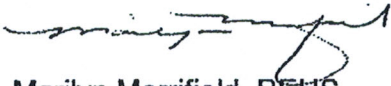
Notice to Correct  
July 16, 2019  
Page 2

The Local Agency Management Program 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.

The permit fee for a repair, an abandonment is \$713.00 and \$301.00 respectively. The application submittal fee for a new system is \$255.00. 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-139-051-020

# County of Santa Barbara

## Septic tank Inspection Report

Department Date Stamp

Date of Service: 7-8-19  
 Owners Name Albert Linder Phone: (805) 705-65-45  
 Location of Inspection: 2401 Janin Way Solvang, CA 93463  
(ADDRESS) (CITY) (ZIP)

No. of Bedrooms: 3 Year Septic System Built: \_\_\_\_\_  
 Septage disposal location / date: GWWRP 17-8-19

**System Components:**  
 Septic tank with leach field or drywell  
  Septic tank with seepage pit (hollow)  
  Cesspool  
  Other  
 Estimated capacity of septic tank: 1500 gal. No. of compartments: 2 Amount pumped: 1500 gal  
 No. of access lids: 2 Depth to lids: 6" Diameter of lids: 24"

**Construction of septic tank:**  
 Rectangular  
  Round  
  Other  
 Concrete  
  Fiberglass  
  Plastic  
  Brick  
  Other \_\_\_\_\_

<b>Condition of tank:</b>		No	Yes			No	Yes
Tank deteriorated	<input type="checkbox"/>	<input checked="" type="checkbox"/>		inlet tee present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Baffle wall deteriorated	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Outlet tee present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lids are deteriorated	<input type="checkbox"/>	<input checked="" type="checkbox"/>		House lateral open	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Heavy grease buildup	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Needs pumping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Minimum concrete thickness at lids: 2" Method of measurement: tape  
 Prior to pumping, was effluent above outlet tee?  No  
  Yes (may indicate failing system)  
 Any signs of past drainage problems?  No  
  Yes, location: \_\_\_\_\_

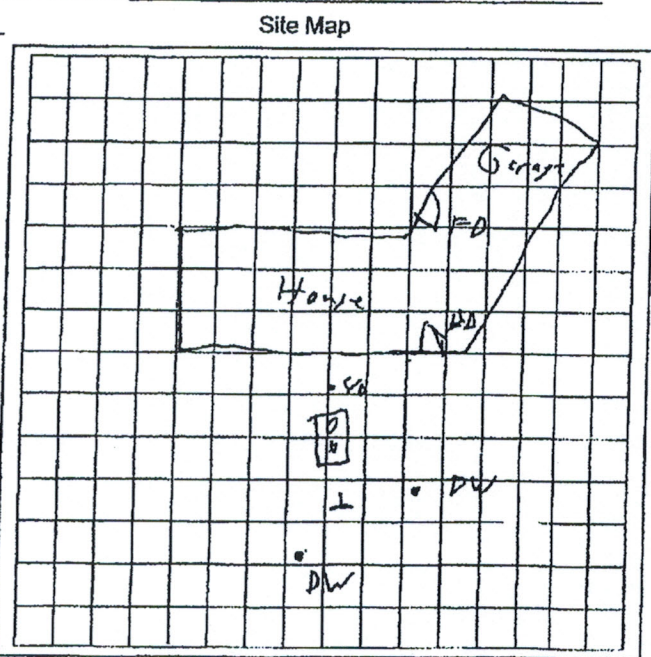
Maintenance performed: pump septic tank  
Verification of system

System appears to be functioning satisfactorily?  
 No  
  Yes  
 Repairs / Upgrade required?  
  No  
  Yes  
 1. NTC-1  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

Comments / recommendations: septic tank be replaced  
 Did a qualified inspector personally inspect system?  
 No  
  Yes

**Clay's Septic & 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: [Signature] Date: 7-8-19 Phone: (805) 929-5065





Contractor's License #674109

Date: 7-8-19

867 Guadalupe Street, Guadalupe, CA 93434 | P: 1-800-928-CLAY (2529) | F: 866-728-8770 | info@clays-septic.com | www.clays-septic.com

Address: 2401 Janin Way

Location (Main house, Guest house, Barn, Warehouse, etc.): Main house

**Drainage Field:**

Leach lines

Type:  Chamber  Rock & Pipe  Other: \_\_\_\_\_

Number of leach lines: \_\_\_\_\_ Length of each line: \_\_\_\_\_ feet Width of leach lines: \_\_\_\_\_ feet

Total square footage of leach field \_\_\_\_\_ feet<sup>2</sup>

Seepage pit:

Number of Seepage pits: 2  Hollow  Rocked  Backhoe Pit

Diameter of each pit: 4' feet Depth of pit: — feet

Total square footage of Seepage pit — feet<sup>2</sup>

Signs of effluent surfacing:  Yes  No \_\_\_\_\_

Distance from Well: — feet Distance from foundation: 36' feet

Distance from streams, lakes, ponds, natural drainage courses: 500' feet

Amount of water perked 300 gallons

**Drainage field:**  Passed  Repairs Recommended  Failed  N/A

Notes: inspection ports over each drywell to grade, located distribution box 5' off end of septic tank

It is the opinion of Clay's Septic & Jetting, Inc that this individual sewage disposal system, with proper maintenance, can be expected to function satisfactorily and is not likely to cause unsanitary conditions. This is not a guarantee.

It is the opinion of Clay's Septic & Jetting, Inc that the septic system is functioning. Although, we recommend that repairs be performed. See notes

It is the opinion of Clay's Septic & Jetting, Inc that the system is not in good working order and will not function properly without repairs. See notes

Inspected by: Micah Norling Signature: [Signature] Date: 7-8-19  
Print Name

Address: 2401 Janin Way

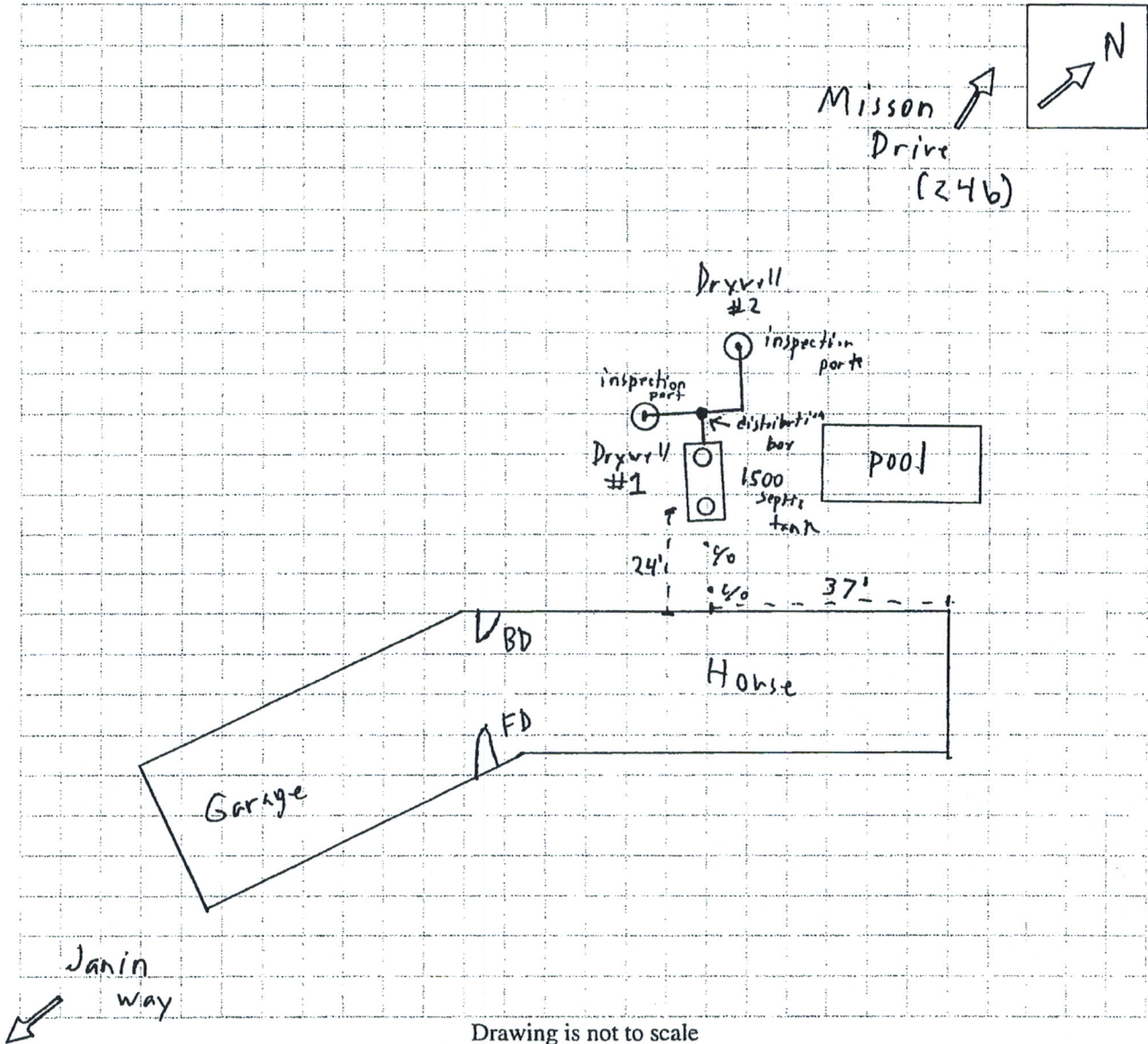


Date: 7-8-19

Contractor's License #674109

867 Guadalupe Street, Guadalupe, CA 93434 | P: 1-800-928-CLAY (2529) | F: 805-929-1192 | info@clays-septic.com | www.clays-septic.com

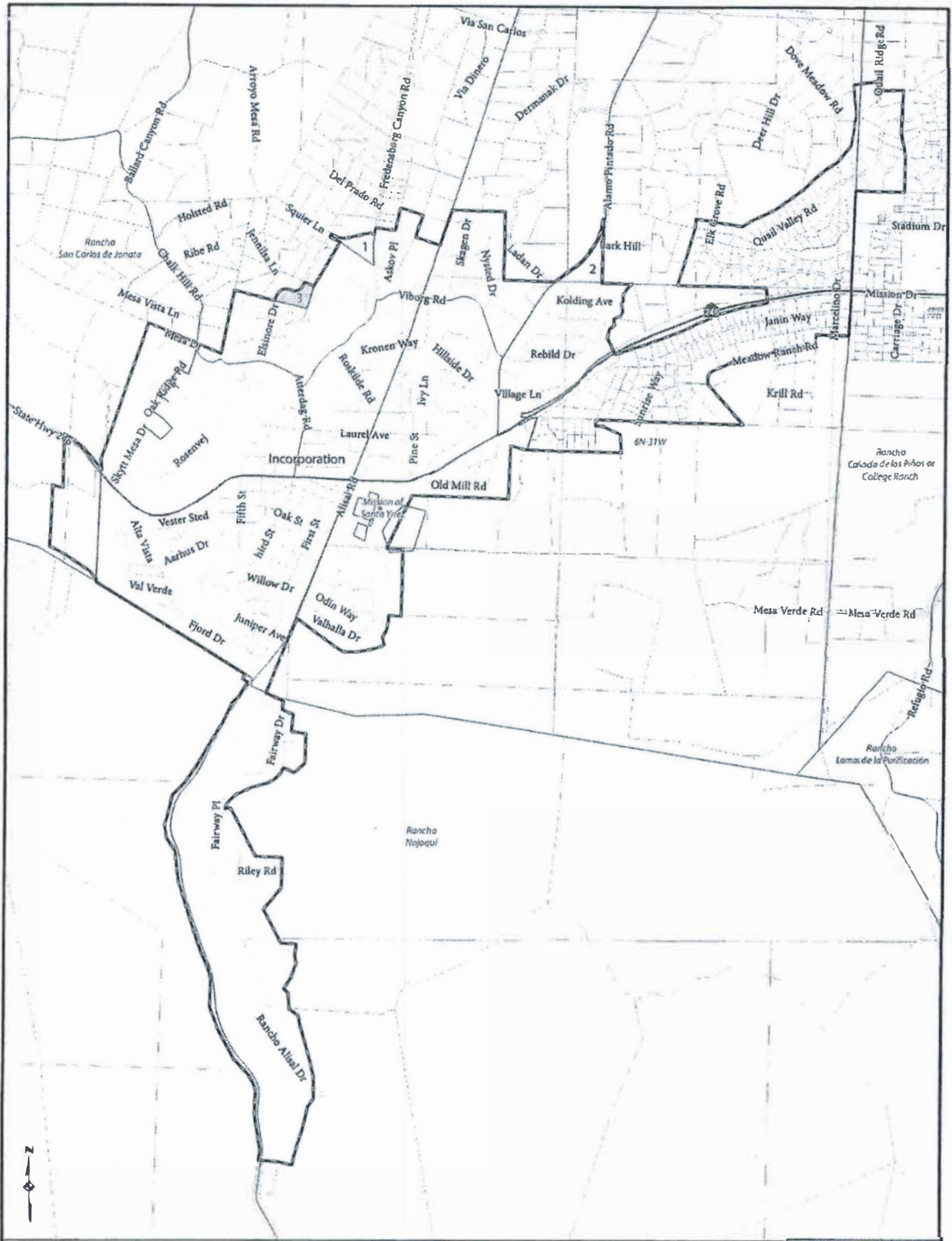
### Map



#### GPS:

① Septic Tank	Latitude <u>34° 36.237' N</u>	Longitude <u>120° 7.037' W</u>
② <del>Leach Field</del> Drywell #1	Latitude <u>34° 36.237' N</u>	Longitude <u>120° 7.042' W</u>
③ Dry Well #2	Latitude <u>34° 36.242' N</u>	Longitude <u>120° 7.041' W</u>
④ Distribution Box	Latitude <u>34° 36.238' N</u>	Longitude <u>120° 7.041' W</u>
⑤ Water Well	Latitude _____	Longitude _____
⑥ _____	Latitude _____	Longitude _____





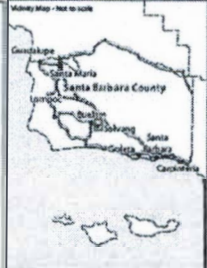
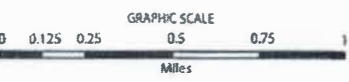
### City of Solvang

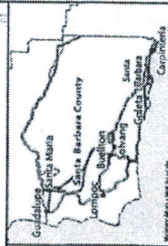
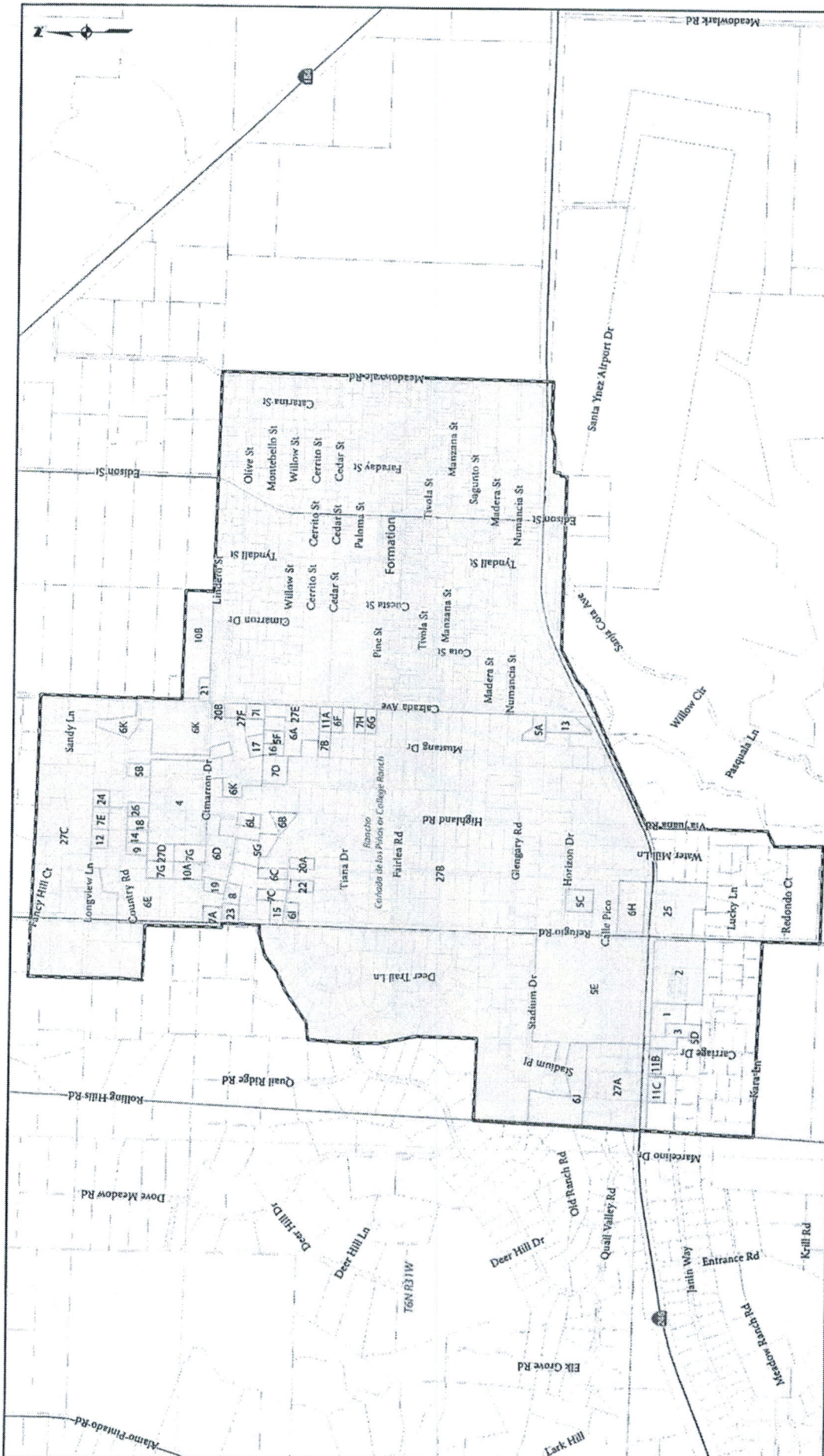
Compiled by the Office of the County Surveyor in July of 2016.  
 Incorporated 12/17/1984, by LAFCO Case 82-R-1,  
 Recorded as 1984-0066853, Official Records.  
 Last Action: 3. Seltzer Modification,  
 Out-Of-Agency-Agreement LAFCO 05-14, 9/1/2005.  
 Sphere: 11/4/2010. See boundary activity table at  
<http://www.countyofsb.org/pwd/pwsurveyor.aspx?id=5118>

NOTICE OF DISCLAIMER: This data is for reference only. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used to develop the database may be reflected in this data. Santa Barbara County shall not be liable for any errors, omissions, or damages that result from inappropriate use of this document. No level of accuracy is claimed for the boundary lines shown hereon and lines should not be used to obtain coordinate values, bearings or distances.

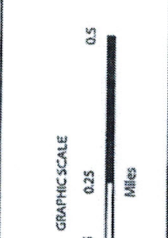
#### Legend

- Freeways
- Highways
- Roads
- Railroad(s)
- Parcels
- Sections
- Ranchos and Townships
- City Boundary
- Sphere of Influence
- Out-of-Agency
- Annexation
- Incorporation
- Detachment





- Legend**
- Freeways
  - Highways
  - Roads
  - ▭ Parcels
  - ▭ Sections
  - ▭ Ranchos and Townships
  - ▭ Sphere of Influence
  - ▭ Formation
  - ▭ Annexation
  - ▭ Detachment



### Santa Ynez Community Services District

Compiled by this Office of the County Surveyor on 06/20/2018. Formed by Board of Supervisors Resolution 71-773. Recorded 11/29/071. Inset: 2374/03/48. Last Action: 27 LAFCO 16-02. West Santa Ynez Annex, 03/29/2017. Sphere: 04/05/2012. See boundary activity table at <http://www.countysos.org/pw/pw/surveyor.aspx?lid=23280>

**NOTICE OF DISCLAIMER:** This data is for reference only. Although every effort has been made to ensure the accuracy of information, errors may be listed for any amount, conditions, or dimensions that result from the data. Santa Barbara County shall not be liable for any amount, conditions, or dimensions that result from the data. Santa Barbara County shall not be liable for any amount, conditions, or dimensions that result from the data. Santa Barbara County shall not be liable for any amount, conditions, or dimensions that result from the data. Santa Barbara County shall not be liable for any amount, conditions, or dimensions that result from the data.





LAFCO FILE NO. 19-05 OUT-OF AGENCY SERVICE AGREEMENT (OASA)

AUTHORIZATION FOR THE SANTA YNEZ COMMUNITY SERVICES DISTRICT TO  
PROVIDE OUT-OF-AGENCY SERVICES TO THE LINDER PROPERTY  
(2401 Janin Way, Solvang, CA 93463, APN 139-051-020)

WHEREAS, the Santa Ynez Community Services District (SYCSD), with the consent of the property owner, has 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 SYCSD to provide services outside of its boundaries at 2401 Janin Way, Solvang, CA 93463; and

WHEREAS, the Policy Guidelines and Standards of the Santa Barbara Local Agency Formation Commission empower the Chair of the Commission to authorize cities and special districts to provide services outside their boundaries under specified circumstances, and

WHEREAS, the provision of sewer service to the subject property meets the circumstances as set forth in the Commission's policies to allow the Chair to authorize the extension of service.

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

- (1) Said out-of-agency services agreement is hereby approved.
- (2) The approval is subject to the following terms and conditions:
  - A. The approval applies to current and future property owners.
  - B. Sewer service is to only authorized service.
  - C. The extension of other services is subject to future LAFCO review.

This authorization is effective on the date signed by the Chair.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Steve Lavagnino, Chair  
Santa Barbara Local Agency Formation Commission