

LAFCO

Santa Barbara Local Agency Formation Commission

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September 3, 2009 (Agenda)

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

Correspondence to Giovanni Cargasacchi re Lakeview Estates

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive and file this informational report.

DISCUSSION

At the June 4 meeting the Commission received a letter dated April 22 from John Cargasacchi expressing his concerns about the Lakeview Estates subdivision. A copy of his letter without its attachments is enclosed for your reference. A similar letter from Mr. Cargasacchi dated April 3 was addressed to the County.

Some issues raised in his letter were addressed during the Commission's review and approval of the 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.

The staff was directed, in consultation with County staff, to respond to the concerns addressed in Mr. Cargasacchi's letter. The County's August 12 response to Mr. Cargasacchi is enclosed as is my August 17 letter to Mr. Cargasacchi.

Please contact the LAFCO office if you have any questions.

Very truly yours,



BOB BRAITMAN
Executive Officer

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 Purisima 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?

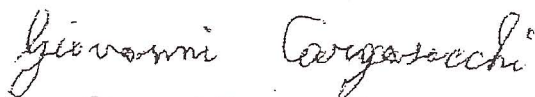
I believe that this road problem can be resolved if the correct facts and the necessary repairs needed on Sweeney Road are made public, and the County and public are made fully aware of these issues since they will very likely have to pay for them. As recommended in the past by various County officials, 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.

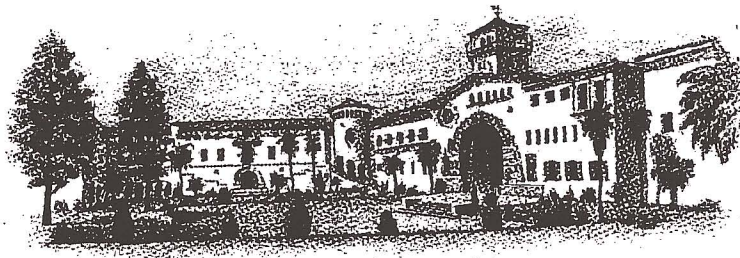
Sincerely,



Giovanni Cargasacchi
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(805) 736-0463

enclosures

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SANTA BARBARA COUNTY BOARD OF SUPERVISORS

August 12, 2009

Giovanni Cargasacchi
PO Box 188
Lompoc CA 93438

Dear Mr. Cargasacchi:

I am writing in response to your April 3 letter regarding the Lakeview Estates area and the related issue of the Santa Rita Hills Community Services District.

I have asked members of the County staff including the Fire Department, Public Works and Planning and Development to review the issues raised in your letter, many of which seem to have been ongoing for several years. Hopefully we can put the matter to rest. I will try to address the issues you have raised.

First is access to the Santa Rita Hills CSD. You are correct that the Fire Department in 1986 recommended two access roads into the Lakeview Estates parcels in a memorandum to the Public Works Department. That recommendation however was not included in the requirements ultimately adopted by the Board of Supervisors. The County staff can locate no written requirement stating a second access road is required.

The May 9, 2008 letter by then-County Fire Chief John Scherrei to LAFCO Executive Officer Bob Braitman that states a single access road to Lakeview Estates would satisfy County Fire Department standards is the official position.

The Fire Chief's letter states the Department will honor this position provided the existing Lakeview Estates subdivision retains the original configuration, meaning there is no further parcelization of the existing lots.

There is no correspondence current or past requiring a second access for the Lakeview Estates subdivision. The May 20, 1986 letter to the Public Works Department from the County Fire Department was a recommendation and not an action by the Board of Supervisors. Your letter incorrectly states that the May 20, 1986 letter constitutes a "decision" by the Board of Supervisors.

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A portion of your letter refers to the Rancho Dos Mundos, also known as the Marks property, by stating the Board of Supervisors requires that this property have a second access road. The staff has examined the County's records and cannot find where this is a requirement for this property. Rancho Dos Mundos is a $\frac{3}{4}$ acre "remainder" parcel that was created when the former "Lakeview Estates" was sub-divided in 1968. It is a legal, non-conforming parcel. It contains a single family residence that was built in 1960 by the previous owners Ted and Stella Lundberg.

Mr. and Mrs. Lundberg wanted to continue to live in their home following their family's decision to sell the Dyer Ranch (which became the Lakeview Estates) so this small parcel was left to them. In 1978 the members of the Marks family formed Rancho Dos Mundos as a family partnership and in 1985 that partnership acquired title to the $\frac{3}{4}$ acre parcel from the Lundbergs.

While not technically part of "Lakeview Estates" the parcel was created by the same map recordation that subdivided the 1600 acre Dyer Ranch in 1968. When the Fire Department agreed to exempt the subdivision from a second access it could not have intended to require that the Rancho Dos Mundos parcel have two means of access when the adjacent subdivision only had one. Moreover, the residence and barn on the property pre-date the subdivision and were permitted and built with a single access. This pre-existing construction would be categorically exempt from any new access requirements.

The Fire Department letter dated July 22, 1999 to Mr. Chris Marks does not require a secondary access road. It requires conformance with a memorandum of agreement and easement location document on file with the Recorder (Case #90-017789 recorded March 16, 1990).

You correctly note Lakeview Estates has been established as a "special problems area." The parties involved understand this occurred and pertains to the Lakeview Estates properties. An internal Fire Department document listing the Fire Department requirements for the Lakeview Special Problems Area does not mention a secondary access road. It addresses only Sweeney road to the western edge of Lakeview and the internal Lakeview road system.

In summary, your letter reiterates your view that two access roads are "required" which is a position the County staff cannot verify or locate an action by the Board of Supervisors.

Sweeney Road is clearly a rural road and not constructed to urban road standards but County staff does not agree that it is "substandard" as stated in your letter. Similar to many County roads Sweeney Road could benefit from various improvements. Nonetheless it is a publicly maintained road typical of many

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County rural roadways which adequately serve the traveling public. Should traffic increase in the future there will be corresponding requests from the public to improve the road and that matter will be addressed to the County's annual road fund budget setting process.

In discussing the private road easement crossing the Cargasacchi property you mention your "understanding" that most of the Lakeview traffic would be using Mail Road. County staff can find no record that that is the County's position or understanding. The easement across the Cargasacchi property is intended to provide access to the parcels within the Lakeview Estates.

Your letter indicates that present or past owners of the Lakeview Estates properties have not paid money to the Cargasacchi Ranch owners for an easement. We understand that you as the owner of Cargasacchi Ranch or your predecessor received funding from the title company following recordation of the Lakeview Estates subdivision in order to acquire the easement allowing travel from the end of Sweeney Road to the Lakeview Estates parcels.

It is our understanding discussions are underway and close to being completed that would allow the Lakeview Estates property owners to improve the road that is located on the easement. This is important with respect to your reference to the June 27, 2007 letter you received from Planning and Development signed by Barbara Walshon.

The Lakeview Tract consists of legal, buildable parcels. However, the approval of permits, including ministerial permits for habitable structures, requires a finding of Comprehensive Plan consistency. Land Use Development Policy 4 of the Comprehensive General Plan requires demonstration of adequate public/private services including access.

The Board of Supervisors and County staff as well as the general public are aware of the dangers posed by wild fires in Santa Barbara County. When there are significant wild fires the Fire Department and associated forces apply their resources where they can be used most effectively.

While ideally Sweeney Road should not be the sole entrance and exit to the Lakeview Estates area, and other properties along Sweeney Road, and perhaps alternative routes can be developed, that is not required for existing Santa Rita Hills CSD properties. Perhaps you and other property owners within the Lakeview Estates area can cooperatively develop and locate alternative means of access. County departments are interested and available to discuss this idea.

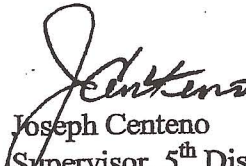
Giovanni Cargasacchi
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Your feeling that Building, Safety and Health codes are not enforced in the Lakeview Estates subdivision is incorrect. The letter to which you refer was a decision to place violation cases "on hold" pending creation of the Santa Rita Hills CSD.

All affected parties understand these issues have been ongoing for several years. We hope this response is sufficient to address the questions you have raised in your letter

Although you have requested that I bring this matter to the attention of the Board of Supervisors for discussion I believe that this review of issues you have raised is sufficient and that no benefit would be gained by a rehashing the same matters at a Board meeting. Should you feel differently, please get back to me with an indication of what specifically you believe the Board should be requested to do at this time.

Sincerely,


Joseph Centeno
Supervisor, 5th District

cc: Each Member of the Board of Supervisors
Dianne Black, Director of Development Services, Planning and Development
Bob Braitman, Executive Officer, Santa Barbara LAFCO
Michael Dyer, County Fire Chief
Michael Ghizzoni, Chief Assistant County Counsel
Chris Hahn, County Fire Department
John Karamitsos, Supervising Planner, Planning & Development
Scott McGolpin, Director, Public Works Department
Bret Stewart, County Public Works Department
Board of Directors, Santa Rita Hills Community Services District

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August 17, 2009

Giovanni Cargasacchi
PO Box 188
Lompoc CA 93438

Lakeview Estates and Santa Rita Hills Community Services District

Dear Mr. Cargasacchi:

The LAFCO staff was directed, in consultation with County staff, to respond to the concerns addressed in your April 22 letter addressed to Commission Chair Bob Orach.

We have reviewed the August 12 letter from Supervisor Joe Centeno that responds to the issues raised in your letter and do not think we have much to add. Formation of the Santa Rita Hills Community Services District, recorded on June 5, 2009, essentially concludes the Commission's involvement in this matter. A copy of the Commission's resolution approving the formation subject to specific terms and conditions is enclosed for your reference.

Please contact the LAFCO office if you have any questions.

Very truly yours,



BOB BRAITMAN
Executive Officer

cc: Board of Directors, Santa Rita Hills CSD
Supervisor Joni Gray
Dianne Black, Planning and Development
Michael Dyer, County Fire Chief
Michael Ghizzoni, Chief Assistant County Counsel
Chris Hahn, County Fire Department
John Karamitsos, Planning and Development
Scott McGolpin, County Public Works Director
Brett Stewart, County Public Works Department