



Carpinteria Sanitary District

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October 30, 2008

Honorable LAFCO Commissioners
Santa Barbara LAFCO
105 East Anapamu Street
Santa Barbara CA 93101

**Subject: Proposed Policy for Extending Services to Agricultural Parcels
Item 8: November 6, 2008 LAFCO Agenda**

On behalf of the Board of Directors of the Carpinteria Sanitary District (District), I am writing to express our agency's concerns regarding the subject draft policy. This matter was not on our radar screen when it was first considered by Santa Barbara LAFCO on October 2, 2008. Nevertheless, we trust that our comments will be seriously considered by LAFCO, and that LAFCO will reject this flawed draft policy.

First and foremost, the provision of public utility service should not be used as a tool to control or limit growth. In many cases, public sewer service is necessary to protect human health or the environment. The proposed policy, if adopted, will undoubtedly prevent the District from serving parcels in this situation.

While the general intent of the proposed policy may appear to support LAFCO's objectives regarding preservation of agricultural lands, a blanket requirement regarding the use of out of agency service agreements (OASAs) fundamentally violates LAFCO's objectives regarding establishment of logical and orderly boundaries for local government.

There are many layers of protection already in place that prevent unnecessary and inappropriate development or conversion of agriculturally zoned parcels. These include Williamson Act Contracts, Specific and Area Plan requirements, General Plan land use designations, existing zoning designations, special zoning overlays and other existing land use management tools. The greatest level of protection, in our opinion, is afforded by the County of Santa Barbara's discretionary permit process and the California Environmental Quality Act. In the Carpinteria area, the Coastal Commission also has jurisdiction over conversion of any agricultural lands that this District could conceivably serve.

If all of these mechanisms, and others, fail to uphold LAFCO's objectives regarding preservation of agricultural lands, LAFCO has specific authority to deny any annexation proposal that comes before it. The proposed policy, if adopted, only serves to shed responsibility for decisions that are, by statute, the responsibility of LAFCO.

Section 56133 of the Government Code provides specific conditions for provision of utility service via OASAs. This section of the Cortese-Knox-Hertzberg Act does not intend for OASAs to be used a permanent solution or as a tool to avoid normal, orderly boundary changes. Section 56133 does allow for temporary use of an OASA to serve parcels within an agency's sphere of influence until a proper annexation can be completed. Because the District's sphere of influence is contiguous with its service area boundary (i.e. there are no parcels within our sphere that are not already served), interim use of an OASA is not a practical option, as a sphere amendment generally takes just as long to complete as a regular annexation proceeding.

The only other time an OASA can be legally used (in lieu of annexation) is for property outside an agency's sphere of influence when public service is necessary to respond to an existing or impending threat to public health or safety and documentation of said threat can be provided to LAFCO. The statute does not provide any direction regarding what constitutes a "threat to public health" or who is to provide said documentation. The District does not have the ability to make this determination or provide documentation of such a condition. Furthermore, sewer service may be required (or desired) to protect the environment and/or prevent water quality degradation.

Accordingly, the proposed policy appears to be wholly inconsistent with the provisions of Government Code Section 56133.

There are many other practical reasons that the District believes the use of an OASA as a permanent means of serving any parcel is inappropriate.

- They create disorderly boundaries and separate user classes.
- Property owners are deprived of the right to vote in District elections and the opportunity to pursue elected District office.
- They require special accounting and tracking within the District's billing database and mapping systems.
- Jurisdictional issues are created, specifically with respect to District ordinances.
- Tracking requires additional effort on the part of District staff.
- They may complicate tax exchange agreements and tax area boundary determinations.

Although the District is not fully aware of all of the circumstances or details surrounding the recent annexation of St. Anthanasius Orthodox Church to the Goleta Sanitary District, it appears that the proposed policy revision is simply reactive to that one matter. From the District's

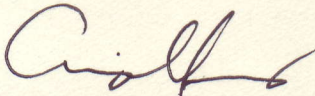
perspective, it appears that the policy was developed and advanced without giving due consideration to all of the potential implications it may have throughout the County. This type of blanket policy, in our opinion, is unnecessary and creates more potential problems than potential solutions.

It is also important to remember that it is the individual utility providers who decide whether or not to provide service to prospective customers. The District may elect not to move forward with future service requests from certain property owners, solely because of the limitations and requirements that the proposed policy would put in place.

Finally, the District encourages LAFCO to reject the proposed policy, or alternatively to direct LAFCO staff to seek input from all of the public utility providers and the owners of agriculturally zoned parcels that may be impacted by the change.

Thank you for your consideration in this matter. Please don't hesitate to contact me at (805) 684-7214 x12 or by email at craigm@carpsan.com if you have questions.

Sincerely,
CARPINTERIA SANITARY DISTRICT



Craig M. Murray, P.E.
General Manager

cc: CSD Board of Directors
Tony Trembley – Nordman, Cormany, Hair & Compton LLP
Sanitation Agency Managers Association Representatives (via email)