

LAFCO

Santa Barbara Local Agency Formation Commission

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June 5, 2008 (Agenda)

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

Formation of Santa Rita Hills Community Services District

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive public testimony, adopt this report and approve the formation of the proposed Santa Rita Hills Community Services District subject to the terms and conditions set forth below.

The recommendation is similar to that submitted to the Commission when this matter was heard on December 6, 2008 with the exception of excluding water from the list of District services.

DISCUSSION

This is a Supplemental Executive Officer Report to be considered in conjunction with the original December 6, 2007 report.

A copy of the original report is being provided to the Commission with the June 5 packet. Also being distributed with the packet is miscellaneous correspondence submitted with requests that it be distributed to the Commission.

Nothing has transpired since this matter was first heard by the Commission that has caused the staff to change our recommendation for approval of the formation of the District. We think the concerns that have been voiced have been addressed or can be addressed by proper conditions.

Based upon concerns expressed by Bruce Wales, General Manager of the Santa Ynez River Water Conservation District and the fact there are no plans for the proposed District to acquire water rights or supply water to parcels within its boundaries, the staff has concluded it is preferable to exclude the provision of water from the list of authorized District services.

Background

The formation of this Community Services District was initiated by a petition and considered by the Commission on December 6, 2007. After considering the staff report and significant public testimony regarding the proposed formation, the Commission continued the hearing to February 7 and directed the staff to:

- Convene the affected landowners in an effort to reach an agreement regarding road access,
- Contact the Agricultural Advisory Committee regarding the impact of the formation of this district on agriculture in the Santa Rita Hills,
- Explore the ability of the Commission to control the District's exercise of eminent domain, and
- Further study hydrologic impacts of increased housing and farming in the area on the water supply in the Santa Ynez River.

At the February meeting we reported that the Agricultural Advisory Committee had considered this matter and we were continuing to analyze the other issues. The Commission continued the proposal to the next Commission meeting to be held in Santa Maria, which is the June 5 meeting.

Following is our report on the topics that were discussed on February 7:

Discussion among the affected parties regarding access

The staff convened a meeting with landowners and their representatives on January 24 and again on January 28. The major topic was road access for the Lakeview Estates subdivision.

Issues discussed in relation to the access road were its location, pitch and drainage but none of the discussion dealt with "internal" access roads within the proposed District. Matters regarding the access road are not part of the application to form the District and further discussion regarding the access road is not essential to its formation.

Note: The location of an easement and design of the roadway to allow access from the terminus of Sweeney Road across the John Cargasacchi property to the Lakeview Estates subdivision is a matter of public record. The construction of this road is a matter for the affected property owners to resolve among themselves and is beyond the Commission or its staff's ability to resolve.

During these discussions it became clear there are conflicts between some of the landowners, some of which are long standing. These are beyond the Commission's ability to resolve. The formation of a District will provide a local mechanism for landowners to act collectively for the common good. No such mechanism presently exists.

It is precisely in this type of situation that a locally accountable public agency can serve to resolve conflicts. The staff cannot help but be impressed by the almost unanimous written expressions of support by landowners whose properties would be located within the District.

County Agricultural Advisory Committee

The staff attended a meeting of the County Agricultural Advisory Committee on January 9, 2008 when this matter was considered. Testimony was provided by various landowners and by representatives of the agricultural community.

Committee members are concerned about potential impacts on adjacent farming operations, with specific apprehension about possible use by the District of eminent domain power to obtain a second access road by condemning and purchasing nearby agricultural property.

The relevant portion of the minutes of the meeting is enclosed and states ". . . carried by a unanimous vote to oppose the formation of the Santa Rita Hills Community Services District, because of concern for surrounding agriculture, unless a mechanism is in place to eliminate condemnation of adjacent agricultural parcels outside the proposed CSD."

The staff believes this concern is addressed by not permitting the District to provide services, including an access road, outside of its boundaries.

- Single Access Road is Allowed by the County

The question of the possible need for a secondary access road has been raised during these deliberations. The question is whether the County Fire Protection District will allow construction of new homes and other structures within the Lakeview Estates subdivision.

This matter is addressed in the enclosed letter from the County Fire Chief confirming our earlier understanding that a single means of access is acceptable for use of the existing lots.

- Restrict Condemnation Authority for Second Road Access

Our view, developed in consultation with Legal Counsel, is that LAFCO can probably not restrict a Community Services District from being able to exercise the powers inherent in the

governing act for all such public agencies. This includes statutory authority to exercise the power of eminent domain to condemn property for public purposes.

The Commission, however, can restrict the exercise of such power to territory within the District by (1) limiting the District Sphere of Influence to its formation area and (2) not permitting the District to provide services, including construction of an access road, outside of its boundaries, pursuant to the authority in Government Code Section 56133.

This is consistent with Community Services District Law, specifically Government Code Section 61101 that states unequivocally:

“A district may provide the facilities and services authorized by Section 61100 outside its boundaries, subject to Section 56133.”

As the Commission is aware, Section 56133 is the statute that allows local agencies to provide services outside their boundaries only with the Commission’s approval.

Hydrologic impacts of increased housing and farming on the Santa Ynez River.

Questions have arisen regarding the effect of forming the District on water rights and allocations of water from the Santa Ynez River. We have discussed this matter with Bruce Wales, General Manager of the Santa Ynez River Water Conservation District.

The existing allocation of water rights from the Santa Ynez River will not be affected by the formation of the District. The CSD will not own any water rights but might be able to transfer water owned or allocated to property owners within its boundaries.

To avoid any potential complications, confusion or false expectations with respect to allocation or apportionment of water from the Santa Ynez River, it is recommended that water supply and distribution be excluded from authorized District services.

Lakeview Estates Requires CSD in Comparison to More Recent Subdivisions

As noted in our initial staff report the “Lakeview Estates” subdivision was created in 1968 by the recordation of a survey map, a process no longer used. All of the lots are legal though nonconforming parcels, meaning the parcels are smaller than the overlying zoning. This signifies that no additional parcels can be created absent a general plan amendment and rezoning.

When the lots were created no provisions were made for common improvements such as roads. No CC&Rs were recorded to create a property owners association with financial resources and

binding authority to undertake and maintain such improvements. For subdivisions created today, terms and conditions imposed at the time of recordation ensure such services and improvements.

Since it is too late to impose CC&Rs, the creation of a Community Services District has been proposed and, as testimony indicates, is supported by a large majority of the landowners.

The Rancho Santa Rita Access Association is the agency referred to in the MOA to build the access road across the Cargasacchi Ranch from the terminus of Sweeney Road. This is outside of the proposed CSD. The CSD is intended to build and improve infrastructure within the subdivision. The “stick” proponents have to compel participation and cooperation in constructing the access road is the settlement adjudicated by the Superior Court which resulted in the MOA.

Compliance with CEQA

Some public comments were heard in December that an EIR is needed to create the CSD. The staff disagrees. Our initial staff report states that forming the CSD as a funding mechanism is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(4), which provides:

The creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

In reference to “Environmental Considerations” the November 21, 2007 memorandum from the County Department of Planning & Development, Office of Long Range Planning, states:

“No specific physical changes are proposed at this time. Therefore, establishment of the District as a potential funding mechanism to plan and install a roadway or other infrastructure improvements is categorically exempt from the definition of a CEQA ‘project’ under §15378(b)(4) of the CEQA Guidelines.”

This is borne out by the proposed conditions for the formation. The special tax proposed to finance CSD operations is not sufficient to construct necessary improvements. Any significant capital improvements will be financed by benefit assessments not yet presented to or approved by the landowners within the District.

RECOMMENDATION

In consideration of the foregoing it is recommended that the Commission:

- A. Determine the formation of the Santa Rita Hills Community Services District to be exempt from CEQA pursuant to CEQA Guidelines section 15378(b)(4).
- B. Adopt this report and approve the formation of the proposed Community Services District subject to the following terms and conditions:
 1. The name is Santa Rita Hills Community Services District.
 2. The District shall be governed by a five member Board of Directors elected at large. Terms of office of the District directors shall be four years. Of the first elected board, the terms of the three members with the largest popular votes shall be four years. Of the first elected legislative body, the term of the two members with the smallest popular vote shall be two years. In the case of a tie, the election will be decided by lot.
 3. The District shall have those powers and responsibilities set forth in the enabling act, which is Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code. It shall not be authorized to provide water supply or distribution.
 4. The District shall not provide services outside of its boundaries, including the construction of an access road, either with or without the use of eminent domain.
 5. Any significant capital improvements related to infrastructure will be financed by benefit assessments approved by the landowners within the District.
 6. Approval by the voters within the District of a special tax as follows:
 - (a). The maximum annual special tax authorized for the District shall be Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index (CPI) for the Los Angeles/Long Beach area for the prior 12 months. .
 - (b). The actual tax to be levied for any fiscal year shall be determined by a majority vote of the board of directors of the District on the basis of the actual revenues estimated to be required by the District to pay its reasonable and necessary expenses for such year.
 - (c). The tax shall be applied equally to each legal lot within the District; the amount of the tax levied shall be the same for each lot.

7. The effective date shall be the date that the formation is recorded.
- C. Direct the staff to initiate and conduct subsequent proceedings in compliance with the decisions of the Commission.

As noted in December, other options available to the Commission are to deny the formation or to continue consideration to a future meeting to obtain additional information.

Please contact the LAFCO office if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Bob Braitman". The signature is written in black ink and includes a long horizontal flourish extending to the right.

BOB BRAITMAN
Executive Officer



7N-33W

Rancho Santa Rita

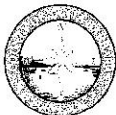
Formation

6N-33W

Rancho Santa Rosa

Santa Rosa Rd

Santa Rosa Rd



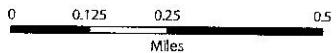
Santa Rita Hills Community Services District

Compiled by the Office of the County Surveyor in October of 2010.
Formed by LAFCD Resolution 03-13, Recorded 6/5/2009.
See boundary activity table at
<http://www.countyofsb.org/pwd/pwsurveyor.aspx?id=23260>

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

- Highways
- Roads
- Railroads
- Sections
- Ranchos and Townships
- Sphere of Influence
- Formation
- Annexation
- Detachment



SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

June 5, 2008

Board of Supervisors Hearing Room
Santa Maria, CA

1. Chair Cathy Schlottmann called the meeting to order at 2:00 p.m. The Commission Clerk announced the subject matter of a closed session regarding potential litigation.

Public testimony regarding the closed session was received from Harry DeWitt representing the Goleta Water District.

The Commission recessed to closed session at 2:05 and returned at 2:20. The Legal Counsel stated there would be no report from the closed session other than to announce an ad hoc committee has been appointed of Commissioners Firestone, Short and Wolf to meet with the Goleta Water District with respect to the proposed Dos Pueblos annexation.

2. Present were Commissioners Centeno, DeWees, Firestone, Mariscal, Orach, Schlottmann and Wilson, and non-voting alternate Commissioners Fox, Short and Wolf, Executive Officer Bob Braitman and Legal Counsel Bill Dillon. Commissioner Armendariz was absent.
3. The Pledge of Allegiance was recited.
4. Upon motion by Orach, second by Firestone, the minutes of the May 1, 2008 meeting were approved as submitted. The motion carried unanimously.
5. Public Comment Period

Jack Cunningham of the Goleta Water District and Marc Chytilo representing the Gaviota Coast Conservancy spoke. Mr. Chytilo provided remote testimony from Santa Barbara.

6. 07-17 – Dos Pueblos Annexation to the Goleta Water District

The Executive Officer recommended this matter be continued to a date determined by staff following the meeting of the ad hoc committee that had been appointed to confer with the Goleta Water District.

Marc Chytilo provided remote testimony from Santa Barbara. A letter addressed to Commissioner Brooks Firestone (June 4, 2008) from Chip Wullbrandt representing the Goleta Water District was distributed to the Commissioners. Also received was a letter from Marc Chytilo (May 29, 2008).

Upon motion by DeWees, second by Centeno, the Commission deferred action on this item to a future date when the staff places the matter on the agenda. The motion carried unanimously.

7. 08-5 – Hope Church Reorganization: Annexation to County Service Area No. 5/
Annexation to North County Lighting District

After due consideration, upon motion by Centeno, second by Orach, the Commission certified it had reviewed the information in the Addendum EIR, approved the proposal as recommended and waived conducting authority proceedings.

The motion carried unanimously.

8. 03-13 – Formation of the Santa Rita Hills Community Services District

The Executive Officer presented his supplemental staff report and recommendation.

Correspondence was received from Jon Picciuolo representing the Santa Ynez River Water Conservation District (June 4, 2008), Art Hibbits (June 5, 2008), Peter Cargasacchi (June 5, 2008) and from the Executive Officer to Peter Cargasacchi (June 3, 2008).

Testimony was provided by John Picciuolo and Bruce Wales representing the Santa Ynez River Water Conservation District; José Baer, John Cargasacchi, Cari Campbell-Bohard adjacent landowners; Peter and Julia Cargasacchi, Angelo Salvucci, Willis Skoe, Mary and Thomas Freeman, Brett Ettinger, Russ and Christa Crane, and Chris Marks, affected landowners; Mary Ellen Brooks representing the Citizens Planning Association; and Charles Blair, Art Hibbits, LeRoy Scolari and Sharyne Merritt, interested citizens.

Commissioner Centeno left the meeting at 4:05 and Commissioner Wolf became a voting member.

The Commission recessed at 4:17 and reconvened at 4:27.

After due consideration, upon motion by Wolf, second by Orach, the Commission conceptually approved the formation of the Santa Rita Hills Community Services District and directed the staff to prepare a resolution of approval for adoption at the next meeting.

Ayes: Firestone, Mariscal, Orach, Schlottmann, Wolf
Noes: DeWees, Wilson

9. 07-5 – South Coast Annexation to the Carpinteria Sanitary District

The Executive Officer described the chronology of the annexation including the protest hearing and election. The Legal Counsel presented a PowerPoint presentation regarding the process to complete an annexation following a confirmation election.

Testimony was provided by Craig Murray representing the Carpinteria Sanitary District and the following interested citizens, speaking by remote testimony from Santa Barbara: William Taylor on behalf of Marilyn Ulvaeus, Sorel and Cade Carradine represented by Sandra Carradine, Giti, Doug and Jaleh Keyhan White, William Taylor, Sandra Carradine, Tim Finnigan, Ben Weiss, Ned Quackenbush and Steve Halstead; and Hillary Hauser and Frederick Woocher representing Heal the Ocean.

Commissioner DeWees left the meeting at 5:25.

After due consideration, upon motion by Firestone, second by Wolf, the Commission ordered the Executive Officer to execute the Certificate of Completion.

Ayes: Firestone, Mariscal, Orach, Schlottmann, Wilson, Wolf
Noes: None

10. Final LAFCO Budget for Fiscal Year 2008-09

Upon motion by Firestone, second by Orach the Commission approved the final budget as presented, directed staff to distribute the budget to cities, special districts and the County, and authorized the County Auditor-Controller to adjust the amounts collected from local agencies based on estimated revenues and the year-end available fund balance after reserving the standard \$40,000 contingency. The motion carried unanimously.

11. LAFCO Fee Schedule to be effective July 1, 2008

Upon motion by Mariscal, second by Orach the Commission adopted the processing fee schedule as presented and directed staff to distribute the proposed schedule to cities, special districts, County, land use consultant and engineers and interested parties. The motion carried unanimously.

12. Upon motion by Orach, second by Wolf, the Commission ratified operating expenses for May, 2008. The motion carried unanimously.

13. Upon motion by Firestone, second by Wolf, the Commission continued until July the proposed procedures for conducting protest hearing and the policy regarding the availability of public materials. The motion carried unanimously.
14. There were no Commissioner or staff announcements.
15. The meeting was adjourned at 6:00 PM.

Final Minutes Approved by the Commission
On July 3, 2008

By Cathy Schlottmann
Cathy Schlottmann, Chair

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

July 3, 2008

Board of Supervisors Hearing Room
Santa Maria, CA

1. Chair Cathy Schlottmann called the meeting to order at 2:00 p.m.
2. Present were Commissioners Centeno, DeWees, Firestone, Mariscal, Orach, Schlottmann and Wilson, and non-voting alternate Commissioners Armendariz, Fox, Short and Wolf, Executive Officer Bob Braitman and Legal Counsel Bill Dillon. Commissioners Armendariz, Short and Wolf participated by remote connection from Santa Barbara.
3. The Chair, without opposition, reordered the agenda for the meeting.

Upon motion by Firestone, second by Orach, the Commission continued the Legislative Report to a future meeting.

4. The Pledge of Allegiance was recited.
5. Upon motion by DeWees, second by Orach, the minutes of the June 5, 2008 meeting were approved as submitted. The motion carried unanimously.
6. Public Comment Period

Interested citizens Bob Field and Doug Herthel expressed concern with Assembly Bill 2686 (Nava) to create the Santa Ynez River Water District. Also speaking to this item were Harlan Burchardi, Chair, and Chris Dahlstrom, General Manager, of the SYRWCD Improvement District No. 1.

7. 08-4 – Enos Ranchos Reorganization: Annexation to the City of Santa Maria/ Detachment from the Santa Barbara County Fire Protection District/Detachment from the Mosquito and Vector Management District of Santa Barbara County

After due consideration, upon motion by Centeno, second by Orach, the Commission certified it had considered the information contained in the EIR, related findings and the Statement of Overriding Consideration, approved the proposal as recommended and waived conducting authority proceedings.

Ayes: Centeno, DeWees, Firestone, Mariscal, Orach, Wilson, Schlottmann
Noes: None

8. Commissioner Firestone left the meeting and Commissioner Wolf assumed the position of voting member

9. 03-13 – Formation of Santa Rita Hills Community Services District

Testimony was provided by affected landowners Angelo Salvucci, Chris Marks, Christa Crane and Peter Cargasacchi, interested citizens Charles Blair and John Cargasacchi, and Deborah Brasket, Executive Director of Santa Barbara County Action Network. Ms. Crane and John and Peter Cargasacchi provided remote testimony from Santa Barbara

Received was a June 6 letter with attachments from John Cargasacchi.

After due consideration, upon motion by Mariscal, second by Orach, the Commission determined the formation to be Categorical Exempt from CEQA, approved the proposal subject to the specific terms and conditions as set forth in the resolution and directed the staff to conduct the remaining procedures for the formation.

Ayes: Mariscal, Orach, Schlottmann, Wolf
Noes: DeWees, Wilson
Abstain: Centeno

10. 07-12 – Veronica Meadows Reorganization: Annexation to the City of Santa Barbara/ Detachment from the Santa Barbara County Fire Protection District/ Detachment from the Goleta Water District

Testimony was provided by Steve Amerikaner representing an affected landowner and Kevin Walsh, General Manager, representing the Goleta Water District.

Correspondence was received from Steve Amerikaner (June 27, 2008) and Naomi Kovacs, Executive Director of the Citizens Planning Association (July 2, 2008).

After due consideration, upon motion by Wolf, second by Centeno, the Commission certified it has considered the information in the EIR and City Council Resolution No. 08049, adopted CEQA findings, approved the proposal as recommended and waived conducting authority proceedings.


Ayes: Centeno, DeWees, Mariscal, Orach, Wilson, Wolf, Schlottmann
Noes: None

11. Upon motion by Orach, second by Mariscal, the Commission ratified operating expenses for June, 2008. The motion carried unanimously.

12. Upon motion by DeWees, second by Centeno, the Commission authorized the staff to provide standardized protest forms to landowners and registered voters involved in protest procedures. The motion carried unanimously.
13. Upon motion by Orach, second by Wilson, the Commission provided direction to staff as recommended to make agenda items available for public review in compliance with Senate Bill 343 (Negrete-McLeod). The motion carried unanimously.
14. Upon motion by Centeno, second by Orach, the Commission cancelled the September 4 meeting due to a conflict with the CALAFCO Annual Conference.
15. Upon motion by Centeno, second by Schlottmann, the Commission decided the August 7 meeting would be held in Santa Barbara.

Ayes: Centeno, DeWees, Wilson, Schlottmann, Wolf
Noes: Mariscal, Orach
16. The Commission recessed to closed session. When the meeting resumed, legal counsel stated there was no reportable action from the closed session.
17. There were no Commissioner or staff announcements.
18. The meeting was adjourned at 4:08 PM.

Final Minutes Approved by the Commission
On August 7, 2008

By 
Cathy Schlottmann, Chair

RESOLUTION OF THE
SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
MAKING WRITTEN DETERMINATIONS AND CEQA FINDINGS
AND MODIFYING THE SPHERE OF INFLUENCE
OF THE SANTA RITA HILLS COMMUNITY SERVICES DISTRICT
(Access Road Modification)

WHEREAS, the Santa Rita Hills Community Services District has filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission a request to modify its sphere of influence pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56425 et seq. of the Government Code); and

WHEREAS, in the manner required by law, the Executive Officer has given notice of the public hearing by the Commission on the proposal; and

WHEREAS, the Commission heard, discussed and considered all evidence concerning the proposal, including but not limited to, the Executive Officer's report and recommendation, the environmental document, applicable general and specific plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference; and.

WHEREAS, the Commission has previously conducted a municipal service review and adopted a Sphere of Influence for the Santa Rita Hills Community Services District and finds that no modification of the municipal service review is required for this Sphere modification, and

WHEREAS, territory within the proposed sphere expansion area is designated Agriculture on the County General Plan and cannot be further subdivided absent a General Plan Amendment and rezoning.

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

1. The project before the Commission is a proposed amendment of the Santa Rita Hills Community Services District Sphere of Influence.

2. The Commission as lead agency finds the proposal is not a "project" under the California Environmental Quality Act (CEQA) because it is limited to the expansion of the Sphere of Influence of a government funding mechanism that does not involved the commitment to any specific project. Pursuant to CEQA Guideline section 15378(b)(4), a "project" under CEQA does not include the creation of government funding mechanisms or other government

fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment..

3. The Santa Rita Hills Community Services District sphere of influence is hereby modified to include the area shown on the attached map labeled "Exhibit A."

4. The expanded sphere will allow the Santa Rita Hills Community Services District to consider providing access road services within the affected territory.

5. There is a need for an access road within the Sphere of Influence expansion area to serve properties within the Santa Rita Hills Community Services District.

6. This resolution was adopted on July 6, 2013 and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency Formation Commission

ATTEST

Mary Everett, Clerk
Santa Barbara Local Agency Formation Commission

SPHERE OF INFLUENCE RESOLUTION NO. 13-01

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION MODIFYING THE RESOLUTION THAT MADE DETERMINATIONS AND APPROVED THE FORMATION OF THE SANTA RITA HILLS COMMUNITY SERVICES DISTRICT TO ALLOW THE DISTRICT TO PROVIDE SERVICES OUTSIDE OF ITS BOUNDARIES WITHIN ITS SPHERE OF INFLUENCE AND TO EXERCISE THE POWER OF EMINENT DOMAIN IN THIS SPECIFIC AREA

WHEREAS, on November 6, 2008 the Commission adopted Resolution 03-13 that approved the formation of the Santa Rita Hills Community Services District; and

WHEREAS, on April 12, 2013 a request to modify the resolution approving formation of the District was filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) and Community Services District Law (Section 61000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by Government Code Section 56133 the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the requested modification including, but not limited to, the Executive Officer's report and recommendation, the environmental determination and Sphere of Influence.

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

(1) The Commission finds this proceeding is not a "project" under the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines section 15378(b)(4), a "project" under CEQA does not include the "creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."

(2) The Commission hereby modifies LAFCO Resolution No. 03-13 approving the formation of the Santa Rita Hills Community Services District by deleting Paragraph D of that resolution and replacing it with the following:

The District shall not have the authority to provide services outside of its boundaries except for the construction of an access road between Sweeney Road and the District boundaries and the power to use eminent domain to acquire access to the District from Sweeney Road to the District boundary.

Santa Barbara LAFCO
Resolution Modifying LAFCO 03-13

This resolution is adopted on June 6, 2013 in Santa Barbara California.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency Formation Commission

ATTEST

Mary Everett, Clerk
Santa Barbara Local Agency Formation Commission

**Santa Rita Hills Community Services District
c/o Mission Hills CSD
1550 Burton Mesa Blvd
Lompoc, CA 93436**

May 28, 2013

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

SENT BY EMAIL

Subject: Santa Rita Hills CSD – Application for Modification of Resolution 03-13 and Application to Amend District Sphere of Influence (SOI)

Dear Honorable Members of the Santa Barbara LAFCO Commission:

We would like to thank you for the opportunity to provide background information to support our requests being made to the Commission. As you are aware, the Santa Rita Hills Community Services District (District) was formed on May 5, 2009 by a vote of the property owners, and Commission approval of LAFCO Resolution No 03.13. The powers and responsibilities granted to the District include:

“the act to acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks and any incidental works, to convert overhead electric and communications facilities to underground locations, and to install underground electric and communications facilities, with the consent of the public agency or public utility that owns the facilities pursuant to Streets and Highways Code.”

The landowners intent throughout the formation of the District was to create an organization that would allow for property owners to build a road system that would access each parcel and allow each owner to utilize their properties in accordance with Santa Barbara County zoning and land use standards. However, the LAFCO resolution specifically restricted the District's ability to only construct improvements inside the District boundaries.

The District has made significant process on the design and financing of an internal roadway system. However, without an approved access road leading into the District, the internal roads are problematic to permit and permits for individual properties cannot be issued without construction of a legal access between Sweeney Road and the District boundary (“connecting access road”). County Fire has previously indicated that due to health & safety reasons, they will not approve any internal roadways until the “connecting” access road is constructed.

Further, it is important to note that even if the District completes the steps necessary to construct the “connecting road”, it is not allowed to perform that construction outside the District Boundary because of the restriction previously imposed by LAFCO in the resolution approving the District's formation.

To remedy this situation, the District is approaching the Commission at this time to request the following:

Expansion of the Districts' Sphere of Influence (SOI) to Include:

- A. Approximately 33 acres extending from the District boundary to the terminus of Sweeney Road encompassing both the existing access road and roadway proposed in a Memorandum of Agreement (MOA) executed in 1989.

- B. Approximately 9 acres extending from the District boundary to the terminus of Sweeney Road encompassing a possible existing county easement for roadway purposes. (Presently under review by the County Surveyor's office).

Authorization to provide additional Special District Services

- A. Authorization to construction an access road outside the District boundary but within the expanded sphere of influence from the terminus of Sweeney Road to the District boundary, and;
- B. Authorization to exercise the power of eminent domain, if necessary, to acquire the right-of-way for the construction of this access road.

We understand that the request for potential use of eminent domain may pose a concern for your Commission and possibly some of the landowners within the District. We want to be clear that that the District has no intention of using this power for anything other than securing and constructing the "connecting" access road for the residents within the District. Without this authorization, this issue may continue into the unforeseen future without resolution.

There are families in this District that have seen generations pass without resolution to this access road issue. Many years have been invested to facilitate a solution for an issue that continues to go unresolved. The District believes that it is time to move forward in such way that all parties are fairly treated. A brief summary of the years invested in this specific process are listed below:

- 1914 – May. Order Declaring Public Highway for a road from LaPurissima Rd. to Santa Rosa Road on the north side of the Santa Ynez River. An error has been indicated as far back as 1914.
- 1968 – November. "Lakeview Estates" was formed via record of survey – Simpson Tract Map
- 1986 – February. The County Board of Supervisors declared this a "Special Problems Area".
- 1986 – MOA between Lakeview Tract owners and adjoining property owners providing for access across Cargasacchi property between Sweeney Road and the Tract. This document anticipated formation of an assessment district to build the road.
- 1990 – Discussions and design for an initial roadway system began.
- 1993 – November. Discussions with SB County regarding the formation of an Assessment District.
- 2000 – November. Application by C. Marks for grading permit to construct access road submitted to SB County. Denied.
- 2002- March. Initial meetings with LAFCO to discuss district formation.
- 2003 – MOA plans submitted to SB County. P&S Engineering indicated that the road design is compliant with the MOA.
- 2003 – November. Land Use Permit 00-LUN-604 (00LUP-6435) approved for Grading & Development of Access Road.
- 2003- December. Land Use Permit Appealed by Cargasacchi Family.
- 2004 – November. Revised LUP 00LUP-00001-06435 approved.
- 2004 – December. Land Use Permit Appealed by Cargasacchi Family.
- 2009 – Santa Rita Hills Community Services District formed via LAFCO Reso 03-13.
- 2009 – 2013 – Preliminary plans prepared for internal roadways, road alignments selected, title reports, community meetings with property owners, preparation made for

the formation of a CFD for construction of roads. Consultant agreements for bond financing approved and executed.

- 2013 – Submittal to LAFCO for consideration to amend the Districts SOI and to provide for the construction and maintenance of an access road from Sweeney Rd to the District Boundary.

Many decades have passed with landowners trying to take the necessary steps to satisfy the requests of both the adjoining property owner, and the various departments/personnel from the County of Santa Barbara. Unfortunately, there has been little progress, and landowners have grown frustrated over the years.

The District has always been, and continues to be, open to negotiations with the property owner for a final alignment of the "connecting" access road. We have attempted to reach out and work cooperatively with the owner. By formation of the Community Services District, the funding mechanism outlined in the MOA has been put into place to insure that the intervening property owner is appropriately compensated.

We hope you will support our efforts to begin this long awaited resolution.

Thank you again for your consideration and time. Should you have any questions, please do not hesitate to contact our Staff at (805) 544-4011.

Sincerely,

(Original signed and mailed May 28, 2013)

Thomas Freeman, President
Santa Rita Hills CSD