

# County of Santa Barbara Board of Supervisors



## **Water and Sewer Service Commitments**

**Planning & Development and Public Health Departments**

July 18, 2017

# Background Summary

- County policies require a demonstration of adequate services, including water and sewer, in order to approve development projects/subdivisions
  - County Land Use Element - Land Use Development Policy 4
  - Coastal Land Use Plan - Policies 2-1 and 2-6
- Districts are increasingly providing temporary, conditional service letters
  - indicate current availability at time of approval but do not provide guarantee of service
- P&D and EHS staff seek direction from your Board regarding how to interpret adequacy and what is sufficient to approve projects

# Issue

- Districts unwilling to provide a firm, long-term commitment that they are able to serve a project or land division at time of project approval
- Intent to Serve Letters may have expiration date (e.g. 1 year) or indicate that service not guaranteed until connection fees paid
- Once a project is ready to build, a formal “can and will serve” letter is required and obtained before issuing building permits

# Implications

- Limited service commitment requires County to act on projects based on an assumption of adequate service under current conditions
- Possible that when applicants seek connection permits from the respective district, service may be unavailable
- For development projects, developer would be unable to obtain final zoning and building permits to construct the project
- For subdivisions, if the County accepts time-limited intent to serve letters for recordation of maps, then new lots would be created without guarantee of service for future development

# Implications

- Problematic because newly subdivided lots are assumed to be developable
- If the subdivision were for lot sales, future buyers could be unaware of potential for lack of available service
- Lack of available supply could result in significant delay in ability for landowners or developer to build on the lots
- May encourage lot owners to process recorded map modification to request the use of private service (e.g. water wells and septic systems), which may or may not be successful depending on lot sizes and site conditions

# Policy Options

For Development projects, the options are:

- a) Relying on valid intent to serve letters based on current availability without guarantee of service to satisfy County policy requirements at the time of initial land use approval or approval of a time extension request
  
- b) Requiring applicants to obtain water service guarantees in the form of more formal can and will serve letters that do not expire prior to land use approval

# Policy Options

For residential subdivisions, the options include:

- a) Relying on valid intent to serve letters based on current availability without guarantee of service to satisfy County policy requirements at time of subdivision approval and map recordation. Include a “buyer beware” notice recorded with the map
- b) Requiring formal can and will serve letters constituting an irrevocable commitment to serve be obtained before an approved subdivision map is recorded and new lots created
- c) Requiring County staff to independently investigate availability of water resources for projects, rather than relying on water service letters

# Recommendations

1. For development projects, option a) is recommended since building permits would not be issued for a project until a can and will serve letter is obtained
  - Safeguards in place to ensure adequate services would be obtained before an irreversible entitlement granted to the project
2. For subdivisions, option a) is recommended
  - Option b) would likely result in few subdivisions being able to record
  - Option c) would be challenging, since it is difficult to predict what water districts will do to augment their supplies in reaction to changing conditions and it is likely to be a constantly shifting target