

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 9/13/05
Department Name: CEO
Department No.: 012
Agenda Date: 9/27/05
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Executive Officer

STAFF Alan Seltzer, Chief Assistant County Counsel Jason Stilwell, Project Manger
CONTACT: 568-2950 568-3413

SUBJECT: Perrett Boundary Change (Fifth Supervisorial District).

Recommendation(s):

That the Board of Supervisors consider whether to protest the proposed boundary change between the County of San Luis Obispo and the County of Santa Barbara of approximately 4,735 acres north of the Santa Maria River and northeast of the City of Santa Maria.

Alignment with Board Strategic Plan:

This recommendation is primarily aligned with Goal No. 5, Maintain and Enhance the Quality of Life for all Residents.

Executive Summary and Discussion:

San Luis Obispo County received a petition from the Perrett family proposing a boundary change between San Luis Obispo and Santa Barbara County. The petitioners' reason for the proposal is improved municipal services (i.e. police and fire). The San Luis Obispo Board of Supervisors set a hearing for October 4, 2005 to consider the proposal. The Government Code provides Santa Barbara County the opportunity to file a written protest to San Luis Obispo County before their hearing which would result in the proposal being abandoned (§23209). If the County does not file a protest the Government Code provides that the two counties shall adopt similar ordinances approving the proposed boundary change (§23210). In essence, this is the opportunity for the Board of Supervisors to prevent the proposed boundary change.

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The area proposed to be transferred to Santa Barbara County is approximately 4,735 acres adjacent to the Santa Maria River on Bull Canyon Road (see graphic on page 5). It is a portion of the Suey Ranch which is generally bounded by Highway 101 to the west, Highway 166 to the North and Cuyama River to the east.

Staff has identified a number of questions and potential issues for the boundary change. In addition staff has been in contact with staff in San Luis Obispo and the City of Santa Maria. Santa Maria did not see a need to protest the proposal.

The questions and potential issues associated with this proposal included:

- Mission County: the boundary for Mission County has been set. Should voters approve forming Mission County the affected territory will remain with Santa Barbara County until such time that the Mission and Santa Barbara County Board of Supervisors transfer the property to Mission County.
- Agriculture Preserves: San Luis Obispo and Santa Barbara County administer agricultural preserves differently. San Luis Obispo has designated the affected territory agricultural preserve but the property does not have a Williamson contract. If the affected territory becomes part of Santa Barbara County it will be treated as non-agriculture preserve property.
- Santa Maria: The City of Santa Maria supports the proposal. Annexation of the affected territory into the City is not planned.
- Amendments: What land use ordinances, regulations, plans need to be amended or expanded to cover the new territory? Various regulations and planning documents would have to be amended to accommodate the boundary change.
- Assessed Valuation: Will the County accept the base assessment values? Santa Barbara County Assessor will need to determine the assessed value of the affected territory.
- Other applications: Staff requested from San Luis Obispo County a history of applications on the property. These may illuminate past issues relating to the affected territory. San Luis Obispo County responded the Perretts (and the prior landowner) have not previously applied for a land use change.
- Special Districts: Several special districts will have to have their boundaries adjusted through LAFCO proceedings, including Santa Barbara County Flood Control and Water Conservation District, Santa Barbara Coastal Vector Control District and potentially certain school districts.
- Oil History: Staff asked San Luis Obispo County whether the affected parcel had an oil producing history or if the land had known contamination. The County responded that they are not aware of any oil production or "dirty" land on the property.
- Access: Access to the affected territory is from both Highway 166 and Bull Canyon Road. Santa Maria maintains a temporary river crossing which enables Santa Maria residents to access Highway 166 and which provides access to the affected territory.
- CEQA: San Luis Obispo County is determining if this proposal constitutes a "project" under CEQA. Santa Barbara County will be responsible for CEQA compliance relating to general planning and zoning of the affected territory.
- Approving Ordinance: If written protests are not filed, the two counties will be required to adopt similar ordinances approving the proposal. There is no specified remedy or penalty for the two counties not agreeing on an ordinance. The ordinance must include certain terms and conditions including a division of county debt or property. Staff has asked San Luis Obispo County if there is any county debt or property that would have to be considered as part of an ordinance. The Ordinances set the effective date of the boundary change, which could be upon CEQA compliance for and amendment of Santa Barbara County's General Plan for this property.
- Services: The applicant stated improved municipal services are the reason for the proposal. The County is determining the level of basic services required for the property. The County, City of Santa Maria and County of San Luis Obispo will provide emergency services to the property as a result of mutual or automatic aid agreements.
- Expanded Boundary Change: There is discussion in both counties about having Highway 166 be the boundary between the County of Santa Barbara and the County of San Luis Obispo. The current boundary in many places is the centerline of either the Santa Maria River or Cuyama River; this is a difficult boundary to maintain since the river centerlines move over time. There was discussion relating to this proposal to have the entire "peninsula" south of Highway 166 and Twitchell Reservoir be part of the proposal. However, the applicant proposing the boundary change is not the landowner of the entire peninsula and is only proposing to change the jurisdiction of property he owns.

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- Agricultural Inspections and Permitting: The San Luis Obispo Agricultural Commissioner has stated and Santa Barbara County's Agricultural Commissioner Bill Gillette agrees, that the odd configuration of the boundary change will create operational difficulties for both counties' Agricultural Departments relative to regulatory inspections and permitting.

The Government Code sections 23200 – 23220 establishes a procedure for processing proposals for minor boundary changes between counties with mutual boundaries if the proposed change meets certain criteria. The criteria, which apply in this case, include:

- moving the line not more than five miles from its original location
- reducing the area in any affected county by not more than five percent
- reducing the population of any affected county by not more than five percent.

Within thirty days of the receipt of a petition for a minor boundary change the Clerk of the San Luis Obispo Board of Supervisors shall determine whether the petition is signed by the required number of signatures. Within thirty days of the Clerk's determination, the San Luis Obispo Board of Supervisors shall adopt a resolution setting a time, date and place of hearing on the proposal which shall be not less than thirty days nor more than sixty days from the date of the adopted resolution setting the hearing. The San Luis Obispo Clerk of the Board determined that the petition has been signed by the required number of signatures and the San Luis Obispo Board of Supervisors set a hearing for October 4, 2005.

At the hearing the San Luis Obispo Board is to hear testimony from any interested party and receive oral and written protests. The hearing may be continued up to forty-five days from the specified date (October 4, 2005). At the conclusion of the hearing the San Luis Obispo Board of Supervisors shall adopt a resolution abandoning the proposed boundary change if there is certain protest by the resident-voters or landowners of the affected territory or if the San Luis Obispo or Santa Barbara Board of Supervisors has filed and not withdrawn a written protest of the proposed boundary change before the conclusion of the hearing. This agenda item is the opportunity for the Santa Barbara Board of Supervisors to direct staff to submit a written protest to San Luis Obispo County.

If insufficient protests are filed and the proposed boundary change has not been abandoned then substantially similar ordinances approving the change must be adopted by both Boards within thirty days after the conclusion of the hearing. The ordinances "shall specify any terms and conditions to which the boundary change is subject, including, but not limited to, a division of any county debt or property" (Government Code 23210(b)). Each county shall continue to provide services to the territory within its own boundaries until the effective date of the boundary change as specified in the ordinances. The pertinent sections of the Government Code do not discuss involvement of the Local Agency Formation Commissions other than to say each LAFCO is to receive notice of the hearing; however, staff has been discussing the issue with both LAFCOs as they will become involved if the boundary change is approved and local agency boundaries need adjustment.

Mandates and Service Levels:

Submit a written protest, if desired, to the San Luis Obispo Board of Supervisors by October 4, 2005 (Government Code 23209(c)). If the proposal is not protested and the San Luis Obispo County Board of Supervisors adopts a resolution proposing to change the boundary line both County Boards of Supervisors will be required to negotiate and adopt similar ordinances approving the proposed boundary changes (Government Code 23210). The Boards of the affected counties shall file before December 1, 2005 with the

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State Board of Equalization and with the assessors of the affected counties, a statement setting forth the legal description of the boundary as changed, together with a map or plat indicating the boundary (Government Code 23212).

Fiscal and Facilities Impacts:

All taxes levied before the effective date of the boundary change shall be collected by the officers of and belong to the county in which the affected territory was situated before the boundary change unless the negotiated ordinances provide otherwise (Government Code 23213). The County would incur a yet-to-be determined gain of property tax revenue because of the transfer of assessed valuation. The property tax allocation will need to be adjusted resulting from jurisdictional changes.

The applicant will be responsible for paying fees related to local agency boundary changes through LAFCO. These fees to LAFCO include a processing fee, surveyor fee, and fee to the State Board of Equalization. Staff time responding to LAFCO, such as that required for property tax exchange agreement information, is not a recovered cost.

cc: David Edge, County Administrator, San Luis Obispo County
Bob Braitman, Executive Officer, Santa Barbara LAFCO
Tim Ness, City Manager, City of Santa Maria
Department Directors

