

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Board of Supervisors

FROM: Dianne Meester, Assistant Director

DATE: April 29, 2004

RE: Flood Control Grant of Easements to the Carpinteria Valley Water District at Rancho Monte Alegre
Administrative Item A-24 on the May 4, 2004 Board of Supervisors Agenda

The following information supplements the staff report prepared by the Public Works Department regarding the grant of easement to allow infrastructure improvement and access within parcels located off Foothill Road known as APNs 155-170-029, 155-180-079 and 004-003-009. The information is presented in the form of a chronology of events that have occurred to date which lead to the request for grant of easement before your Board at this time.

Certificates of Compliance

The existing lots at RMA were legalized through the issuance of Certificates of Compliance from the County Surveyor in March 1997 validating 39 lots within the property. The property is approximately 2,265 acres in size and is bisected by the Coastal Zone. Zoning on the site is AG-I-10 and AG-I-20 within the coastal zone and AG-I-40 in the inland area. The property extends from Foothill Road at its southern boundary to the Los Padres National Forest boundary to the north.

Memorandum of Understanding

The Carpinteria Valley Water District (District) approached Rancho Monte Alegre (RMA) with a request to locate a three-million gallon storage tank within the ranch boundaries. The RMA partners agreed to allow construction of the tank provided the District provide public water service (through annexation into the District) and infrastructure including two 200,000 gallon above ground water tanks, distribution and delivery pipelines, and a widened access road to the upper portions of the ranch. In addition, the RMA agreed to sell ten acres to the District in order to effectuate the proposed parcel creation for locating the three-million gallon tank. The District and RMA entered into a Memorandum of Understanding (MOU) in March 2002.

Project Description and Permit Requirements

Five primary components of the project were proposed within the coastal zone, subject to the County's permit authority including a Minor Conditional Use Permit and Coastal Development Permits to allow: 1) creation of a ten-acre parcel through the process of a merger of two existing lots and subdivision processed via a Coastal Development Permit pursuant to the Coastal Act (as a Special District Carpinteria Valley Water District is exempt from the Map Act and the County's Chapter 21 Subdivision Regulations); 2) construction of a three-million gallon underground water tank; and 3) installation of various appurtenant facilities and water distribution lines; 4) widening and paving of an existing agricultural road; and 5) installation of an approximately 10,700 foot section of 24-inch Central Zone Transmission Main located within the Highway 192 right-of-way. Project components within the Inland Area included placement of the two 200,000 gallon water tanks, widening and paving a 2,500-foot long access road, and installation of distribution pipelines. These components of the project were not subject to County permits as certain storage and transmission facilities of water districts are exempt from local zoning ordinances per the Government Code.

Environmental Review

The District prepared an Environmental Impact Report which included a review of the annexation of the property to the District as well as the effects of the physical construction of the infrastructure improvements needed to provide service to RMA as well as install and connect the proposed three-million gallon storage tank to the District's water delivery system. P&D provided comments to the District on the adequacy of the EIR related to biological resources, visual resources, geology, land use and growth inducement. Several other interested parties also submitted comments on the draft EIR relating to these same issues. Despite public comment regarding the adequacy of the document, the EIR was certified by the District Board of Directors on January 8, 2003. After certification, the Carpinteria Valley Association sued the District raising seven causes of action including failure to disclose and evaluate significant environmental impacts and requested that the District's approval be set aside and that a legally adequate EIR be prepared. The Court disagreed and dismissed the case on July 8, 2003. Therefore, the EIR was determined to be valid as certified by the District.

Government Code Consistency Determination

At the February 19, 2003 Government Code Consistency hearing, the Santa Barbara County Planning Commission found widening of the access road inconsistent with the Coastal Plan policies for protection of biological resources, hillside and watershed protection and visual resource policies. The Planning Commission found that while improvements to the existing graded dirt road may be warranted to provide access to the upper tank site, the proposed magnitude of widening would be inconsistent with the intent of Coastal Plan policies given the overall amount of grading volumes, landform alteration, and native vegetation removal and disturbance. The remainder of the project was found consistent with the Coastal Plan (i.e., creation of the ten-acre parcel, installation of three-million gallon tank and water delivery system infrastructure improvements). The Planning Commission also found the road widening, retaining walls and the location of the two upper storage

tanks to be inconsistent with the County's Comprehensive Plan in the inland area for the same policy reasons.

Under the provision of the Government Code, the Carpinteria Valley Water District Board overruled the action of the Planning Commission for the inland project components and proceeded with the project.

LAFCO Annexation of RMA to CVWD

In January 2003, the District submitted an annexation request to the Local Agency Formation Commission for a portion of the RMA property to be included in the District boundaries. P&D submitted comments that raised the issues of growth inducement and other policy inconsistencies of the proposed annexation. P&D staff explained that annexation of RMA, together with the planned infrastructure improvements, would facilitate construction of housing on existing legal lots and could spur subdivision requests by removing obstacles to the issuance of future development permits (i.e., the provision of an affordable, reliable water source and extension of a road built to residential standards into a rural area). Additionally, many of the parcels within the annexation boundaries are significantly larger than the existing 40-acre minimum parcel size and could potentially be subdivided. Therefore, P&D stated that it was reasonable to conclude that providing a guaranteed water source and infrastructure improvements could foster future development and/or subdivision requests.

Related to these growth inducement issues were the policy implications of annexing a large rural area into a service district. The County's Land Use Element includes four fundamental regional planning goals: 1) environmental constraints on development shall be respected; 2) encourage infill development and prevent scattered urbanization; 3) protect rural agriculture; and 4) preserve open lands. For the reasons stated above, P&D determined that the proposed annexation was found to have the potential to encourage future growth into a large rural area which, because of its unique environmental constraints and resources, is better suited for agricultural and open space preservation. Therefore, P&D concluded that annexation of these areas outside of agriculturally suitable lands would be detrimental to the long term preservation of open space.

LAFCO approved the annexation request on May 19, 2003.

Zoning Administrator Hearing

After the LAFCO hearing and the Government Code Determination finding, the District modified the project description to decrease the width of the access road in specific locations and to limit the maximum height of the retaining walls. As a result, the overall amount of grading was reduced as well as the extent of vegetation removal with only one oak removed and five individual trees impacted. These modifications were a significant reduction in project impacts and still provided the District and other users safe two-way travel along the access road. As such, the previous policy inconsistencies identified by the Planning Commission in their

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Government Code Determination review were then reconciled and the Zoning Administrator was able to approve the permit for the portions of the development within the coastal zone and subject to permits. This approval was granted in September 2003.

RMA Property Sold to New Owners

Following all of the actions described above, the RMA property was sold to new owners who have consulted with P&D staff about future development of the property. A preliminary proposal includes use of public water supplies and vehicle access to the upper portions of the ranch to serve future residential development throughout the property. However, no applications have been submitted to P&D as yet.

Current Proposal to Grant Easements

Follow-up CDPs for the infrastructure improvements are required before the District can proceed with any construction activities. Prior to P&D's approval of those permits, the District must comply with all conditions of approval of the Zoning Administrator-approved Conditional Use Permit. One of these conditions specifically requires that the District obtain all necessary easements, which is the current request pending before the Board of Supervisors at this time.

Conclusion

As evidenced by the long history above, it appears that many actions have occurred involving many different decisionmakers which lead to the action requested of the Board at this time. P&D was involved in the process to the extent feasible.

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