



April 5, 2022

Mr. Mike Prater
Executive Officer
Santa Barbara County Local Agency Formation Commission
Submitted via email to lafco@sblafco.org and natasha@sblafco.org

RE: City of Lompoc’s Bailey Avenue Sphere of Influence Amendment – Resolution and Findings of Denial

Dear Mr. Prater and Members of the Commission:

The Environmental Defense Center (“EDC”), on behalf of Santa Barbara County Action Network (“SBCAN”), submits this comment to urge Santa Barbara County LAFCO (“LAFCO/Commission”) to adopt LAFCO staff’s (“Staff”) recommended findings and draft resolution (“Draft Resolution”) to deny the City of Lompoc’s (“City”) proposed Sphere of Influence (“SOI”) amendment (“Proposal”). Staff’s findings are well-supported by currently available evidence. As such, deferring this matter for further analysis is not warranted.

I. LAFCO Should Adopt Staff’s Recommended Findings and Draft Resolution and Deny the City’s Proposed Sphere of Influence Amendment.

The issue of converting Prime Farmland and residentially developing Bailey Avenue has been before LAFCO, in various forms, for over 20 years.¹ On February 2, 2023, LAFCO voted to deny the City’s Proposal and directed Staff to produce findings consistent with the decision. LAFCO’s vote of denial was the culmination of numerous hearings, countless reports, extensive public input, and comprehensive Commissioner deliberations. As discussed below, SBCAN strongly supports Staff’s recommended findings, highlights the wealth of evidence supporting the findings, and proposes slight additions to reflect important inconsistencies with LAFCO County policies.

¹ City of Lompoc, Final Environmental Impact Review Addendum # 7 (“FEIR”) at 3 (2021).

A. Staff's Recommended Findings Support Denial of the City's Proposal and the Findings are Supported by Substantial Evidence Before LAFCO.

Staff found the City's Proposal would, among other things, cause the loss of Prime Farmland, fail to maintain a jobs-to-housing balance, and fail to prioritize infill on vacant urban or nonprime land.² Under applicable law and policies, these findings overwhelmingly support denial. For example, as Staff recognized, the Proposal's conversion of Prime Farmland in a manner that would not promote planned, orderly, or efficient development is inconsistent with Gov't Code Section 56377(a). (Draft Resolution, Finding # 1.) In addition, Staff determined the conversion of Prime Farmland constituted an unmitigable Class I significant impact, which permits LAFCO, as the Responsible Agency, to deny the project to avoid negative environmental effects.³ (*Id.*, Finding # 3, 7.) These findings are supported by the FEIR, LAFCO's December 8, 2022, Staff Report,⁴ and letters from the County's Long Range Planning Division ("LRPD").⁵

Staff also found the City had not demonstrated that potential development of vacant urban or nonprime land does not meet the City's housing needs. (Draft Resolution, Finding # 1.) This violates Gov't Code Section 56377(b) ("[d]evelopment of existing vacant or nonprime agricultural lands for urban uses within the existing [SOI] . . . should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing [SOI]."). This finding is supported by analysis conducted by both the County's LRPD and the City's own planners.⁶

Finally, Staff found the creation of new housing without the creation of accompanying new jobs would add to existing jobs-to-housing imbalance. (Draft Resolution, Finding # 5.) Staff rejected as speculative the City's contention that new jobs would be created through an expanding Vandenburg Space Force Base. (*Id.*, Finding # 6.) As recognized by County LRPD, the addition of new housing without "long-term employment opportunities" would "not improve the existing job-housing imbalance."⁷

The Draft Resolution's findings are well-reasoned, supported by evidence, and the result of much analysis and effort by LAFCO Staff. Applying the findings and evidence to applicable

² LAFCO Staff, Draft Resolution at 2. (2023)

³ CEQA Guidelines § 15042 ("A responsible agency may refuse to approve a project in order to avoid direct or indirect environmental effects of that part of the project which the responsible agency would be called on to carry out or approve.").

⁴ LAFCO, *Executive Officer Report* ("Staff Report") at 11 (December 8, 2022).

⁵ Santa Barbara County, LRPD, *Bailey Avenue Sphere of Influence and Annexation Proposal, Long Range Planning Division Informal Review – Preliminary Comments*; Santa Barbara County, LRPD, *City of Lompoc Bailey Avenue Sphere of Influence and Annexation Proposal, Planning and Development Response to City of Lompoc Response Letter* (October 24, 2019.)

⁶ See *id.*; Envision Lompoc, Housing Element Update – Community Workshop #2 https://envisionlompoc.com/images/LHEGP_CW2_2022.pdf at slide 16 (October 13, 2022)

⁷ Santa Barbara County, LRPD, *Bailey Avenue Sphere of Influence and Annexation Proposal, Long Range Planning Division Informal Review – Preliminary Comments* at 7 (September 28, 2018); See also Draft Resolution Finding # 5.

law and policies, as surmised herein and in past EDC comments,⁸ the City's Proposal must be denied.

B. Minor Recommended Additions to Staff Findings.

While Staff's findings are more than sufficient to support denial of the City's Proposal, SBCAN recommends slight additions to reflect inconsistencies with LAFCO County Policies.⁹ LAFCO project approvals must be consistent with LAFCO's adopted policies. Gov't Code Section 56425(b) ("the commission shall consider a sphere of influence for the city *consistent* with the policies adopted by the commission") (emphasis added). Highlighted below in red are suggested additions to Staff's recommended findings contained in the Draft Resolution.

1. It has not been shown that urban development of the Bailey Avenue Properties prime agricultural lands would promote the planned, orderly, and efficient development of an area. As such, approval would be inconsistent with Government Code section 56377(a) **and LAFCO *Sphere of Influence Policies***. Further, City has not demonstrated that development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction does not meet City's housing needs, including its regional housing needs assessment. **Thus, approval would be inconsistent with Government Code section 56377(b) and LAFCO *Policies Encouraging Conservation of Prime Agricultural Land and Open-space and Policies Encouraging Orderly Urban Development and Preservation of Open-space***.

5. City stated the sphere of influence amendment will help City deal with an imbalance between jobs and housing. While the Commission appreciates City's concerns, the proposal does not clearly state how this issue would be improved or resolved through the sphere of influence amendment and offers no long-term attainable strategy to fix this problem. In particular, County stated in a letter dated September 28, 2018, the proposal appears to be inconsistent with the County's Climate Action Plan and Circulation Element as the "proposed project would add 469 households to the City of Lompoc, but it would not add new long term employment opportunities. As a result, most new residents would likely commute to jobs in other communities. Consequently, the project would increase [vehicle miles traveled] and not improve the existing jobs-housing imbalance." **Accordingly, approval will not facilitate orderly growth, as intended by the Legislature in enacting the Cortes Knox Hertzberg Act. Gov't Code § 56001.**

These minor additions better reflect the totality of statutory and policy inconsistencies that, when applied to Staff's already comprehensive findings, strongly support denial of the City's Proposal.

⁸ See EDC's previous letter, *City of Lompoc – Proposal to Expand the Sphere of Influence for the Bailey Avenue Properties* at 4-5 (December 7, 2022.)

⁹ See *id.*

II. LAFCO Should Not Defer the City's Proposal and Establish an Ad Hoc Subcommittee.

The central task before LAFCO is to decide whether, based on the evidence and applicable law, Staff's recommended findings and Draft Resolution should be denied or approved. Contrary to the City's contention, no further analysis is necessary for LAFCO to make an informed decision. From the numerous hearings, FEIRs, the March Study Session, and Staff Report, to the County's multiple letters and voluminous public comments—LAFCO has ample evidence to deny the Proposal.

Significantly, denial of the Proposal does not preclude the City from engaging in further analysis or from proposing a new SOI amendment at an alternative location. The City has been free during the entire pendency of this case to analyze infill development, and it remains free to do so even with denial. Regardless, Staff identified numerous bases for denying the Proposal—not just a failure to promote infill. There is no way to get around Staff's findings related to conversion of Prime Farmland absent proposing an SOI amendment for a different location, which, by definition, would be a different proposal and require a new application. There is scant logic behind foregoing deciding this Proposal on grounds that the City may propose an entirely different proposal in the future. Again, the City is free to engage LAFCO and the County in any and all analysis it sees fit regardless of whether the Proposal is denied or not.

Because denial in no way prejudices the City from further analysis, the Commission should render a judgment and deny the City's request for delay.

III. Conclusion

For the foregoing reasons, we respectfully ask the Commission adopt Staff's recommended findings and Draft Resolution, reject the City's last-minute attempts at delay, and, consistent with the weight of the evidence and applicable law, deny the City's Proposal.

Sincerely,

Maggie Hall

Maggie Hall
Senior Attorney

cc: SBCAN