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Via E-mail (natasha@sblafco.org; lafco.sblafco.org)

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

Re: SBLAFCO Meeting August 3, 2023; Business Items (3)(c) and (3)(d)

Dear Honorable Commissioners:

Leaving aside any merits of expanding urban services to areas of Carpentry Valley having greenhouses on agricultural land, the proposed revision to the first paragraph of Section 7 XII of the Commissioner Handbook discussed in Business Item (3)(c) is bad policy that will encourage urban sprawl, harm agriculture, contradict existing LAFCO policies, and conflict with Santa Barbara County's General Plan. Further, the proposed revision to the first paragraph of Section 7 XII is not needed to "address the effect of the Regional Water Quality Board regulations and orders regarding Carpentry Valley" as stated in LAFCO's August 3, 2023 Agenda and its supporting materials. To be clear, the proposed revision to the first paragraph of Section 7 XII is superfluous to the desired revisions in support of providing services to the Carpentry Valley greenhouses, and it poses a threat to agriculture throughout the County.

In addition to the policy concerns set forth above, the proposed finding set forth in Business Item (3)(d) is in violation of law. There is no legal basis upon which this Commission can find that the proposed revisions are not a "project" under the California Environmental Quality Act and the related Guidelines (collectively, "**CEQA**"). Perhaps this is why the County of Santa Barbara Planning and Development Department diplomatically instructed this Commission that adoption of the revisions would be "premature" at best, and that CEQA review is necessary prior to the Commission's adoption of the proposed revisions to its Commissioner Handbook.

Without addressing the merits of providing services to greenhouses in the Carpentry Valley, we urge this Commission not to adopt the proposed revision to the first paragraph of Section 7 XII and to perform all required environmental review under CEQA, for the reasons set forth above and described below.

The Santa Ynez Valley's sense of place and its economy are both dependent on agriculture and the absence of urbanization. If urbanization spreads, the Santa Ynez Valley will resemble the San Fernando Valley, agricultural activities will stop, and tourists will most assuredly not come. Increased urbanization and reduced agriculture not only harm the economy of the Santa Ynez Valley, which rests on agriculture and the tourism it brings, but also harm the environment in ways cognizable under CEQA.

The proposed revision to the first paragraph of Section 7 XII clearly allows for the possibility of increased urbanization and a decrease in agriculture. Currently, the sentence to be revised reads as follows:

“It is the policy of the Commission to protect and preserve agriculture by avoiding the extension of potable water or wastewater services (sewers) to agriculturally zoned land *because this* will foster uses other than agriculture.”

The first part of the sentence states the rule: “It is the policy of the Commission to protect and preserve agriculture by avoiding the extension of potable water or wastewater services (sewers) to agriculturally zoned land.” The rule is universal, firm, and without exception. The second part of the sentence explains why the rule is important: “because [extension of urban utilities] **will** foster uses other than agriculture.” The explanation states that any exception “**will**” encourage nonagricultural uses, which is why such provision of urban services should be avoided. Read together, this is a clear statement of a uniform Commission policy and the reason for the policy and its uniform applicability.

The proposed revision to the sentence provides an exception to the policy regarding urbanization that does not currently exist and eliminates the explanation as to why that policy is important. As proposed, the first paragraph of Section 7 XII would read: “It is the policy of the Commission to protect and preserve agriculture by avoiding the extension of potable water or wastewater services (sewers) to agriculturally zoned land *that* will foster uses other than agriculture.” No longer would there be a uniform rule and an explanation of that rule, but rather a rule from which expansion of urban services into agricultural land would be excepted unless the Commission determined otherwise.

The proposed exception would swallow the existing rule. We know this, in part, because the current rules explains that any exception allowing the expansion of urban services into agricultural land “**will** foster uses other than agriculture.” But the proposed rule presumes that circumstances exist in which the expansion of urban services into agricultural land will *not* foster uses other than agriculture.

The current rule would be turned on its head. Whereas the current policy states that any exception to the rule “**will** foster uses other than agriculture,” the proposed policy states that the rule will only apply to instances in which the Commission determines that an expansion of urban services “will foster uses other than agriculture.” In other words, the Commission is proposing that a default rule stating that expansion of urban services into agricultural land leads to loss of agriculture, be changed to a default rule allowing expansion of urban services into agricultural land, unless the Commission determines otherwise. Further, there is no standard expressed by which that determination will be made by this Commission; consequently, as long as this Commission was not obviously arbitrary or capricious, this Commission would be free to determine that no expansion of urban services would ever “foster uses other than agriculture.”

Contrary to the assertion made in Business Items (3)(d), the tremendously important revision to the first paragraph of Section 7 XII constitutes a project under CEQA.

As a generality, under CEQA a “project” is a discretionary act by a governmental agency that could result in direct or indirect physical changes to the environment. Here, staff proposes that this Commission “[f]ind that the proposed actions are not a ‘project’ under the California Environmental Quality Act Guidelines §15378(b)(5) in that they are organizational or administrative activities that will not result in direct or indirect physical changes to the

environment.” The proposed finding concedes the obvious, that this is a discretionary act by a governmental agency, but asserts the such action “will not result in direct or indirect physical changes to the environment.” This assertion is untrue.

First, the change in policy allowing sewers and potable water to be brought to agricultural land is neither an organizational nor an administrative activity, but rather a change in controlling planning rules allowing for the expansion of urban infrastructure into agricultural locations. As described above, the proposed revisions to the Commissioner Handbook, in which certain of this Commission’s policies governing its operations, actions, and planning objectives are set forth, will allow certain agricultural lands on which the provision of urban services would have been avoided to be eligible for such services. Consequently, indirect environmental impacts are reasonably foreseeable, and the proposed revisions constitute a “project” under CEQA.

There is no possible reading of the revision to the first paragraph of Section 7 XII other than it allowing for a special services district or other governmental agency to incorporate agricultural land into its zone of influence and allowing such district or entity to provide sewer or potable water to such agricultural land. We know that such provision of services would have an environmental effect, in part, because this Commission’s current policy tells us so, when it states that the reason potable water or sewers should not be extended to agricultural land is “**because**” such actions “**will foster uses other than agriculture.**” Such a change of use is by itself, a cognizable effect under CEQA. Moreover, the concomitant urbanization would foreseeably bring more environmental effects.

Beyond this Commission’s own policies, it seems inarguable, and pretty much universally understood, that the provision of potable water and sewers to agricultural land could reasonably be expected to have the potential to encourage development of such land for purposes other than agriculture. And further, that such non-agricultural development would foreseeably have environmental impacts. Finally, inarguably, the purpose of the proposed revisions to the Commissioner Handbook is to facilitate the provision of potable water and sewers to agricultural land. Consequently, there is no legal basis for any assertion that the contemplated action does not constitute a “project” under CEQA.

While we are not addressing the merits of the policy revisions targeted only at the provision of services to the Carpinteria Valley greenhouses, for the reasons stated above, we respectfully request that this Commission not make any revisions to the current text of the first paragraph of Section 7 XII of the Commissioner Handbook and that the Commission complete all required environmental review under CEQA prior to adopting any revisions to the Commissioner Handbook.

Sincerely,



Paul Rohrer