

L A F C O M E M O R A N D U M

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
105 East Anapamu Street ♦ Santa Barbara CA 93101 ♦ (805) 568-3391 ♦ Fax (805) 568-2249

April 5, 2018

TO: Each Member of the Commission

FROM: Paul Hood *PLH*
Executive Officer

SUBJECT: Consider a Letter from the Environmental Defense Center

This is an Informational Report. No Action is Necessary

DISCUSSION

On March 21, 2018, the Environmental Defense Center submitted a letter, which according to the transmittal, “contains recommendations from a coalition of agricultural and conservation representative and is intended to help bolster LAFCO’s agricultural policies in Santa Barbara County. The letter is the result of several meetings of the coalition, including a meeting with Mr. Hood. We appreciate your attention to this issue, and look forward to working with you on this important topic.”

Representatives of the Environmental Defense Center may appear at the meeting, to briefly summarize the recommendations in the letter.

Exhibits:

Exhibit A Letter Making Recommendations to LAFCO Regarding Santa Barbara County
Agricultural Preservation

Please contact the LAFCO office if you have any questions.



March 16, 2018

Santa Barbara LAFCO
Attn: Jacquelyne Alexander
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101

Submitted via email to lafco@sblafco.org

**Re: Recommendations to LAFCO Regarding Santa Barbara County
Agricultural Preservation**

Dear Members of the Commission:

On behalf of the undersigned individuals, the Environmental Defense Center (“EDC”) writes to request that the Santa Barbara County Local Agency Formation Commission (“LAFCO”) conduct a comprehensive policy review process, revise existing policies, and review local spheres of influence, in order to best adapt its current policies to preserve agricultural resources in Santa Barbara County. These recommendations were developed by EDC’s Open-Space Preservation and Education Network (“OPEN”) program, which has brought together agriculturalists and environmentalists to advocate for the preservation of agricultural lands in Santa Barbara County.

A major success for the group occurred on April 9, 2013, when the Santa Barbara County Board of Supervisors passed the Agricultural Buffer Ordinance to minimize predictable land use conflicts between farmers and encroaching development over issues like light, noise, dust, and odors. Members of the OPEN program served on the County-convened stakeholders’ group to devise a successful compromise and draft the Ordinance language. The Ordinance signified the first time the County has required setbacks when non-agricultural development is proposed next to agriculturally-zoned land.

EDC’s OPEN program has continued to coordinate with different stakeholders in the agricultural community and conducted a review of LAFCO policy related to the preservation of farmland. We held a series of meetings with diverse stakeholders, including conservation groups and agriculturalists, in which we identified various policy needs for ensuring agricultural viability in the County. In February of 2015, EDC organized a meeting with these stakeholders

and Paul Hood, the Executive Officer of the Santa Barbara County LAFCO, in which the group expressed the importance of LAFCO's responsibility in promoting agricultural preservation and specific areas of LAFCO policy that could be strengthened to best preserve agricultural land.

In this letter, we first provide a background on the importance of preserving agricultural land in Santa Barbara County and the importance of agricultural preservation to LAFCO's responsibilities. We then provide the recommendation that LAFCO conduct a policy review process to examine its authority to preserve agricultural land in Santa Barbara County. We also identify specific policies that should be clarified and revised, and encourage LAFCO to take other actions that help ensure agricultural viability. Finally, we urge LAFCO to evaluate local spheres of influence and reduce them where possible.

I. BACKGROUND

A. Importance of Preserving Agricultural Land in Santa Barbara County.

Santa Barbara County is rich with agricultural resources that are critical to preserve. Agriculture is the number one contributor to the County's economy, providing a total of \$2.8 billion to the local economy and 25,370 jobs.¹ Preserving farmland enhances the rural character of Santa Barbara County and prevents additional urban sprawl.

Additionally, agricultural land has a direct and positive impact on environmental quality.² Intensive farming increases the amount of organic matter in the soil, which contributes to soil fertility, limits erosion, and helps retain water. Adopting best management practices in agriculture, such as minimum tillage, returning crop residues to the soil, and the use of cover crops and rotation, contributes to mitigating the greenhouse effect and global warming.³

Opportunities remain for agriculture to continue to thrive in Santa Barbara County, but are dependent on land use policies that overcome the significant pressure to convert agricultural lands to non-agricultural uses. The County Board of Supervisors recognizes the need to conserve farmlands within its borders. For example, under Article V, Chapter 3 of the Santa Barbara County Code of Ordinances, the Board of Supervisors found the preservation of agricultural land and operations within the County to be in the public's interest, and declared that such lands must be specifically protected for exclusive agricultural use.⁴

Despite County policies that promote agricultural preservation, EDC and our partners continue to work to prevent the development of agricultural land within the County. For example, in 2011, EDC, on behalf of the Santa Barbara County Action Network and in

¹ *Santa Barbara County Agricultural Production Report*, SANTA BARBARA COUNTY, p. 2, <http://cosb.countyofsb.org/uploadedFiles/agcomm/crops/2016.pdf>.

² *Santa Barbara County Agricultural Resources Environmental/Economic Assessment (Area) Study*, AMERICAN FARMLAND TRUST, p. 5, http://www.farmlandinfo.org/sites/default/files/SB_AREA_Study_Final_12_12_07_1.pdf.

³ *Organic Agriculture*, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, <http://www.fao.org/organicag/oa-faq/oa-faq6/en/>.

⁴ Ord. No. 3778, § 1.

partnership with several agriculturalists, convinced the City of Lompoc to reconsider its decision to allow the development of prime agricultural land within the Bailey Avenue corridor in Lompoc, CA.⁵ The “Bailey Avenue expansion area” was a proposed annexation area opposed by both environmental and farming groups. The proposal would have transformed a 270-acre piece of prime agricultural land into an urbanized development consisting of nearly 2,700 homes and more than 225,000 square feet of commercial space. The Bailey Avenue area lies within some of the most productive agricultural land in the state and is farmed largely for high-value row food crops. This area is again under threat of conversion to urban land uses and a proposed expansion may be presented to LAFCO for a decision in the coming years.

B. Importance of Agricultural Preservation to LAFCO.

LAFCOs exist to encourage the orderly formation of local governmental agencies, to preserve agricultural land resources, and to discourage urban sprawl.⁶ LAFCOs are responsible for conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, and for preparing a sphere of influence for each city and special district within each county. LAFCOs must consider the effect that any proposal will have on existing agricultural lands.⁷ By guiding development toward vacant urban land and away from agricultural lands, LAFCOs assist with the preservation of valuable agricultural resources. LAFCOs are also intended to discourage urban sprawl that results in the inefficient delivery of urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural resources and open space lands.⁸ Although LAFCOs may not impose conditions that would directly regulate land use or subdivision requirements, they may withhold approval of boundary changes until and unless certain conditions are satisfied.⁹

Past LAFCO actions demonstrate a strong commitment to the conservation of agricultural lands. In 1994, in response to proposed annexations to the City of Santa Maria, LAFCO encouraged the City and County to adopt a green belt agreement as a joint policy pledging to keep specific areas in permanent agriculture. Additionally, in 1998, LAFCO denied the City of Lompoc’s request to extend its sphere of influence west onto prime agricultural land in the Bailey Avenue corridor, and encouraged the City instead to grow onto areas with less agricultural value.¹⁰

⁵ *Press Release*, ENVIRONMENTAL DEFENSE CENTER, <http://www.environmentaldefensecenter.org/wp-content/uploads/2015/04/11-02-05.pdf>.

⁶ *A Call to Action to Preserve California Agricultural Lands*, CALIFORNIA ROUNDTABLE ON AGRICULTURE AND THE ENVIRONMENT, http://www.aginnovations.org/uploads/result/1431288812-45566a9a64c9cb825/CRAE_Call_to_Action.pdf.

⁷ *What is LAFCO?*, CALIFORNIA LOCAL AGENCY FORMATION COMMISSION, <https://calafco.org/lafco-law/faq/how-does-lafco-work-preserve-agricultural-lands>.

⁸ *What is LAFCO?*, CALIFORNIA LOCAL AGENCY FORMATION COMMISSION, <https://calafco.org/lafco-law/faq/how-does-lafco-discourage-urban-sprawl>.

⁹ *It’s Time to Draw the Line; A Citizen’s Guide to LAFCOs*, CALIFORNIA LOCAL AGENCY FORMATION COMMISSION, pp. 10-11, https://calafco.org/sites/default/files/resources/TimetoDrawLine_03.pdf.

¹⁰ Letter on “Possible ‘Study Session’ on Agricultural Preservation,” SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, http://www.sblafco.org/docs/03-01-07/Item13_Discussion_of_possible_study_session_on_agriculture.pdf.

LAFCO’s statutory authority and policies support preserving agricultural land. Under the Cortese-Knox-Hertzberg Local Government Reorganization Act, LAFCO’s enabling statute, Section 56300 states that the Legislature intends for each commission to “establish policies and exercise its powers pursuant to this part in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns.”¹¹

In reviewing annexation proposals under Government Code Section 56668, LAFCO is permitted to consider various factors, including “[t]he effect of the proposal on maintaining the physical and economic integrity of agricultural lands.”¹² Moreover, LAFCO policy encourages the development of existing nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency “before any proposal is approved which would allow for the development of existing open-space lands for non-open space uses which are outside of the existing jurisdiction of the local agency.”¹³

The LAFCO Commissioner Handbook also sets forth policies that encourage conservation of agricultural lands. LAFCO policy discourages “[p]roposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the city or county general plan.”¹⁴ With regard to “Sphere of Influence” determinations, agricultural resources and support facilities are given special considerations under LAFCO policies.¹⁵ Specifically, LAFCO requires that “[h]igh value agriculture areas, including areas of established crop production, with soils of high agricultural capability should be maintained in agriculture, and in general should not be included in an urban service sphere of influence.”¹⁶

II. RECOMMENDED POLICY REVIEW AND REVISION

A. Initiate a Policy Review Process on Agricultural Preservation in Santa Barbara County.

LAFCO is in the best position to examine policies to preserve Santa Barbara County’s agricultural resources. Encouraging agricultural preservation in Santa Barbara County is critical today as growth and development increase and a multi-year drought continues. More and more people are moving into North County as land values escalate and housing becomes more expensive, which has resulted in more complaints from residential areas about standard agricultural operations.¹⁷ Farmers are reporting serious impediments to standard operations—not to mention expansion and intensification—and are increasingly concerned with the conversion of

¹¹ California Government Code §56300.

¹² California Government Code §56668.

¹³ California Government Code §56377 (b).

¹⁴ *Policy Guidelines and Standards*, COMMISSIONER HANDBOOK.

¹⁵ *Id.* at 10.

¹⁶ *Id.*

¹⁷ *Santa Barbara County Agricultural Resources Environmental/Economic Assessment (Area) Study*, AMERICAN FARMLAND TRUST, p. 50, http://www.farmlandinfo.org/sites/default/files/SB_AREA_Study_Final_12_12_07_1.pdf.

agricultural lands in the County.¹⁸ On a per-acre basis, much of the County's highest-value agricultural land is located in the Santa Maria Valley and Lompoc Valley, which are under intense development pressure. To sustain agriculture in the future, growth and development must be directed away from agricultural lands.

In 2007, Bob Braitman, LAFCO former executive officer, recommended that the members of the Commission conduct a study session to examine how LAFCO could be involved in protecting and enhancing the County's agricultural resources.¹⁹ Mr. Braitman identified numerous issues for LAFCO to address in the study session including, for example, identifying the long term prospects for continued agricultural use, considering what factors affect agricultural production and value, and analyzing where farmland is most threatened by planned or prospective urban development. To the best of our knowledge, no such study session was ever conducted.

In carrying out this recommendation to enhance the County's agricultural viability, we urge LAFCO to conduct a comprehensive review of Santa Barbara County LAFCO policies to ensure it prevents urban sprawl and preserves agriculture.

B. Proposed Clarifications and Amendments to Santa Barbara County LAFCO Policy, and Request to Promote Agricultural Viability.

Certain LAFCO policies are ambiguous and should be clarified to ensure the preservation of agricultural lands. In addition, existing policies that would help reduce agricultural conversion should be proactively implemented.

1. LAFCO Should Ensure Its Policies Addressing Annexations and Infill are More Protective of Agricultural Land.

As an initial matter, LAFCO policies inconsistently refer to "prime" agricultural land, "agricultural land," and "nonprime" agricultural land. For example, SB County LAFCO Policy 5 refers generally to "agricultural lands" in providing that "[p]roposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, *agricultural lands*, or agricultural preserve areas in open space uses, as indicated on the city or county general plan, shall be discouraged." On the other hand, LAFCO Policy 4, section 2, provides that the "[d]evelopment of existing vacant non open space, and *nonprime agricultural land* within an agency's boundaries is encouraged prior to further annexation and development."²⁰ LAFCO should examine its policies to evaluate whether the distinctions between prime and non-prime agricultural lands throughout its policies remains relevant and, if so, whether the distinction threatens the preservation of agricultural lands. We are concerned that the definition for "prime

¹⁸ *Id.*

¹⁹ Letter on "Possible 'Study Session' on Agricultural Preservation," SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, http://www.sblafco.org/docs/03-01-07/Item13_Discussion_of_possible_study_session_on_agriculture.pdf (2007).

²⁰ *Policies Encouraging Orderly Urban Development and Preservation of Open Space*, SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, http://www.sblafco.org/policy_04.sbc.

agricultural lands” under Government Code Section 56016 is too narrow, while “non-prime agricultural lands” is not defined in the Government Code or under SB County LAFCO policies and does not reflect advances in agricultural technology.

In addition to this overarching concern, we have specific concerns with the language in Policies 4 and 5, both of which contain sections that are ambiguous and vague regarding how agricultural land is to be protected. We have the following questions and redline edits with respect to each policy:

-- **Policy 4, Section 2:** Development of existing vacant non open space, and nonprime agricultural land within an agency’s boundaries is encouraged prior to further annexation and development. However, where open land adjacent to the agencies are of low agricultural, scenic, or biological value, annexation of those lands may be considered over development of prime agricultural land already existing within an agency’s jurisdiction.

Questions/Concerns: What constitutes “nonprime agricultural land” and why does this policy not simply protect all agricultural land? Who is to determine whether adjacent land is of low agricultural value? How can this policy ensure that prime agricultural land within an agency’s jurisdiction will not be developed when other options for development remain? If an agency is able to annex additional land in exchange for not developing its prime land, how is that condition enforced by LAFCO in order to ensure against sprawl and development of agricultural lands? We recommend that LAFCO revise this policy with these questions in mind in order to be more protective of agricultural land.

-- **Policy 4, Section 3:** Proposals to annex undeveloped or agricultural parcels to cities or districts providing urban services shall demonstrate that urban development is imminent for all or a substantial portion of the proposal area; that urban development will be contiguous with existing or proposed development; and that a planned, orderly, and efficient urban development pattern will result. Proposals resulting in a leapfrog, non-contiguous urban pattern **or development of agricultural lands** will be discouraged.

Questions/Concerns: We recommend the above red-line edit to this policy to ensure that leapfrogging in addition to development of agricultural lands is discouraged and to capture the questions/concerns previously discussed regarding Policy 4, Section 2.

-- **Policy 5, Section 2:** Annexation and development of existing vacant non-open space lands, and nonprime agricultural land within an agency’s sphere of influence is **encouraged required** to occur prior to development outside of an existing sphere of influence. **The applicant bears the burden of proving existing infill development is not feasible.**²¹

²¹ *Policies Encouraging Conservation of Prime Agricultural Lands and Open Space Areas*, SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, http://www.sblafco.org/policy_05.sbc.

Questions/Concerns: Rather than simply *encouraging* infill development, LAFCO should *require* a city to infill prior to the annexation of agricultural lands where a certain percentage of infill land is available for development. LAFCO policy should also include language that the city has the burden of proving existing infill development opportunities are not feasible when seeking to expand. Our proposed red-line edits attempt to address this concern.

-- **Policy 5, Section 3:** A sphere of influence revision or update for an agency providing urban services where the revision includes prior agricultural land shall be discouraged. Development shall be guided towards areas not containing nonprime agricultural lands, unless such action will promote disorderly, inefficient development of the community or area.²²

Questions/Concerns: The above red-line edit is intended to provide more protection of all agricultural land, and to not encourage development of nonprime agricultural land.

-- **Policy 5, Section 4:** Loss of agricultural lands should not be a primary issues [sic] for annexation where city and county general plans both indicate that urban development is appropriate and where there is consistency with the agency's sphere of influence. However, the loss of any primer [sic] agricultural soils-lands should be discouraged, in light of balaneed-against other LAFCO policies and a the LAFCO goal of conserving such lands.

Questions/Concerns: This policy is vague and provides inadequate guidance on the preservation of agricultural land. How can LAFCO ensure that agricultural land is protected by relying on a city and county general plan and sphere of influence? LAFCO is intended to serve as a check and balance on other agencies and plans for development, and should not dismiss the loss of agricultural lands with a deferential standard to other agencies. Moreover, the loss of agricultural lands should not just be "balanced" with other policies but should be prohibited or discouraged.

2. **LAFCO Should Consider Tools for Reducing Impacts to Agricultural Viability, Including Agricultural Buffers, Especially in Light of Any Annexations.**

While we discourage the annexation of agricultural lands in Santa Barbara County, if an annexation of such lands occurs, we encourage LAFCO to take additional steps to reduce any impacts to agricultural viability and limit the scope of its decisions.

To limit the impact of annexation decisions on agricultural lands, LAFCO policies should strongly encourage agricultural buffers during the approval process for local government boundary changes. As Santa Barbara County recognized in adopting the Agricultural Buffer Ordinance, residential development adjacent to agricultural land often restricts farming

²² *Id.*

operations, which threatens their viability.²³ Complaints about standard farming operations like light, noise, dust, and odors occur when residential development is built too close to farmland; however, buffers can reduce this predictable land use conflict.

We recognize that LAFCO may not have the authority to condition an annexation decision on the inclusion of an agricultural buffer given that LAFCO does not have the authority to “impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.”²⁴ Nevertheless, LAFCO should work with Santa Barbara County to require binding agricultural buffers as a means of reducing predictable land use conflicts and impairment of agricultural lands, where possible. We therefore request that LAFCO consider the inclusion of buffer zones during the approval process for local government boundary changes.

C. LAFCO Should Reduce the Spheres of Influence of Cities Within Its Jurisdiction Where Possible.

Finally, we recommend that LAFCO review existing Spheres of Influence (“SOIs”) and reduce them where possible in order to remove agricultural land from SOIs and further encourage their preservation. LAFCOs have the sole responsibility for establishing a city’s SOI.²⁵ As described under Section 56076 of the Government Code, the SOI is “a plan for the probable physical boundaries and service area of a local government agency as determined by the commission.”²⁶ In establishing, amending, or updating a SOI, a LAFCO must consider and make written determinations with regard to the following factors, including “[t]he present and planned uses in the area, including agricultural and open-space lands.”²⁷ The SOI is an important benchmark because it defines the primary area within which urban development is to be encouraged.²⁸ In a 1977 opinion, the California Attorney General stated that an agency’s SOI should “serve like general plans, serve as an essential planning tool to combat urban sprawl and provide well planned efficient urban development patterns, giving appropriate consideration to preserving prime agricultural and other open-space lands.”²⁹

Under Santa Barbara County LAFCO policies, “[a]gricultural resources and support facilities should be given special consideration in sphere of influence designations.”³⁰ Policy 2 explicitly states that high value agriculture areas “should not be included in an urban service sphere of influence.”³¹ Based on this policy, we urge Santa Barbara County LAFCO to conduct a

²³ *Agricultural Element*, SANTA BARBARA COUNTY COMPREHENSIVE PLAN, p. 6, <http://longrange.sbcountyplanning.org/programs/genplanreformat/PDFdocs/Agricultural.pdf>.

²⁴ California Government Code §56375(6).

²⁵ *LAFCOs, General Plans, and City Annexations*, CALIFORNIA GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, p. 13, http://opr.ca.gov/docs/LAFCOs_GeneralPlans_City_Annexations.pdf.

²⁶ *Id.*

²⁷ California Government Code §56425(e).

²⁸ California Government Code §56425.

²⁹ 60 Ops. Cal. Atty. Gen. 118.

³⁰ *Sphere of Influence Policies*, SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, http://www.sblafco.org/policy_02.sbc.

³¹ *Id.*

comprehensive review of SOIs that encompass agricultural lands and make all necessary reductions as required under Policy 2. Lands lying within a SOI are those that the city may someday propose to annex, so LAFCO must be proactive in reviewing and removing agricultural areas from the SOIs when they are inconsistent with policies protective of agricultural lands. These reductions should be a component of the five-year review of SOIs, pursuant to LAFCO Policy 2.³²

III. CONCLUSION

In conclusion, we urge LAFCO to prioritize agricultural preservation in light of its statutory responsibility and authority, and to conduct a comprehensive policy review to ensure LAFCO has the most effective role that it can in preserving the County's agricultural resources. We also urge LAFCO to review and, where appropriate, reduce existing SOIs as a means to ensure long-term protection of threatened agricultural lands.

Thank you for your consideration of these comments and recommendations. Please contact us with any questions.

Sincerely,

Maggie Hall and Tara Messing, Environmental Defense Center

Santa Barbara County Farm Bureau

Claire Wineman, President, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties

Paul Van Leer, Las Varas Ranch and Edwards Ranch

Jose Baer, Manager, Oso Ag LLC, Buellton; President, Rancho La Vina Corp, Lompoc

James Poett, Rancho San Julian

Ken Hough, Santa Barbara County Action Network

Carla Rosin, Co-Founder of Santa Barbara Food Alliance

Marell Brooks, Citizens Planning Association

Mark Oliver, Mark Oliver, Inc., Branding & Packaging Design

cc: Paul Hood, SB LAFCO Executive Officer

³² Policy 2 states that SOI "determinations are to be reviewed periodically and changed or updated as circumstances may require in the opinion of LAFCO ... approximately every five years." *Id.*