

December 6, 2018 (Agenda)

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

Review of Commission's Agriculture and Open Space Policies

Dear Members of the Commission

RECOMMENDATION

It is recommended that the Commission Provide Direction to Staff.

DISCUSSION

Background:

At the October 11, 2018 meeting, the Commission reviewed several documents, including the current Agricultural and Open Space Policies, and directed staff to return at the next meeting with a process to review, and potentially revise, these policies. The October 11, 2018 meeting minutes on this matter read as follows:

“Directed staff to conduct limited research on potential options available to the Commission and to return at the next LAFCO meeting with recommendations. Further directed that this matter be agendized to allow for the appointment of an ad hoc sub-committee of the Commission”.

Essentially the Commission has two main options:

1. Appoint an Ad Hoc Committee comprised of three members of the Commission to work with staff and the public to bring back revisions to the current Agricultural and Open Space Policies for review and consideration by the full Commission, and
2. Direct the Executive Officer and Legal Counsel review the current policies, the policies of neighboring LAFCO's (San Luis Obispo and Ventura), the Open Letter from the Environmental Defense Center and the CALAFCO/American Farmland

Trust, and the public, and bring back potential revisions for review and consideration by the full Commission.

The second option is more streamlined. Both options would result in the Commission making the final decision. Both processes would consider the same information, i.e. Review the current policies, the policies of neighboring LAFCO's (San Luis Obispo and Ventura), the Open Letter from the Environmental Defense Center and the CALAFCO/American Farmland Trust, and the public.

Commission Agriculture and Open Space Policies:

The Commission's "Policies Encouraging Conservation of Prime Agricultural Land and Open Space" are contained in the Commissioner Handbook, Section 7 IV and V, (**Exhibit A**). The policies are also included on the Commissions website: http://www.sblafco.org/policy_05.sbc

Statutory Authority:

The Cortese-Knox-Herzberg Act has several sections that encourage the preservation of agricultural and open space lands:

Government Code Section 56300. It is intent of the Legislature that:

". . . each commission 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."

Government Code Section 56301:

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies to advantageously provide for the present and future needs of each county and its communities.

Government Code Section 56377:

"In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency 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 jurisdiction of the local agency or outside of the existing sphere of influence of the local agency."

Agricultural Resources and Spheres of Influence:

A basic LAFCO function is regulation of local governmental boundaries. Therefore, it would be beneficial to review the Commission's Agricultural Lands and Open Space policies to determine if they should be updated considering recent studies as well as, the policies of neighboring LAFCO's.

In determining Spheres of Influence, the Commission conducts Municipal Service Reviews MSR's).

Government Code Section 56434, states that as part of the MSR:

"The Commission may review and comment upon both of the following:

(1) The extension of services into previously unserved territory within unincorporated areas.

(2) The creation of new service providers to extend urban type development into previously unserved territory within unincorporated areas.

(b) The purpose of the review authorized by this section shall ensure that the proposed extension of services or creation of new service providers is consistent with the...adopted policies of the commission implementing these sections, including promoting orderly development, discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for persons and families of all incomes, and the efficient extension of governmental services. (Emphasis Added)

Conclusion:

It is timely for the Commission to review, and potentially revise its Agricultural and Open Space Policies. Regulation of land use is reserved by State law for units of general government, i.e. cities and counties. These agencies act through general and specific plans, zoning and entitlements. However, although the Commission does not have land use authority, it can withhold its approval of boundary changes, based on the need for agricultural buffers or conditions relative to the adequate provision of public services. More particularly, the Commission can base its decisions on strong agricultural and open space policies.

EXHIBITS

Exhibit A Santa Barbara LAFCO Policies on Agricultural Lands and Open Space

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

SB LAFCO AG AND OPEN SPACE POLICIES

IV. POLICIES ENCOURAGING ORDERLY URBAN DEVELOPMENT AND PRESERVATION OF OPEN SPACE PATTERNS

1. The Commission encourages will planned, orderly, and efficient urban development patterns for all developing areas. Also, the county, cities, and those districts providing urban services, are encouraged to develop and implement plans and policies which will provided for well-planned, orderly and efficient urban development patterns, with consideration of preserving permanent open space lands within those urban patterns.
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.
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 will be discouraged.
4. Consideration shall be given to permitting sufficient vacant land within each city and/or agency in order to encourage economic development, reduce the cost of housing, and allow timing options for physical and orderly development.

V. POLICIES ENCOURAGING CONSERVATION OF PRIME AGRICULTURAL LANDS AND OPEN SPACE AREAS

1. Proposals 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.
2. Annexation and development of existing vacant non-open space lands, and nonprime agricultural land within an agency's sphere of influence is encouraged to occur prior to development outside of an existing sphere of influence.
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 containing nonprime agricultural

lands, unless such action will promote disorderly, inefficient development of the community or area.

4. Loss of agricultural lands should not be a primary issue 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 agricultural soils should be balanced against other LAFCO policies and a LAFCO goal of conserving such lands.