



**Agenda Item D.1**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: June 4, 2019**

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**TO:** Mayor and Councilmembers

**FROM:** Peter Imhof, Planning and Environmental Review Director

**CONTACT:** Anne Wells, Advance Planning Manager

**SUBJECT:** Santa Barbara Local Agency Formation Commission Agricultural and Open Space Policies Comment Letter

**RECOMMENDATION:**

Authorize the Mayor to sign a comment letter in response to a request for comments from the Santa Barbara Local Agency Formation Commission (LAFCO) regarding Agricultural and Open Space Policies (Attachment 1).

**BACKGROUND:**

LAFCO is a regional agency that is responsible for reviewing requests for jurisdictional changes to boundaries and spheres-of-influence. On April 2, 2019, the City received a notice from LAFCO of a pending update to LAFCO's Agricultural and Open Space Policies (see Attachment 2). LAFCO requested comments on draft revisions to the Agricultural and Open Space Policies by May 15, 2019, for discussion at a June 6, 2019, LAFCO meeting. Subsequently, LAFCO Executive Director Paul Hood informed City staff that the LAFCO meeting scheduled for June 6 is being moved to July 11. The Ag and Open Space Ad Hoc Committee, which is reviewing the draft policies, will now meet on June 6 instead.

At Council's May 21 meeting, two Councilmembers requested discussion of this item to consider submitting a comment letter. According to Paul Hood, both the LAFCO Ad Hoc Committee and the full Commission will have the opportunity to decide whether to accept comments received after original May 15 comment deadline.

**DISCUSSION:**

LAFCO's Agricultural and Open Space Policies are relevant to discussions regarding the management of future growth in Goleta and other municipalities in the County, since the policies affect the feasibility of future expansion of city boundaries, spheres-of-influence, and annexation of new lands. LAFCO has statutory authority through the Cortese-Knox-Herzberg Act to "establish policies and exercise its powers... 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.”

The proposed LAFCO policy amendments add an overall policy statement and a recommendation for a memorandum of agreement between a city and the County of Santa Barbara to address the impacts on and conversion of agricultural lands on the fringe of a city. In addition, the policy amendments include a new policy for approving annexations of prime agricultural land only if mitigation at a 1-to-1 substitution ratio for the conversion of prime agricultural land is agreed to by the applicant (landowner) and the jurisdiction with land use authority. Mitigation may be met by acquisition and dedication of farmland, agricultural conservation easements, payment of in-lieu fees, or other measures agreed to by the applicant and the land use jurisdiction.

A draft comment letter is attached for Council’s consideration and the Mayor’s signature. At Council’s direction, staff can amend the letter based on Council discussion. As drafted, the letter supports the LAFCO’s efforts to maintain balanced urban development patterns with appropriate consideration of preserving open space lands. The draft letter expands upon maintaining this balance while supporting land use flexibility and local control. Given the City’s housing affordability challenges, desire to preserve agricultural land and Goleta’s visual character, and interest in maintaining flexibility to address the State’s housing goals, the proposed LAFCO policy changes merit discussion. The draft comment letter in Attachment 1 states that LAFCO policies must be cognizant of these policy issues and emphasizes that balancing the preservation of agricultural resources and urban development patterns is an important function of LAFCO.

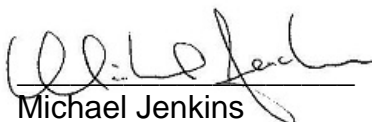
**FISCAL IMPACTS:**

There is no fiscal impact associated with this item.


**ALTERNATIVES:**

None are recommended

**Legal Review By:**

  
Michael Jenkins  
City Attorney

**Approved By:**

  
Michelle Greene  
City Manager

**ATTACHMENTS:**

1. City Comment Letter
2. Santa Barbara LAFCO Request for Comments Letter Dated March 26, 2019

Attachment 1

City Comment Letter





June 4, 2019

**CITY COUNCIL**

Paula Perotte  
*Mayor*

Kyle Richards  
*Mayor Pro Tempore*

Roger S. Aceves  
*Councilmember*

Stuart Kasdin  
*Councilmember*

James Kyriaco  
*Councilmember*

**CITY MANAGER**

Michelle Greene

Mr. Paul Hood  
Executive Director  
Santa Barbara Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

RE: LAFCO Agricultural and Open Space Policies

Dear Mr. Hood:

Thank you for the opportunity to comment on the Santa Barbara Local Agency Formation Commission (LAFCO) Agricultural and Open Space Policies. The City of Goleta supports the policy recommendations of the Environmental Defense Center's Open-Space Preservation and Education Network ("OPEN") as expressed in its March 16, 2018 and May 8, 2019 letters to LAFCO (attached), as well as the recommendations of the CALAFCO White Paper.

OPEN's letters and the CALAFCO White Paper highlight the importance of preserving agricultural land in Santa Barbara County and emphasize that it is a core LAFCO responsibility. They also recommend that LAFCO undertake a comprehensive review of its policies and process along with local spheres of influence. Protecting agricultural lands and open spaces while encouraging infill development and containing urban sprawl should be among LAFCO's highest priorities.

We appreciate the opportunity to provide this input.

Sincerely,

Paula Perotte  
City of Goleta Mayor

cc: Goleta City Council Members  
LAFCO Commission Members





May 8, 2019

Santa Barbara LAFCO  
Attn: Jacquelyne Alexander  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-3391

*Submitted via email to [lafco@sblafco.org](mailto:lafco@sblafco.org)*

**Re: OPEN Comments Regarding Revisions to Santa Barbara County LAFCO's  
Agricultural and Open Space Policies**

Dear Members of the Commission:

We are writing to resubmit the attached comments from a diverse set of stakeholders including local ranchers, farmers, and conservationists, originally submitted to the Santa Barbara County Local Agency Formation Commission ("LAFCO") on March 16, 2018, to urge LAFCO to 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. *See Exhibit A.*

Our organization has engaged in a collaborative process between both conservationists and agricultural interests as part of its Open-Space Preservation and Education Network ("OPEN") program to advocate for the preservation of agricultural lands in Santa Barbara County. As part of this process, the OPEN stakeholder group developed specific policy recommendations for LAFCO to protect agricultural resources in Santa Barbara County, which are set forth in the attached letter. The letter is signed by local agricultural interests including ranchers, the Santa Barbara County Farm Bureau, and the Grower-Shipper Association, as well as local conservation groups.

The OPEN letter provides a background on the importance of preserving agricultural land in Santa Barbara County as well as the importance of agricultural preservation to LAFCO's responsibilities. The letter sets forth recommendations for strengthening, clarifying, and revising specific policies. It also requests that LAFCO evaluate local spheres of influence and reduce them where possible.

We sincerely appreciate LAFCO's interest in reviewing and updating its current Agricultural and Open Space Policies, as well as the time and resources that have been devoted to the Agricultural and Open Space Policies Ad Hoc Committee. However, after reviewing staff's proposed revisions to existing policies, we are disappointed that the edits do not address the recommendations raised in the OPEN letter, such as revising policies to discourage the loss of any agricultural lands and to require feasible infill development over sprawl. We urge the Commission to consider these points in addition to the guidance provided in the CALAFCO White Paper.

Additionally, the proposed change at Policy 5, subsection (6) concerning mitigation is inconsistent with the purpose of LAFCO, existing policy, and the CALAFCO White Paper. The Cortese-Knox-Hertzberg Act strongly discourages the use of prime agriculture land for development, and one of the main goals of LAFCOs is to conserve such lands. Cal. Gov't Code § 56001. To that end, LAFCO Policy 5, subsection (1) states that "[p]roposals which would conflict with the goals of maintaining the physical and economic integrity of ... agricultural lands ... shall be discouraged." Policy 5 must not focus on mitigating for the loss of agricultural lands, but instead promote the preservation of these lands.

Moreover, the CALAFCO White Paper sets forth a hierarchy for agricultural land preservation strategies. The most preferred strategy is to avoid impacts and the least preferred strategy is to mitigate impacts. For these reasons, LAFCO must reject the proposed change and instead prioritize policies that prevent loss of agricultural lands in light of its statutory responsibility.

In conclusion, LAFCOs have a statutory role in preserving agricultural lands that cannot come secondary to other interests. By guiding development toward vacant urban land and away from agricultural lands, LAFCOs assist with the preservation of valuable agricultural resources. It is thus imperative for LAFCO to establish effective and protective Agricultural and Open Space policies to discourage expansion onto agricultural lands, and we urge LAFCO to adopt the recommendations set forth in the OPEN letter.

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

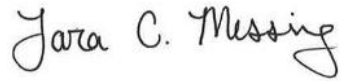
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Sincerely,

A handwritten signature in cursive script that reads "Maggie Hall".

Maggie Hall  
Staff Attorney

A handwritten signature in cursive script that reads "Tara C. Messing".

Tara C. Messing  
Staff Attorney

cc: Paul Hood, SB LAFCO Executive Officer

Exhibits:

A – Letter from the OPEN group to Members of the Commission dated March 16, 2018



# Exhibit A





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](mailto: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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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

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

<sup>2</sup> *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](http://www.farmlandinfo.org/sites/default/files/SB_AREA_Study_Final_12_12_07_1.pdf).

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

<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup>

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

<sup>6</sup> *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](http://www.aginnovations.org/uploads/result/1431288812-45566a9a64c9cb825/CRAE_Call_to_Action.pdf).

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

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

<sup>9</sup> *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](https://calafco.org/sites/default/files/resources/TimetoDrawLine_03.pdf).

<sup>10</sup> 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](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."<sup>11</sup>

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."<sup>12</sup> 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."<sup>13</sup>

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."<sup>14</sup> With regard to "Sphere of Influence" determinations, agricultural resources and support facilities are given special considerations under LAFCO policies.<sup>15</sup> 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."<sup>16</sup>

## **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.<sup>17</sup> Farmers are reporting serious impediments to standard operations—not to mention expansion and intensification—and are increasingly concerned with the conversion of

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<sup>11</sup> California Government Code §56300.

<sup>12</sup> California Government Code §56668.

<sup>13</sup> California Government Code §56377 (b).

<sup>14</sup> *Policy Guidelines and Standards*, COMMISSIONER HANDBOOK.

<sup>15</sup> *Id.* at 10.

<sup>16</sup> *Id.*

<sup>17</sup> *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](http://www.farmlandinfo.org/sites/default/files/SB_AREA_Study_Final_12_12_07_1.pdf).



agricultural lands in the County.<sup>18</sup> 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.<sup>19</sup> 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."<sup>20</sup> 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

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<sup>18</sup> *Id.*

<sup>19</sup> 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](http://www.sblafco.org/docs/03-01-07/Item13_Discussion_of_possible_study_session_on_agriculture.pdf) (2007).

<sup>20</sup> *Policies Encouraging Orderly Urban Development and Preservation of Open Space*, SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, [http://www.sblafco.org/policy\\_04.sbc](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.<sup>21</sup>

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<sup>21</sup> *Policies Encouraging Conservation of Prime Agricultural Lands and Open Space Areas*, SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, [http://www.sblafco.org/policy\\_05.sbc](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.<sup>22</sup>

**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

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<sup>22</sup> *Id.*

operations, which threatens their viability.<sup>23</sup> 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.”<sup>24</sup> 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.<sup>25</sup> 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.”<sup>26</sup> 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.”<sup>27</sup> The SOI is an important benchmark because it defines the primary area within which urban development is to be encouraged.<sup>28</sup> 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.”<sup>29</sup>

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

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

<sup>24</sup> California Government Code §56375(6).

<sup>25</sup> *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](http://opr.ca.gov/docs/LAFCOs_GeneralPlans_City_Annexations.pdf).

<sup>26</sup> *Id.*

<sup>27</sup> California Government Code §56425(e).

<sup>28</sup> California Government Code §56425.

<sup>29</sup> 60 Ops. Cal. Atty. Gen. 118.

<sup>30</sup> *Sphere of Influence Policies*, SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION, [http://www.sblafco.org/policy\\_02.sbc](http://www.sblafco.org/policy_02.sbc).

<sup>31</sup> *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.<sup>32</sup>

### 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

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<sup>32</sup> 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.*



Attachment 2

Santa Barbara LAFCO Request for Comments Letter  
Dated March 26, 2019





# LAFCO

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**Santa Barbara Local Agency Formation Commission**

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/568-2249

www.sblafco.org ♦ lafco@sblafco.org

March 26, 2019

**TO: Each City Community Development Director  
County Director of Planning and Development**

**SUBJECT: Request for Comments - LAFCO Agricultural and Open Space  
Policies – Due May 15, 2019**

The Commission is interested in reviewing and updating its current Agricultural and Open Space Policies. In this regard, at the December 6, 2018, the Commission formed an Agricultural and Open Space Policies Ad Hoc Committee comprised of one County member and two City members. After two meetings, staff was directed to send out LAFCO's current policies for review and comment, to the County's Planning agencies, namely the eight Cities and Santa Barbara County.

The current Santa Barbara LAFCO Agricultural and Open Space Policies with two revisions added by staff is attached as **Exhibit A**.

A link to the October 11, 2018, LAFCO Staff Report that includes several relevant documents that have been reviewed by the Commission and staff, is as follows:

<http://sblafco.org/asset.c/1021>

**Any comments should be returned to LAFCO staff by May 15, 2019.** The comments will be reviewed by the Ad Hoc Committee in May. An Information Item would be scheduled for discussion at the June 6, 2019 Commission meeting.

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD  
Executive Officer

Cc: County Executive Officer  
Each City Manager

## PRESERVING OPEN SPACE AND AGRICULTURAL RESOURCES

LAFCO must consider the effect that any proposal may produce on existing open space and agricultural lands, especially prime farm lands. The Cortese-Knox-Hertzberg Act (CKH) strongly discourages the use of prime agriculture land for development. The definition of prime agriculture land is found in the CKH Act and is broadly defined in the Act. By guiding development toward vacant urban land and away from agricultural land, LAFCO assists with the preservation of valuable agricultural resources. The policies in Sections IV. and V are designed to assist LAFCO in making decisions concerning the Encouragement of Orderly Urban Development and reservation of Open Space Patterns and Encouraging the Conservation of Prime Agricultural Lands and Open Space. A policy is a statement that guides decision making by indicating a clear direction on the part of LAFCO. The following two policies support the goals stated above and shall be used by Santa Barbara LAFCO when considering a proposal that would involve agricultural resources:

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

1. The Commission encourages well 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 non-prime 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 prime agricultural soils should be balanced against other LAFCO policies and a LAFCO goal of conserving such lands.

5. A Memorandum of Agreement between a city and the County should be used and amended as needed to address the impacts on and conversion of Agricultural Lands on the fringe of a city.

6. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.

b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 6a.

c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.