

August 3, 2023 (Agenda)

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

## **Consider Changes in the Commissioner Handbook Guidelines and Standards**

Dear Members of the Commission

### RECOMMENDATION

- 1) Consider recommendations regarding amendments to Commissioner Handbook and provide direction to staff to return at a future meeting with any changes and/or additions as needed to address the effect of the Regional Water Quality Board regulations and orders regarding the Carpinteria Valley and the discharge of brine from certain agricultural operations, especially cannabis operations, as follows:
  - a) Section 7 II – Sphere of Influence Policies.
  - b) Section 7 V – Policies Encouraging Conservation of Prime Agricultural Lands and Open Space Areas.
  - c) Section 7 XII – Extending Urban Utility Services to Agricultural Parcels.
  - d) Find that the proposed actions are not a "project" under California Environmental Quality Act Guidelines §15378(b)(5) in that they are organizational or administrative activities of the government that will not result in direct or indirect physical changes to the environment.

The Commission is also requested to provide direction to staff to return at a future meeting with any changes and/or additions.

### DISCUSSION

At the May 4, 2023 meeting, the Commission directed that staff return with revisions to the Santa Barbara LAFCO Commissioner Handbook Section 7 – “Policy Guidelines & Standards”. The Commission wanted to review policies that addresses Sphere of

Influence revisions of existing agricultural parcels that continues to protect and enhance agricultural and open space areas while addressing extension of urban utility services. Staff sent out LAFCO's current policies and recommended revisions for review and comment, to the County's Planning agencies, namely the eight Cities and Santa Barbara County, Independent Special Districts, Agricultural and Environmental Communities.

Comments were received by six public agencies, organizations, and/or individuals. A list of comments letters are attached as Attachment B.

Recommended changes are included as **Attachments A**. If the Commission desires to have the Agricultural Advisory Committee provide greater input this item can be deferred and placed on their next available agenda tentative September 14, 2023 at 2 pm.

#### Attachments

Attachment A - Commission Handbook Section 7 Policy Guidelines and Standards

Attachment B – Comment Letters

Please contact the LAFCO office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Prater", with a horizontal line extending to the right.

Mike Prater  
Executive Officer

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## II. SPHERE OF INFLUENCE POLICIES

A sphere of influence establishes the probably ultimate physical boundaries and service area of each governmental agency within the county. Once adopted, these spheres of influence are to be used by the Commission as one factor in making decision on proposal over which it has jurisdiction and as a basis for recommendations on governmental reorganization. A proposal shall not be approved solely because the area falls within the sphere of influence of an agency.

Sphere of Influence determinations are to be reviewed periodically and changed or updated as circumstances may require in the opinion of LAFCO. Such periodic review should be made approximately every five years.

The Commission will generally apply the following policy guidelines in spheres of influence determinations while also taking into account local conditions and needs.

1. The plans and objectives contained within the adopted General Plans of the cities and the county will be supported. In cases where these plans are inconsistent, the Commission will adopt findings relative to its decision.
2. Community-centered urban development will be encouraged wherever justified on the basis of reduced cost of desired levels of community services, energy conservation, and preservation of agricultural and open space resources.
3. Duplication of authority to perform similar service functions in the same territory will be avoided.
4. Multiple-service agencies will be preferred to a number of limited services districts. In this regard, city provision of multiple services will be preferred where possible because of the substantially broader authority and responsibility to provide services and controls to their constituencies, including land-use planning controls.
5. Where possible, a single larger agency rather than a number of adjacent smaller ones, established for a given service in the same general area, will be preferred.
6. An economically sound base for financing services without including territories which will not benefit from the services will be promoted.
7. Sphere of influence lines shall seek to preserve community identity and boundaries and will urge the political and functional consolidation of local government agencies that cross-cut those affected communities.
8. Sphere of influence lines may be larger or smaller than existing local agency boundaries and may lead to recommendations for changes of organization.

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9. Agencies which do not have major impact upon land, road, or capital facilities planning (such as cemetery districts) shall generally have a sphere of influence which is coterminous with their existing jurisdictional boundaries.
10. Agricultural resources and support facilities should be given special consideration in sphere of influence designations. High 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 unless the area resides in the Carpinteria Valley and contains greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations and Orders.
11. The Commission will consider area-wide needs for governmental services and evaluate individual districts serving the area as they relate to the total system of the existing local government in the community and alternative arrangements.

#### Environmental Review

A LAFCO sphere of influence determination is subject to review under the provision of the California Environmental Quality Act (CEQA). In order to enable environmental considerations to be effectively integrated into a sphere of influence determination, and environmental review will be conducted concurrently with the development of the sphere of influence determination.

Inasmuch as a sphere of influence determination represents the potential extension of the services of a local governmental agency, the environmental impacts associated with a sphere of influence are of a long-range nature. Thus the "Degree of Specificity" of the environmental review reflects the regional nature of a sphere decision. It is necessary of a general nature, focusing on the secondary, indirect impacts associated with the future extension of services within a sphere boundary.

The determination of whether or not an Environmental Impact Report (EIR) is necessary for a sphere of influence determination, i.e., the "Level of Significance" associated with a sphere determination, will necessarily vary according to the environmental resources affected by a sphere designation.

### III. POLICIES ENCOURAGING CONSISTENCY WITH SPHERES OF INFLUENCE

1. All proposals approved by the Commission shall be consistent with adopted spheres of influence and Commission policies. Within the sphere of influence each agency should implement an orderly, phased annexation program.
2. Already developed unincorporated lands located within the established sphere of influence boundary of a city and which benefit from municipal

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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, unless the sphere of influence revision would comply with Section 7 (II) above. 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.

COMMISSION STANDARDS FOR REVIEW OF PROPOSALS

As authorized by State law, the Commission has adopted the following standards for review of city annexations, district annexation, city incorporation and district formation proposals. Factors are given for both approval and disapproval. The presence of individual positive or negative factors do not dictate approval or denial, but a preponderance of positive or negative factors should be the determinant of approval or denial.

VI. STANDARDS FOR ANNEXATIONS TO CITIES

Factors Favorable to Approval:

1. Proposal would eliminate islands, corridors, or other distortion of existing boundaries.
2. Proposed area is urban in character or urban development is imminent, requiring municipal or urban-type services.
3. Proposed area can be provided all urban services by agency as shown by agency service plan and proposals would enhance the efficient provision of urban services.

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for public review. Requests shall specify in writing the elements of the CFA the Controller is requested to review and the reasons the Controller is requested to review them.

Persons requesting the review shall be responsible for costs incurred in obtaining the review and shall deposit with the Executive Officer, at the time the request is filed and before it is found to be valid, the amount estimated by the Executive Officer as necessary to cover the costs of the State Controller's review.

Within 30 days of issuance of the State Controller's report, the Executive Officer shall refund any amount of the deposit remaining after costs have been paid. In the event the amount to be paid exceeds the deposit, the requesting party shall be liable for the balance due.

XII. EXTENDING URBAN UTILITY SERVICES TO AGRICULTURAL PARCELS

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~~that will foster uses other than agriculture.

Any LAFCO approval of a change of organization or out of agency service agreement that allows the extension of potable water or wastewater services to a parcel zoned for agricultural use will only be approved, if at all, if the approval is the area within the Carpinteria Valley that contains greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations and Orders, and/or limited to that portion of the parcel that includes an approved use that needs potable water or wastewater services, provided the use does not compromise agricultural viability.

This policy shall not be construed as indicating the Commission will approve proposals that lead to non-agricultural uses on agricultural parcels but rather indicates that should such approval be granted it is to be restricted to the specific area in which an approved land use requiring potable water or wastewater services is to occur or within the Carpinteria Valley that contains greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations and Orders.

XIII. LAPSED OR ABANDONED PROPOSALS

When the Executive Officer deems an application to be incomplete, he/she shall notify the applicant in writing either by personal service or via certified mail. The applicant shall have 180 days from receipt of such notice to submit additional information and/or revised documents. If the applicant does not resubmit the application to the Executive Officer within 180 days, the application shall be considered abandoned. The proposal may be reinitiated through a new application consistent with the requirements of applicable law and LAFCO policies and fee schedule.

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XIV. COST ACCOUNTING AGREEMENT

- A. As part of any application, the Executive Officer is authorized and shall require any applicant and/or jurisdiction to execute a Cost Accounting Agreement.
- B. The following policy shall be applied to any applicant and/or jurisdiction that is not in compliance with an existing LAFCO Cost Accounting Agreement as determined by the Executive Officer and Legal Counsel:
  - 1. The Executive Officer, in consultation with Legal Counsel, shall determine, on review of an application, whether an applicant and/or jurisdiction has previously failed to comply with the LAFCO Cost Accounting Agreement.
  - 2. Prior to acceptance for processing of an application from an applicant and/or jurisdiction, which the Executive Officer determines to have failed to comply with the Agreement referenced in paragraph 1 of this policy above, the LAFCO Executive Officer shall advise the Commission at a regularly scheduled meeting regarding the applicant's prior breach of the obligations of the Agreement. The Executive Officer, in consultation with Legal Counsel, shall make a recommendation to the Commission regarding the amount of a bond or other commercially reasonable undertaking to be required of the applicant before the application will be accepted.
  - 3. On the basis of the Executive Officer's recommendation, the Commission shall establish a bond or other commercially reasonable undertaking as a condition for acceptance of the application. The purpose of this security requirement is to ensure all LAFCO fees are paid in connection with the application. In addition, the applicant shall be required to satisfy any past due obligation owed to LAFCO from previous applications, prior to processing any new application.

Compliance with this policy does not relieve the applicant of responsibility to submit other information as requested by LAFCO to process the application, to otherwise comply with applicable law and these policies, or cure any outstanding non-compliance with the Policy and Agreement referenced in paragraph a. of this policy above.

*Adopted June 16, 1988*  
*Revised December 13, 1996*  
*Revised November 4, 1999*  
*Revised September 3, 2009*  
*Revised July 7, 2011*  
*Revised August 7, 2014*  
*Revised April 1, 2021*  
*Revised December 9, 2021*  
*Revised August 3, 2023*



# 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

July 2, 2023

TO: Each City Community Development Director & County Planning Director  
Independent Special Districts  
Environmental Defense Center (EDC), Maggie Hall  
Grower-Shipper Association, Claire Wineman  
COLAB, Andy Caldwell  
Santa Barbara County Cattlemen's Association, Tony Branquinho

FROM: Mike Prater, Executive Officer

SUBJECT: **Request for Comments - LAFCO Agricultural and Open Space Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels - Due July 17, 2023**

The Commission is interested in reviewing and updating its current Policies related to Extending Urban Utility Services to Agricultural Parcels. In this regard, at the May 4, 2023, the Commission directed staff to return with revised policies that addresses Sphere of Influence revisions of existing agricultural parcels that continues to protect and enhance agricultural and open space areas while addressing extension of urban utility services. Staff is sending out LAFCO's current policies and recommended revisions for review and comment, to the County's Planning agencies, namely the eight Cities and Santa Barbara County, Agricultural and Environmental Communities.

The current Santa Barbara LAFCO Section 7 (II) – Sphere of Influence Policies, Section 7 (V) – Policies Encouraging Conservation of Prime Agricultural Lands and Open Space Areas, and Section 7 (XII) – Extending Urban Utility Services to Agricultural Parcels with revisions recommended by staff are attached as **Attachment A**.

**Any comments should be returned to LAFCO staff by July 17, 2023.** The comments will be reviewed by the Commission. A Business Item would be scheduled for discussion and adoption at the August 3, 2023 Commission meeting.

Attachments:

Attachment A: Commission Handbook Section 7 - Policy Guidelines & Standards redline Revisions

Please contact the LAFCO office if you have any questions.

Sincerely,



Mike Prater  
Executive Officer



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## II. SPHERE OF INFLUENCE POLICIES

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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.

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  - 1. The Executive Officer, in consultation with Legal Counsel, shall determine, on review of an application, whether an applicant and/or

**From:** Stark, Stephanie <[ss Stark@countyofsb.org](mailto:ss Stark@countyofsb.org)>  
**Sent:** Monday, July 17, 2023 1:44 PM  
**To:** [lafco@sblafco.org](mailto:lafco@sblafco.org)  
**Cc:** Chang, Jose; Martin, Lottie  
**Subject:** FW: Request for Comments - LAFCO Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels  
**Attachments:** Sec 7 - Policy Guidelines & Standards revisions Request for Comments.pdf

Attention LAFCO staff

Thank you for the opportunity to comment on LAFCO's policies related to Extending Urban Utility Services to Agricultural Parcels. The Agricultural Commissioner's Office/Weights and Measures suggests LAFCO bring the item to the Agricultural Advisory Committee for their input. The AAC meets the second Thursday of every month and their next meeting is Thursday, August 10<sup>th</sup>. Please visit the AAC webpage for more information about the Committee and how to get on the agenda [Agricultural Advisory Committee | Santa Barbara County, CA - Official Website \(countyofsb.org\)](https://www.countyofsb.org/aac).



**Stephanie Stark**  
Deputy Agricultural Commissioner  
Agricultural Commissioner's Office / Weights & Measures  
263 Camino del Remedio, Santa Barbara, CA 93110  
ph 805.681.5600 | fax 805.681.5603  
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**From:** [lafco@sblafco.org](mailto:lafco@sblafco.org) <[lafco@sblafco.org](mailto:lafco@sblafco.org)>  
**Sent:** Monday, July 3, 2023 12:29 PM  
**To:** [lafco@sblafco.org](mailto:lafco@sblafco.org)  
**Cc:** Natasha Carbajal <[Natasha@sblafco.org](mailto:Natasha@sblafco.org)>  
**Subject:** RE: Request for Comments - LAFCO Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Good Afternoon all,

LAFCO is interested in reviewing and updating its current Policies related to Extending Urban Utility Services to Agricultural Parcels. In this regard, at the May 4, 2023, the Commission directed staff to return with revised policies that addresses Sphere of Influence revisions of existing agricultural parcels that continues to protect and enhance agricultural and open space areas while addressing extension of urban utility services.

Changes relate to Policies Section 7 II (10); Sec 7 V (3); and Sec 7 XII as shown in **Red** Track Changes.



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Mike Prater, LAFCO Executive Officer

FROM: Alex Tuttle, Deputy Director, Long Range Planning

DATE: July 17, 2023

RE: Request for Comments – LAFCO Agricultural and Open Space Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels

Cc: Lisa Plowman, Director  
Elise Dale, Assistant Director

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The County of Santa Barbara Planning and Development Department has reviewed the proposed revisions to Santa Barbara Local Agency Formation Commission (LAFCO) policies related to Sphere of Influence (SOI) and Extending Urban Utility Services to Agricultural Parcels, and appreciates the opportunity to provide the comments listed below.

1. Santa Barbara County Coastal Land Use Plan (CLUP) Policy 2-10 discourages extending sewer service to rural areas because such extensions can encourage development intensification. Agriculture does not ordinarily require urban services such as sanitary service. Taxing agriculturalists for these services may impose an unnecessary tax burden which could affect long-term agricultural viability, and potentially hasten conversion to non-agricultural uses. This concern is further supported by Coastal Act Section 30241(e) which states, in part, that "...conflicts shall be minimized between agricultural and urban land uses...by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality."

Coastal Land Use Plan, Policy 2-10 (p. 18): "Annexation of a rural area(s) to a sanitary district or extensions of sewer lines into rural area(s) as defined on the land use plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services."

Both current LAFCO policies and CLUP Policy 2-10 already provide an exception to extending sewer lines into rural areas where public health hazards are an issue and there is a demonstrated need to protect public health and safety. The ability to protect public health

and safety is important, and the Department has historically supported extending urban utility services (water and sewer service) to rural agricultural parcels where public health hazards have been demonstrated.

2. The suggested LAFCO policy amendments seem premature at this point in time. Additional data and factual information describing the scope of the wastewater problem pertaining to greenhouse development should first be evaluated and considered, prior to revising LAFCO policies which would enable sewer service extension to an entire class of agricultural land uses within the Carpinteria Valley.
3. The LAFCO policies state a LAFCO sphere of influence determination is subject to review under the provisions of the California Environmental Quality Act (CEQA). Planning and Development requests that environmental review be conducted prior to LAFCO policy revisions, and concurrently with the development of any comprehensive SOI amendment proposal to include rural agriculturally zoned parcels into the Carpinteria Sanitary District.



**From:** Craig Murray <craigm@carpsan.com>  
**Sent:** Tuesday, July 11, 2023 3:49 PM  
**To:** lafco@sblafco.org  
**Cc:** Natasha Carbajal  
**Subject:** RE: Request for Comments - LAFCO Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels  
**Attachments:** Sec 7 - Policy Guidelines Standards revisions Request for Comments \_CSD.pdf

Hi Mike – Thank you for your efforts on this front and for providing the District an opportunity to provide feedback. I added some comments/markups to the PDF. The gist of our comments are as follows:

1. What about new greenhouses (vs. existing)? Should they also be covered here?
2. “Brine discharges” seems too narrow to address concerns. Nutrients, pesticides, and other contaminants are potentially present in other waste streams. There is a nutrient TMDL for the Carpinteria Salt Marsh likely to restrict nitrate laden discharges. Concerns also have arisen related to failing or undersized septic tanks impairing groundwater. Broader language offered for consideration.

Feel free to contact me if you have any questions. Best regards, Craig.

**Craig Murray, P.E.**

General Manager  
Carpinteria Sanitary District  
5300 Sixth Street  
Carpinteria, CA 93013  
P 805.684.7214 x112  
C 805.451.7804  
F 805.684.7213

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**From:** lafco@sblafco.org <lafco@sblafco.org>  
**Sent:** Monday, July 3, 2023 12:29 PM  
**To:** lafco@sblafco.org  
**Cc:** Natasha Carbajal <Natasha@sblafco.org>  
**Subject:** RE: Request for Comments - LAFCO Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels

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Changes relate to Policies Section 7 II (10); Sec 7 V (3); and Sec 7 XII as shown in **Red** Track Changes.

**Any comments should be returned to LAFCO staff by July 17, 2023.** The comments will be reviewed by the Commission. A Business Item would be scheduled for discussion and adoption at the August 3, 2023 Commission meeting.



July 17, 2023

**VIA EMAIL AND U.S. MAIL**

Mike Prater, Executive Officer  
Santa Barbara County Local Agency Formation Commission  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
Email: [lafco@sblafco.org](mailto:lafco@sblafco.org)

**RE: RESPONSE TO REQUEST FOR COMMENTS – LAFCO AGRICULTURAL AND OPEN SPACE  
POLICIES RELATED TO URBAN UTILITY SERVICES AND SPHERE OF INFLUENCE  
REVISIONS TO AGRICULTURAL PARCELS**

Dear Mr. Prater:

The City of Lompoc is providing the following comments to the Santa Barbara Local Agency Formation Commission's (LAFCO) letter, dated July 2, 2023 with respect to LAFCO's proposed changes to its policies related to Sphere of Influence, Encouraging Conservation of Prime Agricultural Lands and Open Space Areas, and Extending Urban Utility Services to Agricultural Parcels (Policies).

First, the Policies should provide exceptions for agricultural areas that have sewer and water utilities and other public facilities that have already been installed within Santa Barbara County (County) land to provide utility services to the agricultural land for future residential or commercial development. This specific exception is similar to the LAFCO staff's recommendation for changes that allow for limited exceptions to LAFCO's Policies regarding areas in the Carpinteria Valley that contain existing greenhouses and would be a limited exception that is tailored to those areas which have been planned for growth through the physical construction of utility services. Thus, in Section XII (Extending Urban Utility Services to Agricultural Parcels), while it is reasonable to "[avoid] the extension of potable water or wastewater services to agriculturally zoned land", where such services have already been extended, the Policies should allow for future annexation of the parcels to be served by such water and wastewater services.

Secondly, where a Sphere Of Influence (SOI) revision or annexation is proposed for agricultural land, the Policies should factor in the adverse health impacts on nearby sensitive receptors and adjacent residential communities, where the existing uses include agricultural pesticides that are found to have negative health effects on nearby communities due to pesticide exposure through windborne drift, along with odor, noise, and dust associated with the agricultural land.

In such cases, the Policies should favor the adoption of a SOI change to allow for the potential future mitigation of health effects from exposure to the negative effects due to agricultural uses. In connection with this Policy proposal, the Commission should include Policies that seek to minimize conflicts between agricultural and other land uses. Buffers should be established to promote these Policies, and conversion should be “considered” where the health and well-being of adjacent residents is negatively impacted due to uses on agricultural land.

Thirdly, while LAFCO’s are directed to guide development away from prime agricultural lands and open space supporting wildlife per the Cortese-Knox-Hertzberg Act (CKHA), the Policies must consider the effect of that action and balance the competing goals of the CKHA, including the promotion of planned, orderly and efficient development of an area, and encouraging the logical and reasonable development of local agencies so as to advantageously provide for the present and future needs of local communities. When a proposal is made to expand a jurisdiction’s Sphere Of Influence to prime agricultural or open space land, the Policies should take into account whether there is insufficient non-prime agricultural or vacant land within the Sphere Of Influence of the agency that is planned and developable for the housing and commercial services needs of the jurisdiction.

Similarly, the Policies should be aligned with the requirements under Government Code Section 56668, which requires that a variety of factors shall be considered when reviewing proposals for a SOI change and/or annexation, including the following:

- (i) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years;
- (ii) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas; and
- (iii) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

Specifically, LAFCO should adopt the following policy: The Commission reserves discretion to consider proposals involving the conversion of agriculture based on local conditions and in conjunction with ensuring orderly growth and development. This includes considering the economic viability of agricultural uses within the affected territory.

Fourthly, LAFCO should include Policies that allows the Commission to 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 1 :1 substitution ratio may be met by implementing various measures such as the following:

- (i) 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.
- (ii) 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.
- (iii) Other measures agreed to by the applicant that meet the intent of replacing prime agricultural land at a 1: 1 ratio.

Finally, lands otherwise qualifying as agricultural under Govt. Code Section 56016 and prime agriculture under Govt. Code Section 56064 should not be subject to the Policies and their limitations on conversions if left fallow, unsown, or disused for agricultural purposes at the present time and for more than 60 consecutive months.

We thank you for this opportunity to comment on LAFCO's update to its Policies. Please contact me if you have any further questions.

Sincerely,



Dean Albro  
City Manager, City of Lompoc

cc: Jeff Malawy, City Attorney, City of Lompoc  
Brian Halvorson, Planning Manager, City of Lompoc  
Christie Alarcon, Community Development Director, City of Lompoc

**From:** Chuen Wu <cwu@cityofsantamaria.org>  
**Sent:** Monday, July 17, 2023 4:54 PM  
**To:** lafco@sblafco.org  
**Cc:** natasha@sblafco.org  
**Subject:** RE: Request for Comments - LAFCO Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels  
**Attachments:** Santa Maria - CW edit.docx

Mike, see my comments attached.

Thanks  
Chuen

Chuen Wu  
Director of Community Development  
City of Santa Maria  
(805) 925-0951 x2240  
110 S. Pine Street, #101  
Santa Maria, CA 93458

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**From:** lafco@sblafco.org <lafco@sblafco.org>  
**Sent:** Monday, July 3, 2023 12:29 PM  
**To:** lafco@sblafco.org  
**Cc:** Natasha Carbajal <Natasha@sblafco.org>  
**Subject:** RE: Request for Comments - LAFCO Policies related to Urban Utility Services and Sphere of Influence revisions to Agricultural Parcels

\*\*\* EXTERNAL EMAIL: Please use caution when opening links or attachments.\*\*\*

Good Afternoon all,

LAFCO is interested in reviewing and updating its current Policies related to Extending Urban Utility Services to Agricultural Parcels. In this regard, at the May 4, 2023, the Commission directed staff to return with revised policies that addresses Sphere of Influence revisions of existing agricultural parcels that continues to protect and enhance agricultural and open space areas while addressing extension of urban utility services.

Changes relate to Policies Section 7 II (10); Sec 7 V (3); and Sec 7 XII as shown in **Red** Track Changes.

**Any comments should be returned to LAFCO staff by July 17, 2023.** The comments will be reviewed by the Commission. A Business Item would be scheduled for discussion and adoption at the August 3, 2023 Commission meeting.

We look forward to your comments.

Mike Prater  
Executive Officer

## Section 7 II (10)

Agricultural resources and support facilities should be given special consideration in sphere of influence designations. High 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 unless the area is thoughtfully studied, analyzed, and identified as a future growth area for a jurisdiction, and facilitates logical extension and provision of urban services and utilities and responsible community planning. ~~resides in the Carpinteria Valley and contains existing greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations for brine discharge.~~

## Section 7 V (3)

A sphere of influence revision or update for an agency providing urban services where the revision includes prior agricultural land shall be discouraged, unless the sphere of influence revision would comply with Section 7 (II) above. Development shall be guided toward areas containing nonprime agricultural lands, unless such action will promote disorderly, inefficient development of the community or area.

## Section 7 XII

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 unless such extension is in a future growth area for a jurisdiction and is following Section 7 (II).

Any LAFCO approval of a change of organization or out of agency service agreement that allows the extension of potable water or wastewater services to a parcel zoned for agricultural use will only be approved, if at all, if the approval is the area within Carpinteria Valley that contains existing greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations for brine discharge, and/or limited to that portion of the parcel that includes an approved use that needs potable water or wastewater services, provided the use does not compromise agricultural viability.

This policy shall not be construed as indicating the Commission will approve proposals that lead to non-agricultural uses on agricultural parcels but rather indicates that should such approval be granted it is to be restricted to the specific area in which an approved land use requiring potable water or wastewater services is to occur or within the Carpinteria Valley that contains existing greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations for brine discharge.

The Commission shall avoid granting multiple approvals for out of agency service agreements within a general area or consider a sphere of influence expansion to include that area for the jurisdiction providing the service.



July 17, 2023

Mike Prater, Executive Officer  
Santa Barbara Local Agency Formation Commission (LAFCO)  
105 East Anapamu Street  
Santa Barbara, CA 93101  
[lafco@sblafco.org](mailto:lafco@sblafco.org)

**Re: Request for Comments - LAFCO Agricultural and Open Space Policies Related to Urban Utility Services and Sphere of Influence Revisions to Agricultural Parcels**

Dear Mr. Prather,

Thank you for the opportunity to comment on the proposed policy revisions. We appreciate LAFCO's important role in orderly growth that anticipates and reduces direct and subsequent land use conflicts to preserve and protect agriculture in Santa Barbara County. We are pleased to share these initial thoughts on the draft and look forward to continued conversation on this important matter.

We support the protection of agricultural lands and share the concern that the extension of utility services—specifically water and wastewater treatment—may induce urban growth into agricultural lands. At the same time, we are also concerned with a piecemeal approach to revising Countywide LAFCO policies in a way that is specific to the Carpinteria Valley and Regional Water Board regulations for brine discharge. We believe that an alternate approach might be beneficial and relevant to needs and conditions shared in other areas of the County.

More specifically, subject to additional oversight and protections, there are occasions where extension of drinking water and wastewater services to ag lands would actually be supportive of agriculture. Consolidation of services accomplished through a drinking water or wastewater service extension via an “out of area agency service agreement” could be the most beneficial route to achieve safe, affordable, and available water quantity and/or quality that would directly and/or indirectly support agriculture. AB 685 (2012) and SB 200 (2019), regarding the quality, affordability, and accessibility of water, as well as SB 88 (2015) provisions related to consolidation of service, all provide regulatory context to the potential merits of extension of drinking water and wastewater service in limited situations. We would welcome further discussion on specific and objective review criteria to ensure that any contemplated service agreements for extension of drinking water and wastewater are in direct support of agriculture.

The following comments pertain to the proposed redline changes to LAFCO policies:

1. Section 7 (II). Sphere of Influence Policies 10. Instead of inserting the proposed language here, we believe that this goal would be better accomplished through limited, “out of area agency service agreements” on a case-by-case basis. We do not believe the additional language here or in Section 7 (V) 3 is needed.
2. Comments on Section 7 (XII) are as follows:



XII. EXTENDING URBAN UTILITY SERVICES TO AGRICULTURAL PARCELS

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~~ that will foster uses other than agriculture. *[[GSA COMMENT: Agree—retain revision.]]*

Any LAFCO approval of a change of organization or out of agency service agreement that allows the extension of potable water or wastewater services to a parcel zoned for agricultural use will only be approved, if at all, if the approval is ~~the area within the Carpinteria Valley that contains existing greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations for brine discharge, and/or~~ limited to that portion of the parcel that includes an approved use that needs potable water or wastewater services, provided the use does not compromise agricultural viability. *[[GSA COMMENT: Delete proposed revision—can be better accomplished through limited out of area agency service agreements, depending on the specific facts and circumstances of the situation.]]*

This policy shall not be construed as indicating the Commission will approve proposals that lead to non-agricultural uses on agricultural parcels but rather indicates that should such approval be granted it is to be restricted to the specific area in which an approved land use requiring potable water or wastewater services is to occur ~~or within the Carpinteria Valley that contains existing greenhouses that demonstrate agricultural uses can remain viable while addressing Regional Water Quality Control Board regulations for brine discharge.~~ *[[GSA COMMENT: Delete proposed revision—can be better accomplished through limited out of area agency service agreements, depending on the specific facts and circumstances of the situation.]]*

We further advise that implementing the intent of agricultural uses remaining viable can vary widely throughout the County, and caution should be exercised so that these changes do not inadvertently undermine primary agricultural production activities.

We are happy to continue to engage in this important discussion and look forward to LAFCO’s careful consideration to meet multiple needs and conditions throughout the County.

Sincerely,



Claire Wineman  
President