

O.P.E.N.

Open-space Preservation Education Network
A project of the Environmental Defense Center

June 16, 2010

Ms. Lucille Breese, Planning Director
City of Lompoc Planning Department
100 Civic Center Plaza
Lompoc, California 93438-8001

Re: City of Lompoc Phase I General Plan Update, Environmental Impact Report (EIR)

Dear Ms. Breese:

The following comments are submitted by the Environmental Defense Center (EDC) in response to the City's EIR for the General Plan Update as it relates to Bailey Avenue Specific Plan (BASP) project. This letter has been prepared as part of the Open-Space Preservation Educational Network (OPEN) program, which provides a proactive approach to assessing General Plans and the planning process throughout Santa Barbara County. The purpose of the OPEN project is to engage all interested sectors of our communities in a dialog about developing policies and programs to protect agricultural, open space lands, and the urban-rural interface.

The BASP project should be eliminated from the Phase I General Plan Update because it violates applicable State and County policy, and would result in an unnecessary significant and unavoidable loss of valuable agricultural resources. An overview of the specific planning and policy issues that the project would violate is provided below.

Overarching Project Issues

The BASP project would permanently convert approximately 270 acres of prime soils in active agricultural production in unincorporated Santa Barbara County, a portion of which is still under active Williamson Act contract[s], to urban uses. The Specific Plan area has been historically used for agricultural purposes, primarily as irrigated croplands (row crop and flower seed production). The BASP site is within Santa Barbara County's unincorporated area, and is zoned for agricultural uses ranging from AG-II-100 to AG-40 under the County's General Plan. The BASP site is currently used for agricultural production, with approximately 260 acres of prime farmland and 12 acres of unique farmland. The Bodger seed facility is located in the southern portion of the site, south of Ocean Avenue. The northern half of this site is currently under Williamson Act Contract (although this contract is proposed for non-renewal). The BASP project would set a bad precedent for unnecessary conversion of prime agricultural land to urban uses, as well as an improper and incompatible land use pattern of potential City expansion and annexation.

Current Land Use Designations for the BASP site are shown in Table 1 below.

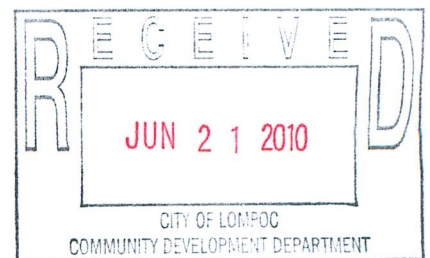


Table 1
 Land Use Designations on the Proposed Specific Plan Area

APN	Acreage	City Land Use Element	City Zoning	County Zoning
093-070-033	39.55	VLDR	N/A	AG-II-100 ¹
093-070-032	19.77	VLDR	N/A	AG-II-40 ²
093-070-039	51.93	LDR ³	N/A	AG-I-20 ³
093-070-031		VLDR	N/A	AG-II-40
093-070-030		VLDR	N/A	40-AL-O ⁴
093-090-026	60.10	VLDR	N/A	AG-II-40
093-111-007	98.39	VLDR	N/A	40-AG ⁵
093-111-010		LDR	N/A	40-AG
093-111-008		LDR	N/A	40-AG
093-111-011		LDR	N/A	40-AG
093-111-009		LDR	N/A	40-AG
093-111-012		LDR	N/A	40-AG

¹ Class II agricultural lands with a minimum parcel size of 100 acres
² Class II agricultural lands with a minimum parcel size of 40 acres
³ Class I agricultural lands with a minimum parcel size of 20 acres
⁴ Limited agriculture district and oil drilling, minimum of 40 acres
⁵ Non-prime agricultural lands with a minimum parcel size of 40 acres
⁶ Park Overlay

Source: Rincon Consultants, 2007.

Table 2 below provides an overview of proposed land uses for the BASP.

Table 2: BASP Proposed Land Use Summary

Land Use Summary						
Bailey Avenue Specific Plan Area						
Land Use	Gross Acreage	% of Site	DJ / Net Acre	Maximum Dwelling Units	Total Population	Com SF
Low Density Residential (LDR)	38	14%	2.3 - 6.2	237	705	
Medium Density Residential (MDR)	126	46%	6.2 - 14.5	1,821	5,409	
High Density Residential (HDR)	25	9%	14.5 - 21.8	534	1,586	
Mixed-Use	11	4%	8 - 12	126	374	228,690
Public Facilities	2	1%				
Parks	24	9%				
Open Space (OS)	37	14%				
Major Circulation	8	3%				
Total	271	100%		2,718	8,074	

1. DU net acre describes the number of Dwelling Units permitted on an acre of land less the area required for streets and public right-of-way.
 2. Maximum dwelling units are based on gross acreage. The actual number of units will be based on net acreage as described in footnote # 1.
 3. Total Population is estimated at 2.97 people per household, as indicated by Table 6 in the Lompoc General Plan.
 4. The FAR indicates the maximum intensity of development on a parcel. The FAR is expressed as a ratio of building space to land area. A FAR of .50 was used to determine potential Floor Area or Commercial SF.

Source: BASP, RRM Design Group, 2008.

In order for the project to move forward, all land within the BASP area would require annexation and associated approval from the Local Agency Formation Commission (LAFCO) for Santa Barbara County. Proposed land use changes under the Specific Plan's buildout scenario would potentially affect agricultural areas *outside* of the City's GP and Sphere of Influence (SOI) area by introducing new higher-density residential and commercial uses likely to conflict with other agricultural activities abutting the Specific Plan area.

The EIR for the Phase I General Plan update now incorporates land use changes for the BASP area ("Area A"), and partially analyzes the impacts of potential annexation into the City for the area. However, the analysis and mitigation proposed in the EIR do not adequately assess all of the potential impacts of pre-zoning the BASP area for increased development. The BASP

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project does not contain the appropriate level of proposed land use types to be considered for annexation into this portion of the City, for several reasons, as described in this letter. While it is acknowledged that Cities must plan for future growth during General Plan updates, this must be done while carefully considering the implications of expansion and annexation proposals.

The primary issues of concern related to the BASP project and the City's Phase I General Plan update include the following:

- The precedent that would be set by the BASP project for unnecessary conversion of prime agricultural land is of major concern, and would conflict with LAFCO's own policies for agricultural protection and the need to plan for orderly expansion of cities. It also conflicts with the County's agricultural protection policies.
- The BASP project would create Class I, Significant and Unavoidable Impacts to Agriculture and Land Use. These impacts should not qualify for a Statement of Overriding Consideration because the project is entirely unnecessary to meet RHNA numbers or to serve the public good. Further, the BASP project has been incorporated into the GP update without proper analysis of the potential environmental impacts of the project.

1. The precedent for unnecessary conversion of prime agricultural land is of major concern, and would conflict with LAFCO's own policies for agricultural protection and the need to plan for orderly expansion of cities. It also conflicts with the County's agricultural protection policies.

The BASP's proposed residential and commercial land uses are not consistent or compatible with existing or surrounding County zoning designations, violate the Agricultural Element's goals and policies of the County's General Plan, and would be incompatible with surrounding land use upon buildout. The following discussion of individual policy violations illuminates inconsistencies with existing Santa Barbara County General Plan and LAFCO policies.

The policies listed in the Santa Barbara County Agricultural Element do not support the conversion of prime agricultural land (particularly for AG-II land) into urbanized uses, nor do they allow for the introduction of conflicting land uses. Each of the following Agricultural Element policies would be violated if LAFCO and the County move forward with the BASP Specific Plan, and allow the land to be annexed into the City. Policy I.A. of the County's Agricultural Element states that the integrity of agricultural operations shall not be violated by non-compatible uses. The BASP project would violate this policy by expanding non-compatible urban development into and adjacent to active agricultural areas. Policy I.F. requires that the quality and availability of water, air and soil resources shall be protected through provisions including, but not limited to, the stability of Urban/Rural Boundary lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.

Most importantly, Goal II requires that agricultural lands shall be protected from adverse urban influences. The permanent conversion of prime agricultural land and the introduction of adverse urban influences would be in violation of this goal since the BASP would convert existing agricultural land into urban uses and would be located adjacent to agricultural land (after buildout).

Policy II.C requires that Santa Barbara County discourage the extension by the LAFCO of urban spheres of influence into productive agricultural lands designated Agriculture II (A-II) or Commercial Agriculture (AC) under the Comprehensive Plan. The proposed project must be discouraged to proceed as part of the City's General Plan update because it would introduce an urban sphere of influence into productive agricultural lands designated A-II.

The Santa Barbara County LAFCO is a state-mandated regulatory agency that provides assistance to citizens, cities, counties, and special districts regarding jurisdictional boundary changes. LAFCO provides policies to encourage urban growth and protect agricultural and open space areas from sprawl. In addition to its considerations of applicable Santa Barbara County policies and goals, LAFCO also has agricultural protection and annexation/SOI policies to which it must adhere. For example, LAFCO policies encourage the conservation of prime agricultural lands and open space areas, and discourage 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. [<http://www.sblafco.org/pol5.html>]. LAFCO policies also require that development shall be guided towards areas containing nonprime agricultural lands [<http://www.sblafco.org/pol5.html>]. The proposed BASP annexation conflicts with this policy because it would permanently convert prime and important farmland. LAFCO previously denied an application to annex the BASP area into the City's SOI. Further, the BASP area is not currently within the City's SOI. This information, together with the policy violations listed above, should result in denial of a SOI extension and annexation by LAFCO.

Policy II.D. of the Agricultural Element states that the conversion of highly productive agricultural lands, whether urban or rural, shall be discouraged. The economic value of the highly productive prime agricultural land that would be converted by the BASP land is apparent based on the returns reaped from current farming operations. An article in the Lompoc Record (Tayllor, July 2008) states the importance of the of the soils located on the site, noting that Mr. Wineman, a farmer of the land and landowner within the Specific Plan area, reported per acre total yields of about 57,000 pounds of broccoli and lettuce for this land. The article further quotes Mr. Wineman: "These favorable growing conditions do not exist throughout California or even the Lompoc Valley" (due to different microclimates). Mr. Wineman could not recall a crop failure due to weather, lack of water, disease or any other natural cause.

Goal III requires that where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations. The introduction of

medium-density residential uses would interfere with remaining agricultural operations located adjacent to the BASP site.

Policy III.A. discourages the expansion of urban development into active agricultural areas outside of urban limits as long as infill is available. The Phase I General Plan update and associated EIR for the City of Lompoc conclude that adequate housing sites are currently available to meet RHNA fair share requirements and that no Land Use Changes would be necessary as part of the update. The proposed BASP would be in direct violation of Policy III.A, since infill is available to meet necessary requirements for future growth of the City.

Removing prime soils from agricultural production would conflict with County policies set forth in the Comprehensive Plan's Agriculture Element. Therefore, from a policy perspective, the current BASP violates both LAFCO and Santa Barbara County General Plan goals and policies and the project should not move forward as it is currently proposed, nor should it be incorporated into the General Plan update for a rezone. The BASP would permanently convert prime agricultural land into urbanized uses, and create a precedent for additional agricultural lands to be annexed into the City, fostering unneeded urban sprawl.

2. The project would create Class I, Significant and Unavoidable Impacts to Agriculture and Land Use. These impacts should not qualify for a Statement of Overriding Consideration because the project is entirely unnecessary to meet RHNA numbers or to serve the public good. The BASP project has been incorporated into the GP update without proper analysis of the potential environmental impacts of the project. There are significant, unmitigable impacts that must be disclosed and addressed prior to any consideration of the area's annexation or to incorporate anticipated zone changes that would allow for the BASP to move forward.

The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. CEQA Guidelines Section 15091 provides the following guidance regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

CEQA Guidelines Section 15093 provides the following additional guidance regarding a Statement of Overriding Considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. *If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable"* (emphasis added).
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Class I impacts that have been identified in the EIR should not receive a Statement of Overriding Consideration (SOC) because the project is entirely unnecessary to meet RHNA numbers or to serve the public good. The City of Lompoc's Planning Commission Staff Report for the General Update prepared by Lucille Breese, Planning Manager for the City, and Richard Daulton of Rincon Consultants (September 30, 2008), states: **“Based on a review of vacant and underutilized residential parcels in the City, the [Housing Element] report determines that the City maintains a sufficient current land inventory to address its RHNA goals without changes to existing General Plan and zoning designations (emphasis added).”** It also states: *“land use strategies such as rezoning residential sites to higher densities are not necessary to demonstrate the City's ability to meet its assigned share of regional housing needs due to the sufficient supply of existing residential land”* (emphasis added). The BASP is a project that is not required for City growth, and clearly violates County General Plan and LAFCO policies with its inappropriate and unnecessary land use densities/designations and conversion of prime agricultural land, as described in Item 1 above.

The social and economic issues associated with the BASP project have serious potential to create a *negative* impact on the City; therefore the findings for a SOC cannot be made. The City of Lompoc has an excessive amount of currently vacant housing, as well as redevelopment and infill opportunities, and the BASP is entirely excessive in its proposal for 2,700+ housing units and 228,700 sq. ft. of commercial development. New commercial development is unneeded since there is an existing and ongoing high vacancy rate for businesses. During the June 9, 2010 City Planning Commission hearing, a Commissioner commented that there is currently 400,000 sq. ft. of *vacant Commercial property* within the City Boundaries. Planning for additional development and annexation of prime agricultural land that would expand the City where no expansion is warranted is a misappropriation of the General Plan update process, and would add financial strain on already-struggling business and home owners, as well as to the City. The SOC recommendation for incorporation of the BASP project zoning into the General Plan update is not supported by substantial evidence in the record.

Additionally, the single proposed mitigation (LU-3) in the General Plan EIR designed to address impacts to the loss of agricultural land would not reduce the identified significant impacts and would be entirely unenforceable, as well as unfunded. The proposed mitigation is as follows:

LU-3 Purchase of Agricultural Conservation Easements (PACE) Program.

The City shall implement a program that facilitates the establishment and purchase of on- or off-site Agricultural Conservation Easements for prime farmland and/or important farmland converted within the expansion areas, at a ratio of 1:1 (acreage conserved: acreage impacted). A coordinator at the City shall oversee and monitor the program, which will involve property owners, developers, the City, and potentially a conservation organization such as The Land Trust for Santa Barbara County. Implementation of a PACE program shall be coordinated with similar efforts of Santa Barbara County.

While the purchase of Agricultural Conservation Easements is a laudable goal, mitigation must be implementable and required on a project-specific basis. Mitigation measures must be known, specific, feasible, effective and enforceable.¹ Further, even if this mitigation was applied on a site-specific basis to the BASP project, it would not avoid a net impact of loss to the agricultural lands of the region. As Mr. Wineman points out, this land is unique and particularly fertile, and should be preserved.

Additionally, appropriate mitigation should be included to address land use impacts associated with the proposed annexation/expansion area. If mitigation measures are found to be

¹ Pub. Res. Code § 21081.6(b); CEQA Guidelines, §§ 15091(d), 15126.4(a)(2); *Federation of Hillside and Canyon Assns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (agency must ensure that mitigation measures identified in the EIR will actually be implemented); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *Napa Citizens*, supra, 91 Cal.App.4th 342.

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infeasible, the EIR should contain a discussion of these measures and why they have been determined to be infeasible. Currently, there is no such discussion contained within the General Plan EIR.

CEQA Guidelines section 15125(d), which requires that an EIR discuss any inconsistencies between the proposed project and applicable general plans, must also be addressed.

The Staff report presented to your Commission states that “environmental review and public hearings will be held to evaluate the proposed Specific Plan after adoption of the General Plan Update but prior to City Council direction to proceed with the proposed Annexation”. However, the breadth of Class I impacts resulting from the BASP have not yet been fully analyzed in an EIR analysis, such as traffic impacts. For example, as stated in a CALTRANS comment letter on the BASP component of the General Plan:

“This project alone [BASP] will increase the City's housing stock by 19.2% and population by 18.2%. As indicated in the General Plan DEIR, there are many intersections on Ocean Ave and H St, which will suffer poor performance in the cumulative period, apparently without Area A included, specifically the left turning movements.”

It is entirely premature for the Commission and Council to pre-zone the BASP area as part of the General Plan update until all of the impacts of the project are understood. *Therefore, for the purposes of the General Plan update, the Commission should recommend that the City Council direct staff to initiate a request to move the Urban Limit Line to be consistent with the current City Limit Line, indicating no interest on the part of the City to develop in this area in the future (Option 3 in your Commission's Staff Report).* Pre-zoning to increase the density potential of the BASP site constitutes incentive for the creation of unnecessary urban sprawl on prime agricultural land and should be wholly discouraged. During the General Plan update process, the preservation of prime farmland should be a priority goal, as well as the consideration of the real economic and social need for a project.

Conclusion

The recommendations contained in this letter are provided for the City's consideration during the Phase I General Plan Update. The City must evaluate the BASP project carefully and determine whether it is appropriate and prudent to proceed with incorporating it into the General Plan update prior to full disclosure of its environmental impacts. To recap, the following items are suggested:

- The BASP project should not be incorporated into the Phase I General Plan update because it would conflict with LAFCO's policies for agricultural protection and the need to plan for orderly expansion of cities, as well as the County's agricultural protection policies as stated in the Agricultural Element of the General Plan.

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- The project would create Class I, Significant and Unavoidable Impacts to Agriculture and Land Use, which should not receive a Statement of Overriding Consideration because the project is entirely unnecessary to meet RHNA numbers or to serve the public good. Additional analysis of the potential environmental impacts of the project must be disclosed prior to a zone change for the site, and all feasible mitigation must be applied to reduce Class I impacts to a less than significant level.
- The Commission should direct staff to indicate to the City Council that no interest exists on the part of the City to develop in this area in the future, given the overarching issues with the BASP project from a policy and planning perspective.

The General Plan update is the time for the City to create a long-term vision for the community. The conversion of agricultural land for unneeded urbanized uses (such as the BASP project) is not consistent with sound planning practices for the City of Lompoc. The OPEN project team appreciates the opportunity to provide comments on the Phase I General Plan update, and looks forward to working with interested stakeholders in discussing the recommendations contained in this letter.

Sincerely,

Via e-mail

Christina E. McGinnis, M.U.P., OPEN Project Planner

Summit View Homes, LLC

1240 Cougar Ridge Road
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805-688-7814

June 8, 2010

Planning Commission
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93438

Subject: Lompoc General Plan Update EIR

Honorable Members of the Planning Commission:

On behalf of our project team, we would like to thank the City staff, Planning Commission, City Council and the City's consultant Rincon Consultants on preparing a very complete document to assist the City of Lompoc in navigating into the future.

We have prepared this comment letter to share our continued interest in possible future annexation and development of the "Wye Parcel" at the intersection of Harris Grade Road and La Purisima Road, APN 097-250-034, owned with our partners Dieter and Cathy Gruner.

Based on the detailed analysis contained in the DEIR, the moderate growth alternative with the land use and zoning for the Wye Parcel as medium or high density residential would minimize the potential environmental and other impacts associated with the High Growth Alternative for this site (visual, transportation, Odor (Air Quality), hazardous materials, land use compatibility, noise and utilities/service systems). The jobs/ housing balance should still remain in the 1.02-1.03 range with this site being designated medium or high density residential (approximately 140 to 210 residential units).

Based on the housing needs for the City, there is a limited number of potential land for high density housing. Based on the 2008 Issue Paper on Housing, prepared by Rincon Consultants for the General Plan Update, there are only 7 acres currently available within the City for high density housing and 75 acres available for medium density housing. The Wye parcel is located at the corner of two busy arterials (south and west of the site) with commercial use (church) to the north and smaller lot residential units to the north/ east. This site should be considered for a higher density than the current density (low density) classification.

Once the DEIR is adopted, we would be very interested in discussing with the City which housing mix would be best for this site and proceeding with consideration of annexation into the City of Lompoc. We appreciate your consideration of this request.

Should you have any additional questions, feel free to contact us.

Sincerely,

Stephen A. Orosz

Stephen A. Orosz, P.E.
Summit View Homes, LLC