

July 23, 2001

The Honorable Rodney S. Melville, Presiding Judge
Santa Barbara County Superior Court
312-C East Cook Street
Santa Maria, CA 93456-5369

William L. Cathey
2000-2001 Grand Jury Foreperson
1100 Anacapa Street
Santa Barbara, CA 93101

RE: Planning and Development Department Response to Santa Barbara County 2000-2001 Grand Jury Final
Report on A New Look at Area Planning Commissions

Dear Judge Melville and Mr. Cathey:

Planning and Development offers the following responses as directed. The Department appreciates the Grand Jury's interest in options for changing the structure of decision-making in land use planning.

Thank you for the opportunity to respond to this 2000-2001 Grand Jury Report.

Very truly yours,

John Patton
Director of Planning and Development

xc: Ms. Joni Gray, Chair Santa Barbara County Board of Supervisors
Ms. Naomi Schwartz, Supervisor, First District
Ms. Susan Rose, Supervisor, Second District
Ms. Gail Marshall, Supervisor, Third District
Mr. Tom Urbanske, Supervisor, Fifth District
Mr. Michael Brown, County Administrator
Ms. Doreen Farr, Chair, Planning Commission

**2000-2001 GRAND JURY REPORT:
A NEW LOOK AT AREA PLANNING COMMISSIONS**

RESPONSE TO FINDINGS AND RECOMMENDATIONS

FINDINGS

Finding 1: Santa Barbara County's 1980 Comprehensive (General) Plan has not been significantly updated since its adoption. Community Planning has become the norm.

Response: Disagree. The 1980 Comprehensive Plan has been significantly updated, both in "functional" elements, and in geographic sub-regions. The Agricultural Element was adopted in 1991. The Noise Element was revised in 1986, the Hazardous Waste Element was adopted in 1990, the Conservation Element was amended in 1990, the Seismic Safety and Safety Element and the Open Space Element were revised in 1991, and the Housing Element was adopted in 1993. The Groundwater Section of the Conservation Element was adopted in 1994, and the Safety Element Supplement was adopted in 2000. In addition to these new and revised Comprehensive Plan Elements, Community Plans have been completed for Summerland, Montecito, Goleta, Los Alamos and Orcutt.

Finding 2: Community Plans have been adopted for Summerland, Montecito, Goleta, Los Alamos and Orcutt, with Community Plans either underway (Toro Canyon) or being scheduled for the Santa Ynez and Lompoc Valleys.

Response: Agree. The areas in which approximately 70% of the population of the unincorporated area live have been updated within the last ten years. The Board of Supervisors is currently hearing the Toro Canyon Plan, which is not a full-scale community plan, since it contains no urban areas. The Santa Ynez Community Plan is currently in progress with the assistance of the Santa Ynez General Plan Advisory Committee. The Lompoc Valley is scheduled for a plan update in 2004.

Finding 3: Santa Barbara County is facing a severe affordable housing shortage in urban areas, with a projected need of an additional 126,767 houses by 2030.

Response: Agree in part (the county is facing a severe affordable housing shortage) and disagree in part (the number of units needed). The "Santa Barbara County 2030 Land and Population" report (November 2000) states the county-wide year 2030 need for additional housing units will be approximately 60,000, based on growth trends in the last decade and current average household sizes (180,000 dwellings needed less 120,000 existing today). Of this 60,000 need, approximately 21,000 could be built under current zoning, leaving an unplanned shortfall of 39,000 (of course, the community could choose a different set of targets, based on different approaches to net mitigation, household sizes, etc.).

Under California planning law, all the cities in the county and the county itself (for the unincorporated area) will be required to update their housing elements by the end of 2003.

The Santa Barbara Association of Governments will allocate to each of the jurisdictions shares of a target number of affordable housing units to be assigned by the State Department of Housing and Community Development. This will provide an important opportunity and obligation for regional growth planning.

In recognition of the need for additional focus and effort in the area of affordable housing, the Board has conceptually agreed to create a Housing and Community Development Department. A report recommending implementation of such a department is scheduled to be considered by the Board on August 14, 2001.

Finding 4: Currently, Santa Barbara County's landmass consists of approximately 1,634,000 acres, of which approximately 784,320 acres are zoned exclusively for agricultural use, and of which only 4,213 acres are zoned for residential use. Most of the 784,320 acres zoned for agricultural use is also preserved for agriculture under 10-year contracts with the County in accordance with the Williamson Act.

Response: Agree in part (total land mass and most agriculture-zoned land is under Williamson Act contract), and disagree in part (area of residential zoning). The derivation of the acreage totals in this finding is unclear. Of the 1,634,000 acre total, 855,000 is privately owned (the rest being Vandenberg AFB, Los Padres National Forest, etc.). Of the acreage which is privately owned, 555,000 is in agricultural preserves. Another 60,000 acres is in large agricultural parcels, but not under Williamson Act protection. An additional 165,000 acres of smaller rural parcels is in a combination of production agriculture and low-density (ranchette) residential uses. Urban uses comprise 37,000 acres in cities and 38,000 acres in unincorporated urban areas (Orcutt, Goleta, Montecito, Summerland, Los Alamos, etc.) for an urban total of 75,000 acres. Much of this land area within urban areas is zoned for residential use, although Goleta does include significant areas presently zoned for agriculture, and significant commercial areas. The "Santa Barbara County 2030 Land and Population" report identifies 4,041 current, vacant, residentially-zoned acres in the County. This estimate was based on a preliminary review of larger (at least four acre) vacant sites. The analysis will be refined through the use of the geographic information system, which is expected to show increased opportunity for in-fill development.

Some of the county's most productive agricultural land does not enjoy the protection afforded by inclusion in a Williamson Act contract. Agricultural Preserve contracts are entered into voluntarily by the affected property owners for their tax benefits. If the regional benefits of maintaining productive agricultural land for agricultural use are to be realized, these highly productive areas also require protection from conversion to urban uses.

Finding 5: Under current zoning and the agricultural preservation contracts within the Williamson Act there is a substantial shortage of land available to accommodate the projected housing need.

Response: Agree. As identified above, current zoning would allow only 21,000 of the projected need of 60,000 dwelling units under typical current densities. It may not be advisable

to assume, however, that all current zoning of undeveloped and under-developed urban land reflects the most appropriate densities for future residential development. If the dual goals of providing affordable housing and maintaining productive agricultural lands are to be accomplished, it will be necessary to increase densities within suitable urban areas. Rezoning vacant commercial and industrial land on the South Coast could help provide needed housing and improve the regional balance of housing and employment.

Finding 6: If the projected housing need is to be accommodated in this County serious consideration will have to be given to rezoning and freeing from Williamson Act contracts some of this County's least productive agricultural land.

Response: Agree in part. If the amount of land available for residential development within existing urban areas is not sufficient to meet housing demand at currently allowed densities, consideration should first be given to such land use options as mixed uses and increasing allowed residential densities. Also, additional consideration could be given to encouraging second units in existing developed areas and on agricultural parcels. These options should be explored prior to canceling or encouraging non-renewal of agricultural preserve contracts that protect viable, productive agricultural land. Nevertheless, the finding is correct that in the long run, urban conversion of some of the County's least productive agricultural land will need to be considered, alongside other strategies.

Finding 7: The decisions in that respect (e.g., what, if any, agricultural land should be freed up for housing development, and when and how such development should occur) will seriously affect the local communities (particularly in the Santa Maria, Lompoc and Santa Ynez Valleys), and will require a delicate balancing of needs and interests.

Response: Agree. Agricultural resources, and the protection of agricultural land affects not only local areas, but an entire region. The beneficial impacts associated with agricultural land (food and fiber production, primary and secondary economic activity, and open space and aesthetic values) extend beyond the local area to encompass all areas of the County and region. Indeed, Santa Barbara County contains extensive agricultural land designated "of Statewide significance" by the State of California. Preservation and enhancement of such significant land is imperative and requires a regional planning approach if success is to be obtained.

Finding 8: None of the agriculturally zoned land in this County has been master planned for development, and there are no current plans to do so.

Response: Agree. Agricultural land is typically planned and zoned for continued agricultural use and production, and not for other types of development. Zoning agricultural land for development could artificially inflate property values and increase pressure for conversion to other uses and development. As it is, there is substantial market speculation on agriculturally-zoned land for development purposes. Although there are limited exceptions for land presently zoned for agriculture but inside the urban growth boundary (e.g., part of the Bishop Ranch in Goleta, planning for the ultimate development of agricultural land for other

uses runs counter to local and state policies directed at the preservation of agricultural lands and long term agricultural production.

Finding 9: It is the view of planning professionals that master planning decisions should be made with as much local community input as possible, at the earliest possible stages.

Response: Agree. It is also an emerging view that land use planning decisions should be made in a regional context to ensure that purely local views and decision making do not work to the disadvantage of the larger region. Current efforts at the state level (Speaker's Committee on Regionalism), and locally by the county and cities, are attempting to define areas of interest that will serve as the basis for a regional approach to governance on issues with regional effects.

Finding 10: While so-called General Plan Advisory Committees have been used in the past in connection with the drafting of some (but not all) Community Plans, such Committees have been selected by individual Supervisors, have been given different and varying (from plan to plan) functions and guidelines, and have not been permanent, so that they have not been involved with either plan implementation or plan updating.

Response: Agree. However, general plan advisory committees are effective mechanisms for increasing opportunities for local, public input into the planning process. The varying composition and responsibilities given to GPACs is a real world reflection of the political process in practice. The needs of communities vary in time and place, which is why the composition and responsibilities of GPAC's have varied. In practice, individual elected Board members have appropriately made decisions regarding membership and responsibilities of the various GPACs within their supervisorial districts.

Finding 11: The County is currently facing a growing series of controversies between agricultural and environmental interests, between South and North County residents, and between the County's governmental establishment, which is essentially located in downtown Santa Barbara, and North County residents, particularly farmers, which may be threatening the stability of the County and its effective governance.

Response: Agree in part (there are significant controversies between agricultural and environmental interests and between North and South County residents, and some believe the controversies are growing) and disagree in part (the implication that this is a new trend and threatens the stability of the county). There has been and continues to be a dynamic tension between various interest groups within the County for a significant period of time. This is not an emerging trend. County departments, including P&D, have a significant presence in the North County (32 staff at Foster Road and Buellton offices), not just in downtown Santa Barbara. In fact, another 2001 Grand Jury report (on Santa Maria Valley resources) points out that P&D is working well with North County agricultural interests on the resources program.

Finding 12: Area Planning Commissions are authorized by State law, and are used to varying degrees in several counties throughout the State.

Response: Agree.

Finding 13: If the membership of Area Planning Commissions is carefully and non-politically selected to represent fairly all of the residents and interests within the areas they are selected to represent, such Commissions have the potential for providing the Board of Supervisors with the best, most complete, and ongoing local community advice about master planning their areas, particularly the master planning of agricultural lands where they live and work, that it is possible to obtain.

Response: Agree in part and disagree in part. It is difficult to argue that local commissions do not have the potential to provide good, balanced advice. However, the assumption that the membership of Area Planning Commissions could be determined outside the political process is simplistic. Indeed, the political process is the tool that is intended to ensure that all residents and interests are fairly represented. Further, the assumption that decisions regarding the potential conversion of a regional resource such as productive agricultural land can best be made by numerous localized boards does not recognize the fact that regional issues such as the balance of jobs and housing, provision of affordable housing, and the preservation of key natural resources require a broad-based regional perspective.

RECOMMENDATIONS

Recommendation 1: That the Board of Supervisors create, by ordinance and pursuant to Government Code Sections 65100 and 65101, four Area Planning Commissions for the purpose of master land-use planning for the undeveloped (and largely agricultural) lands within the Santa Ynez, Lompoc, Santa Maria, and Carpinteria Valleys. These Area Planning Commissions would not be involved with zoning administration, conditional use permits, zone variances, or specific project approvals unless requested to do so by the Board of Supervisors .

Response: The recommendation will not be implemented as stated because it is not warranted, but may be implemented in a different manner in the future. The concept of sub-county planning commissions may have merit, but their number, geographic scope and functions would need to be considered and, if approved, a phased implementation approach may be desirable. As to geography, the report does not mention Montecito. The Montecito Association has requested that the Board consider creating an area planning commission which would incorporate the decision-making function of the County Planning Commission and the Zoning Administrator for the Montecito Area (letter attached). The Board is scheduled to give direction on this matter September 4. Since there is already a separate zoning ordinance for Montecito, and since Montecito is largely built out, it is a good candidate for an area planning commission pilot project. Most development there is on already-subdivided land. The community has a strong tradition of citizen involvement in permitting through the committees of the Montecito Association. A Montecito Area Planning Commission could serve as a test, prior to deciding whether to add other area planning commissions.

The Grand Jury's recommended functions for the area commissions stress a legislative, policy-making role rather than resolving the fate of development projects of local significance. The Board may want to consider the reverse: that the County Planning Commission continue to be the body advising the Board on land use policy issues, including growth areas for housing and the protection of agricultural lands, but that area commissions be chartered to make decisions on projects which do not require rezoning or general plan changes and which affect only the local area.

If the Board of Supervisors directs the County Administrator to move forward with consideration of options for responding to the Montecito Association's report, a project team including staff from the County Administrator, P&D and County Counsel would be convened to develop information on the experience of other jurisdictions with area planning commissions and analyze the Board's options on roles, geographic scope, costs and timing of implementation. Upon receipt of this information, the Board could make decisions that could be built into the 2002-3 budget plan for county operations.

Recommendation 2: That the Board of Supervisors give the Area Planning Commission such authority as is necessary for them to carry out their duties and functions, and appoint members thereto in such numbers, for such terms of office, and in such manner as is consistent with the foregoing report of this Grand Jury.

Planning and Development Grand Jury Response to
A New Look at Area Planning Commissions
July 23, 2001
Page 7

Response: The recommendation will not be implemented as stated because it is not warranted, but may be implemented in a different manner in the future (see response to Recommendation 1.

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