



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: 12/13/2022
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director(s) (805) 568-2086
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning
(805) 568-2072
SUBJECT: Disadvantaged Unincorporated Communities (DUC) Amendment to the Land Use Element of the Comprehensive Plan

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors (Board):

- a) Make the required findings for approval of the proposed general plan amendment, Case No. 22GPA-00000-00004, including California Environmental Quality Act (CEQA) findings (Attachment A).
- b) Find that the proposed general plan amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and the Notice of Exemption (Attachment B).
- c) Adopt the resolution to approve the proposed general plan amendment, Case No. 22GPA-00000-00004, amending the DUC Policies, Land Use Definition of “DUC,” and DUC section of the Appendix of the Land Use Element of the County Comprehensive Plan (Attachment C).

Please refer the matter to staff for appropriate actions and findings if the Board takes other than the recommended actions.

Summary Text:

State law requires that the County periodically update the Land Use Element of the Comprehensive Plan to include an analysis of DUC’s water, wastewater, stormwater drainage, and structural fire protection

needs or deficiencies. The County must also analyze benefit assessment districts or other financing alternatives that could make the extension of services to DUCs financially feasible.

The County identified and incorporated into the Land Use Element in 2015 the following seven DUCs: Casmalia, Cuyama, Garey, Los Alamos, New Cuyama, Sisquoc, and Ventucopa. An updated analysis in 2022 did not identify any new DUCs. However, the proposed general plan amendment (Exhibit 1 of Attachment C) includes minor text amendments to the DUC Policies and DUC Definition in order to improve clarity and consistency. Other changes were limited to updating the information on existing infrastructure and financing alternatives.

The proposed general plan amendment does not substantively change any existing policies or add any new policies. The amendment is consistent with the County Comprehensive Plan and does not raise any policy, environmental, or other planning issues.

Background:

Senate Bill 244 (SB 244), passed in 2011 and codified in Government Code § 65302.10, required that each city and county review and update its land use element to include certain data and analyses regarding DUCs inside or near its boundaries. In the case of a county, Government Code §§ 65302.10(a) and (b)(1) define a DUC as a “legacy community” in which the median household income (MHI) is 80 percent or less than the statewide MHI.¹ A “legacy community” means a geographically isolated community that is inhabited and has existed for at least 50 years, but not including any area within the sphere of influence of any city. A “community” means an inhabited area within a county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.

Government Code § 65302.10(b) requires jurisdictions to (1) identify DUCs inside or near their boundaries; (2) analyze water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each DUC; and (3) analyze benefit assessment districts or other financing alternatives that could make the extension of services to these DUCs financially feasible. The County satisfied these requirements. On February 3, 2015, by Resolution No. 15-35, the Board updated the Land Use Element to include the DUC policy, definition, and appendix text and maps.

Government Code § 65302.10(c) also requires that each city and county review, and if necessary amend, its land use element on or before the due date for each subsequent revision of its housing element to update the data and analyses regarding DUCs. The County’s next (6th cycle) housing element due date is February 15, 2023. Staff recently analyzed income data to identify current DUCs, updated the analysis of infrastructure needs and deficiencies, and updated information regarding benefit assessment districts and other financing alternatives as summarized below and discussed in the County Planning Commission Staff Report (Attachment D).

On November 2, 2022, the County Planning Commission conducted a public hearing on the proposed general plan amendment. The County Planning Commission did not request any changes. It voted (4-0) to adopt a resolution recommending that the Board approve the amendment (Attachment E).

County DUCs

Staff updated the analysis and identified the same DUCs as the current DUCs: Casmalia, Cuyama, Garey, New Cuyama, Sisquoc, Los Alamos, and Ventucopa.

¹ The statewide MHI is \$78,672 according to the most recent 2016-2020 (in 2020 dollars) U.S. Census Bureau, American Community Survey (ACS); therefore, 80 percent of the statewide MHI is \$62,938.

Infrastructure Needs or Deficiencies

Two of the seven DUCs lack access to public water and five DUCs lack access to public sewer. Structural fire protection continues to be a challenge for Cuyama, New Cuyama, and Ventucopa. None of the DUCs have stormwater drainage infrastructure.

Benefit Assessment Districts and Other Financing Alternatives

Three of the DUCs are within flood zone benefit assessment districts, but these districts lack sufficient funding to support stormwater drainage infrastructure and flood control improvement projects. Grant funding is available to help address infrastructure deficiencies in DUCs.

Environmental Review

The proposed general plan amendment is not subject to CEQA according to CEQA Guidelines Section 15061(b)(3), which exempts projects that have no possibility of a significant effect on the environment. Staff prepared a Notice of Exemption for the amendment (Attachment B).

Policy Consistency

The proposed general plan amendment is consistent with all applicable policies and development standards of the Comprehensive Plan. It is a research-based update and is limited to identifying DUCs, analyzing infrastructure needs or deficiencies, and analyzing financing alternatives for extension of services to DUCs. The amendment does not revise existing or include new policies or development standards. The amendment does not expand or otherwise change allowed uses and/or development of land.

Fiscal and Facilities Impacts:

Budgeted: Yes Funding for this project is budgeted in the Planning and Development Department's Administration and Long Range Planning Budget Program on page 387 of the County of Santa Barbara Fiscal Year (FY) 2022-23 adopted budget.

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements.

The Clerk of the Board shall forward a copy of the minute order and an executed copy of the executed resolution to the Planning and Development Department, attention Zoë Carlson.

Attachments:

- A. Findings
- B. Notice of Exemption – CEQA Guidelines Section 15061(b)(3)
- C. Resolution of the Board of Supervisors Amending the Disadvantaged Unincorporated Communities Sections of the Land Use Element (Case No. 22GPA-00000-00004)
 - a. Exhibit 1: Amended Text of the Land Use Element
- D. County Planning Commission Staff Report, Land Use Element Amendment – Disadvantaged Unincorporated Communities, November 2, 2022

E. Action Letter, County Planning Commission Hearing, Land Use Element Amendment –
Disadvantaged Unincorporated Communities, November 2, 2022

Authored by:

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