



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: March 24, 2020
Placement: Departmental
Estimated Time: 45 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 Department
Director (805) 568-2086
Contact Info: Dan Klemann, Deputy Director, Long Range Planning Division
(805) 568-2072
SUBJECT: Long Range Planning Division Fiscal Year 2020-2023 Work Program

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) Receive a report on the proposed Fiscal Year (FY) 2020-2023 Work Program;
- b) Allocate the requested funding and staff resources for an increase in funding and two authorized positions, or maintain funding and positions at current levels, to continue to provide required services, Program, and (2) recommended, new projects, as the projects with remaining work from FY 2019-2020 are completed, subject to approval of the Planning and Development Department's (P&D's) budget;
- c) Provide direction to the County Executive Office (CEO) regarding any desired increase in funding and authorized positions for the Long Range Planning Division for inclusion in the FY 2020-2021 Recommended Budget; and
- d) Determine that the Board's action is not a "project" that is subject to environmental review pursuant to the State California Environmental Quality Act (CEQA) Guidelines [§ 15378(b)(5)].

Summary Text:

This Board letter and attachments set forth staff's, as well as the Planning Commissions', recommended FY 2020-2023 Work Program for the Long Range Planning Division. More specifically, the staff report included in Attachment 1 to this Board letter describes the services, operations, and projects that staff is

recommending that the Board include as part of the FY 2020-2023 Work Program. As discussed in the staff report, previous, recent work programs focused primarily on tasks and projects to be completed within the next, immediate fiscal year. However, this work program includes the recommended tasks and projects for the next three fiscal years, given that a majority of the future work is going to involve multiyear, countywide projects, some of which are interrelated and should be considered together when developing the work plans for them. Year 1 (FY 2020-2021) of the recommended work program includes the required services, operations, and work from the current (FY 2019-2020) work program with remaining work for the next fiscal year. The work programs for Year 2 (FY 2021-2022) and Year 3 (FY 2022-2023) prioritize updating the countywide general plan elements and components of the zoning ordinances that are inconsistent with current standards. As part of these updates or, possibly as a separate project, staff will consider and provide recommendations regarding how to consolidate and simplify the components of the Comprehensive Plan which are redundant or involve unnecessary distinctions in policy or regulatory requirements between similarly-situated development projects that are located in different geographical areas within the county.

Finally, the estimated workload for FY 2020-2021 will require approximately 13 full time equivalents (FTEs)-worth of labor, which exceeds the current staffing level of 11 FTEs by approximately two FTEs. Staff was unable to complete certain work items that were estimated to be complete by the end of this fiscal year (2019-2020) due to:

- A current vacancy and past vacancies in the Long Range Planning Division during FY 2018-2019 that slowed progress on projects;
- Mid-fiscal year addition of projects:
 - Two rounds of cannabis zoning ordinance amendments,
 - Required ordinance amendments to address changes in State law for accessory dwelling units, and
 - An AB 1600 buildout study for the Traffic Impact Mitigation Fee Program update;
- Tasks added mid-fiscal year to projects:
 - The Agricultural Employee Dwelling Ordinance Amendments included additional hearings, and
 - The Hoops ordinance amendment project included additional public hearings and the creation of a policy guidance document regarding setback requirements for hoop structures; and
- LRP staff assistance to cannabis team.

Therefore, P&D's proposed budget for FY 2020-2021 will include an expansion request to the Board to add two staff positions and use of consultants. If the expansion request is not granted Work Program projects will need to be identified that can be delayed until future fiscal years.

Background:

This Board letter and the corresponding hearing regarding the FY 2020-2023 Work Program afford the Board an opportunity to: consider staff's recommendations; receive public input; review current, ongoing projects and consider new potential projects; consider the Planning Commissions' and Agricultural Advisory Committee's recommendations regarding the FY 2020-2023 Work Program; determine which projects to include in the FY 2020-2021 Work Program that warrant general fund allocation and staff

resources in FY 2020-2021; and identify future projects to be included in FY 2021-2022 and FY 2022-2023.

Attachment 1 provides a detailed discussion of, and Attachment 2 summarizes, the recommended components of the FY 2020-2023 Work Program. As stated above, the work program includes the recommended tasks and projects for the next three fiscal years, given: (1) a majority of the future work is going to involve multiyear, countywide projects, some of which are interrelated and should be considered together when developing the work plans for them; (2) State and other legal mandates; and (3) grant-funded projects that must be completed by a certain deadline in order to receive the grant funding. For year one (FY 2020-2021), the Work Program includes the required services, operations, and projects with remaining work from the FY 2019-2020 Work Program. For years two (FY 2021-2022) and three (FY 2022-2023), the Work Program includes the required services, operations, and projects with remaining work from FY 2020-2021, plus staff's recommended new projects.

With regard to new projects to include in the Work Program, staff is recommending that: (1) future work programs prioritize the completion of existing projects involving specific community priorities or interest group requests; and (2) as these existing projects are completed, refocus staff time and resources on updating Comprehensive Plan Elements and other projects that will have countywide benefits. Staff has included the work needed to complete the existing projects involving individual community priorities and interest group requests. Also, staff has already begun the updates to the Circulation Element and Safety Element of the Comprehensive Plan that were included in the current fiscal year work program, and have included the needed work in future fiscal years to complete each of these projects. In addition to the updates to these two elements of the Comprehensive Plan, staff recommends that the Work Program for years two and three include updates to the Housing Element, Land Use Element, and Energy Element, as well as the development of a new Environmental Justice Element. The update to the Housing Element is a State mandated project that must be completed by 2023. Furthermore, the current updates to the Circulation Element and Safety Element, as well as the upcoming update to the Housing Element, are likely going to warrant amendments to the Land Use Element. Similarly, the update to the Circulation Element, as well as the Community Services Department's update to the Energy and Climate Action Plan, are likely going to warrant amendments to the Energy Element. Finally, pursuant to Government Code § 65302(h)(2), if two elements are updated concurrently, the County must adopt an environmental justice element, which would be an entirely new element of the Comprehensive Plan. Therefore, given that it is likely that two or more elements will be amended concurrently, staff has included the development of a new Environmental Justice Element in the recommended Work Program.

Staff developed the FY 2020-2023 Work Program knowing that it is dependent on the adoption of the Planning and Development Department's final budget for each fiscal year. As discussed in Attachment 1, and summarized in Attachment 2 of this report, the division currently has 11 FTEs of labor available and staff estimates that approximately 13 FTEs-worth of labor are needed to provide the required services, conduct the operations, and complete the work remaining from the current fiscal year Work Program during fiscal year 2020-2021.

At the time staff developed the FY 2019-2020 Work Program, it included achievable objectives that required 11 FTEs-worth of labor. However, due to the circumstances outlined above, which include a current vacancy and vacancies in the Long Range Planning Division during FY 2018-2019, as well as additions of projects during mid-fiscal year 2019-2020, staff was unable to complete certain work items that were estimated to be complete by the end of this fiscal year (2019-2020). First, vacancies resulted in

delays in the completion of work that was included in the last two Work Programs. The FY 2019-2020 Work Program included work that had been delayed from the FY 2018-2019 Work Program, due to four vacancies that were filled during the first quarter of FY 2018-2019. In addition, staff is currently working to fill a vacancy that occurred in January 2020. Second, certain projects have required more work than originally anticipated due to unforeseeable events that occurred during the processing of the projects (e.g., additional hearings for the Agricultural Employee Dwellings Ordinance Amendments, as well as additional hearings and the creation of a policy guidance document regarding the Hoop Structures Zoning Ordinance Amendments). Third, new projects were added mid-fiscal year (e.g., two sets of Cannabis Zoning Ordinance Amendments, Accessory Dwelling Unit Ordinance Amendments due to changes in State law, and a countywide buildout study to inform an analysis of the Traffic Impact Mitigation Fee Program). Lastly, staff from the Long Range Planning Division provided assistance to the cannabis permitting team which resulted in further work program delays.

In an effort to address the estimated two FTE resource shortfall, P&D's proposed budget for FY 2020-2021 will include an expansion request to the Board of Supervisors. More specifically, staff is proposing a two pronged approach to move programs along more quickly—by adding two staff positions and use of consultants. The additional staff will supplement the existing teams and will provide more resources to manage on-call consultant contracts. The additional resources will enable the Long Range Planning Division to complete the projects that are currently included in the work program and begin work on the Comprehensive Plan Elements discussed above, pursuant to the timelines shown in Attachment 3. However, if the Board does not grant the requests for additional staff and the use of consultant services to complete the estimated work, some projects will need to be delayed. Staff recommends that projects meeting the criteria below remain a priority:

- are partially grant funded, to avoid compromising the grant funding;
- are required to satisfy a State or other legal mandate; and/or
- will be mostly complete by the end of the current fiscal year, and will require only minimal work (e.g., 0.1- to 0.2-FTEs-worth of labor) within the next fiscal year to fully complete.

Based on these criteria, staff has identified the following projects which could be delayed:

- Santa Claus Lane Streetscape, Beach Access, and Parking – 0.6 FTE
- Agricultural Tiered Permitting Ordinance Amendments – 0.5 FTE
- Cannabis Land Use Ordinance Amendments – 0.7 FTE
- Farmstays Ordinance Amendments – 0.3 FTE
- Short-Term Rentals Coastal Zoning Ordinance Amendments – 0.5 FTE
- State Housing Bill Implementation – 1.5 FTE
- Utility Grade Solar Ordinance Amendments – 0.8 FTE
- Zoning Ordinance Amendments (Minor and Administrative Amendments) – 0.4 FTE

Should the Board desire to scale back the recommended work plan to align with the current level of staffing, staff has identified the following options for potential projects which may be delayed:

- Option 1: Delay the Agricultural Tiered Permitting Ordinance Amendments, Short-Term Rentals Coastal Zoning Ordinance Amendments, Utility Grade Solar Ordinance Amendments, and Zoning Ordinance Amendments (Minor and Administrative Amendments).

- Option 2: Delay the Short-Term Rentals Coastal Zoning Ordinance Amendments, Zoning Ordinance Amendments (Minor and Administrative Amendments), and Utility Grade Solar Ordinance Amendments; and reduce the work effort for the State Housing Bill Implementation to approximately 0.3 FTEs-worth of labor for Fiscal Year 2020-2021.
- Option 3: Some combination of Options 1 and 2 or, possibly, another combination, which equates to a reduction of approximately two FTEs-worth of labor.

On February 26, 2020, the County Planning Commission received a staff presentation, took public testimony on the Fiscal Year 2020-2023 Long Range Planning Division Work Program, and supported staff's recommended actions regarding the Work Program. (See Attachment 1 for the County Planning Commission's specific actions.) Also, on March 4, 2020, the County Planning Commission conducted a fourth hearing to consider additional amendments to the cannabis ordinances, pursuant to the Board's direction on this matter from the Board hearing on July 16, 2019. Currently, there are a number of potential ordinance amendments that the County Planning Commission is considering for recommendation to the Board; however, the County Planning Commission has not formulated recommendations regarding all of the items that are under consideration, and would like to prioritize and process an amendment to cannabis odor regulations separately from the other ordinance amendments. Until the County Planning Commission provides direction on all of the amendments that are under consideration, staff cannot provide a precise estimate on the amount of labor that will be required. Given this unknown, staff has provided a rough estimate of 0.7 FTEs-worth of labor to process all of the amendments as one package (Attachment 2). However, if the amendments related to cannabis odor control regulations (inland and coastal) are processed separately, it would add approximately 0.5 FTEs-worth of labor to the cannabis ordinance amendments project for a total of 1.2 FTEs-worth of labor. Staff is requesting the Board's direction on the County Planning Commission's request to process a separate odor control ordinance amendment. This will allow staff to make the changes to P&D's recommended budget to accommodate the additional work, if needed.

On March 5, 2019, staff provided a report on the Fiscal Year 2020-2023 Long Range Planning Division Work Program to the Agricultural Advisory Committee (AAC). The AAC recommends that the Board prioritize the cannabis land use ordinance amendments project and not delay this project if the Board does not approve the expansion request and must select projects to delay. The AAC drafted a letter to be submitted to the Board for consideration.

On March 18, 2020, staff will present the Fiscal Year 2020-2023 Long Range Planning Division Work Program to the Montecito Planning Commission. Staff will provide a summary of the Montecito Planning Commission's comments and recommendations to the Board, as part of the staff presentation on the FY 2020-2023 Work Program at the March 24, 2020, Board hearing.

Fiscal Analysis:

Budgeted: No

Funding for the preparation of the FY 2020-23 Long Range Planning Division Work Program is included in the P&D budget submittal for the Board's consideration during the budget adoption process in April and June 2020. P&D has requested \$259,550 in General Fund Contribution to fund two additional Planner positions in the Long Range Planning Division as part of the FY 2020-2021 Requested Budget. Should the Board fund this request during the budget development process, the positions can be funded with any available General Fund discretionary revenues, including the growth in available cannabis tax revenue.

Funding for subsequent fiscal year Work Programs will be considered as part of the annual County budget process.

Attachments:

- Attachment 1 – County Planning Commission Action Letter and Staff Report for the Hearing of February 26, 2020
- Attachment 2 – Summary of FY 2020-2021 Required Services, Operations, and On-Going Projects
- Attachment 3 – Estimated Timelines of Remaining Work

Authored by:

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