



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 (P&D)
Department No.: 053
For Agenda Of: March 21, 2023
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors (Board)

FROM: Department Lisa Plowman, Planning Director, (805) 568-2086
Director(s)
Contact Info: Dan Klemann, Deputy Director, (805) 453-4803

SUBJECT: Long Range Planning Division (LRP) Fiscal Years (FY) 2023 – 2026 Work Program

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board:

- a) Receive a report on the staff-recommended LRP FY 2023 – 2026 Work Program;
- b) Provide any direction that the Board would like to make regarding the staff-recommended LRP FY 2023 – 2026 Work Program; and
- c) 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)].

Background:

This Board letter and attachments provide an update on, and set forth staff’s recommendations regarding, the LRP FY 2023 – 2026 Work Program. Staff’s recommendations were based on the following considerations:

- Most of the projects are multi-year projects that staff initiated at the Board’s direction as part of past LRP Work Programs, and require a continued commitment of resources to complete;

- Existing State and Federal mandates, as well as changes in State and Federal laws and regulations that affect local land use policies and regulations;
- Projects that advance the goals and programs set forth in the Santa Barbara County Comprehensive Plan;
- Continued P&D support for County-sponsored projects that have specific deadlines that must be met and/or funding commitments that must be satisfied; and
- Staff availability and budget constraints, given the fiscal priorities of Santa Barbara County and available funding sources.

This will be the fourth, three-year work program that the Board will be considering since converting to a three-year planning timeframe for the work program. The three-year planning timeframe affords the Board the opportunity to prioritize multiyear projects, some of which are interrelated and should be considered together when developing the work plans for them.

1. FY 2022 – 2023 Quarter (Q)1 – Q3 Accomplishments

The following is a list of LRP’s accomplishments in the first three quarters of FY 22-23. Attachment 1 to this Board letter includes a more complete summary of these accomplishments to date.

- Housing Element Update (HEU) - The preparation of the State-mandated 6th-Cycle HEU required a substantial amount of resources this fiscal year including utilizing staff assigned to other programs. In FY 21-22 staff completed the Regional Housing Needs Allocation (RHNA) process with the Santa Barbara County Association of Governments (SBCAG), conducted preliminary research, retained consultant services, and began preliminary work on the HEU. During FY 22-23 staff completed the following:
 - Data collection and draft analysis
 - Analyzed governmental constraints to the development of housing
 - Conducted the land inventory
 - Identified sites for rezoning to meet the RHNA allocation
 - Conducted public outreach (public workshops, scoping hearing, small group meetings)
 - Developed updated goals, policies, and programs
 - Completed the Draft HEU and released it for a 30-day public review in January, 2023
 - Held a workshop with the Board of Supervisors to receive input on the goals, policies, and programs
 - Considered public comment and amended the HEU, where necessary
 - Submitted the Draft HEU to State HCD for a 90-day review

Staff plans to present the Draft HEU to decision-makers for adoption in late summer/fall 2023 and submit to State HCD for certification shortly thereafter. Lastly, staff plans to present the HEU-related rezones to decision-makers for adoption in early 2024 (at the latest).

- *Agricultural Enterprise Ordinance (AEO) Amendments* – initiated environmental review which is anticipated to be complete during summer 2023 for decision-maker hearings in fall 2023.

- *Land Use and Development Code (LUDC) Cannabis Amendments* – completed LUDC amendments to require (within the Inland Area of the county) a Conditional Use Permit (CUP), rather than a Land Use Permit (LUP), for all indoor and outdoor commercial cannabis cultivation in the AG-II zone, and a CUP for outdoor cultivation in the Industrial Research Park, Light Industry, and General Industry zones. This project was able to move forward as a result of the FY 21 – 22 staff expansion (Planner III).
- *Childcare Facilities Zoning Ordinances Amendments Packages* – completed a package of ordinance amendments that included (1) permitting and development standards for Small and Large Family Day Care facilities to align them with State law (Senate Bill 234, Chapter 244, Statutes of 2019; Health and Safety Code § 1596.72 et al) and (2) permitting requirements for day care homes and centers to: (a) allow smaller day care centers of 50 children or less with a LUP in the Inland Area and a Coastal Development Permit in the Coastal Zone instead of a CUP, and (2) relax certain standards for child care centers located in or at public/quasi-public facilities that are used for assembly uses. This project was able to move forward as a result of the FY 21 – 22 staff expansion (Planner III).
- *Comprehensive Plan Annual Progress Report (APR)* – completed the 2022 Comprehensive Plan APR in time to file it with the State Housing and Community Development Department by the April 1, 2023, filing deadline.
- *Disadvantaged Unincorporated Communities (DUCs) Land Use Element Amendments* – completed State-mandated amendments to update information regarding DUCs within the unincorporated county.
- *Environmental Justice (EJ) Element* – completed focused outreach with DUCs in order to prepare the draft EJ Element for Board consideration during fall 2023.
- *Responsible Agency Reviews (RARs) / Local Agency Formation Commission (LAFCO) Reportbacks* – processed 12 RARs and processed nine LAFCO reportbacks.
- *Safety Element Update* – (1) prepared draft wildfire-related amendments, (2) received a Fire Safe Council grant to complete certain evacuation modeling requirements for the Safety Element Update, and (3) retained a consultant to begin preparation of the draft Climate Adaptation Plan for public review during fall 2023, followed by preparation of a programmatic environmental impact report in 2024.
- *Zoning Ordinance and Other Comprehensive Plan Amendments (FY 2022 – 2023 Expansion Project- Modernization of Multi-Family/Commercial Zone Districts; Expand Ministerial Permits)* – completed consultant selection process and initiated process to develop draft amendments (e.g., background research and public outreach). This project is a result of the FY 22 – 23 staff expansion (Supervising Planner/Consultants).
- *Utility Scale Solar Ordinance Amendments* – prepared and circulated a request for proposal (RFP); no responses were received. This project will be able to move forward as a result of the FY 22 – 23 staff expansion (Supervising Planner).

- *Zoning Ordinance Maintenance and Amendment Packages* – initiated the review and publication tasks associated with publishing the zoning ordinances on-line with the County Code. This project was able to move forward as a result of the FY 21 – 22 staff expansion (Planner III).

2. Priorities for Q4 of FY 2022 – 2023

- *Housing Element Update* - For the remainder of FY 2022 – 2023, LRP’s primary goal is completing the State HCD review process and preparing the environmental document for the HEU, in order to present the HEU to the Board for consideration of adoption during late summer/early fall 2023, and adoption of rezones to effectuate the HEU by winter 2024 (at the latest).
- *AEO Amendments* – complete the environmental document to be published for public comment during summer 2023 and begin decision-maker hearings during fall 2023.
- *Circulation Element Update* – assist the Public Works Department Transportation Division staff with completion of the Active Transportation Plan (ATP) for Board consideration during spring 2023.
- *EJ Element* – prepare draft EJ Element and initiate environmental review (if required).
- *Safety Element Update* – present wildfire-related amendments to the Board for consideration and prepare the draft Climate Adaptation Plan.
- *Zoning Ordinance and Other Comprehensive Plan Amendments (FY 2022 – 2023 Expansion Project)* – continue with public outreach and begin drafting ordinance amendments.
- *Zoning Ordinance Maintenance and Amendment Packages* – complete the review and publication of the zoning ordinances on-line with the County Code, and begin drafting zoning ordinance amendments regarding (1) ADUs ordinance amendments, (2) Senate Bill (SB) 9 (2022) (Government Code Sections 66452.6, 65852.21, and 66411.7) ministerial design and approval standards, and (3) certain telecommunications regulations.

3. Recommendations for Fiscal Year One (FY 2023 – 2024)

Table 1 summarizes staff’s recommended staffing allocations for the services, operations, and on-going projects to be included in Year One of the Work Program. Attachment 1 to this Board letter provides descriptions of the Comprehensive Plan Projects that are listed in Table 1 and discussed further below.

Attachment 2 provides a timeline for completion of the projects based on staff’s recommended staffing allocations shown in Table 1.

Table 1 – Staff-Recommended LRP Staffing Allocations

Task / Project	FTEs
Required Services	
Grant Research and Applications Ag Preserve Processing and APAC Support Regional and Inter-Agency Coordination Technical Support to other Departments Legislative Review General Plan Consistency Review and Maintenance Responsible Agency Review and LAFCO Reportbacks CIP Conformity Review General Plan Annual Report Consultants List Maintenance SBCAG Review/Participation	
Required Services Subtotal	2
Operations	
Budget Development and Implementation Public Information (including Public Records Act requests), Referrals, Website, and Outreach Staff Meetings and Training Process Improvement / Strategic Plan Evaluation and Performance Reviews Division Administration	
Operations Subtotal	4.2
On-Going FY 22 - 23 and Delayed Projects from Past Work Programs	
Agricultural Enterprise Ordinance Amendments	0.6
Airport Land Use Compatibility Plans (ALUCPs) Consistency Amendments (Mandated) & Coastal Commission Certification – Delay until FY 24 - 25	0
Circulation Element Update (Mandated)	1.3
Coastal Resiliency Local Coastal Program Amendment (LCPA) – Potential Delay until FY 24 - 25	0.4
Climate Action Plan Comprehensive Plan Amendments	0.3
Zoning Ordinance Amendments to Allow Ministerial Development/Uses & Changes to Residential/Commercial Development Standards	0.5
Environmental Justice Element (Mandated)	0.5
Housing Bill Implementation (including Housing Accountability Act (HAA) and State Density Bonus Law (SDBL) Ordinance Amendments Grant-Funded Ordinance Amendments Objective Design Standards <u>not</u> Included in January, 2023 Ordinance Amendments (See below for SB 9 Ordinance Amendments)	0.5
Housing Element Update (Mandated)	2.0
Recreation Master Plan - Comprehensive Plan Consistency Amendments	0.2
Safety Element Update (Mandated)	1.3

Task / Project	FTEs
Short-Term Rentals LCPA – Delay until FY 24 - 25	0
Utility Scale Solar General Plan, Ordinance, Williamson Act Amendments	0.5
Zoning Ordinance Amendments Packages Accessory Dwelling Units Ordinance Amendments LCPA and State Law Update SB 9 Telecommunication Facilities (Small Wireless Facilities and Generators) Oil and Gas	0.7
On-Going FY 22 - 23 and Delayed Projects from Past Work Programs Subtotal	8.7
LRP WORK PROGRAM TOTAL	15.0

3.1 State Mandated, On-Going Projects

State-mandated projects play a significant role in establishing the priorities for the Work Program in the next fiscal year. The Work Program includes the following State-mandated projects.

- *ALUCPs Comprehensive Plan Consistency Amendments* – The Santa Barbara County Association of Governments (SBCAG) adopted updates to the ALUCPs in January 2023 and, consequently staff must (1) prepare amendments to the Comprehensive Plan to achieve consistency with the updated ALUCPs, present the Comprehensive Plan amendments to decision-makers for consideration of adoption, and obtain Coastal Commission-certification of an LCPA involving changes to the Santa Barbara Airport ALUCP. (Recommend delaying.)
- *Circulation Element Update* – This update involves amendments to the Circulation Element and community plans to be consistent with the Public Works Department’s ATP and, more generally, develop policies and programs that facilitate the development of infrastructure designed to reduce vehicle miles traveled (VMTs), pursuant to State mandates. The Public Works Department expects to complete the ATP in FY 2022 – 2023. During FY 2023 – 2024, LRP staff will select a consultant and initiate data collection in order to develop the project description and initiate the environmental review for the Circulation Element Update.
- *EJ Element* – The ongoing work on the Housing Element, Climate Action Plan, and Safety Element Update will require concurrent amendments to two, State-mandated elements of the Comprehensive Plan. When two or more elements are updated, State law requires the preparation and adoption of a new EJ Element. As stated in Section 1.0 (above), the EJ Element will be presented to the Board for consideration during fall 2023.
- *Housing Element Update* – As stated in Section 1.0 (above), Staff will present the Draft HEU to decision-makers for adoption in late summer/fall 2023 and State HCD for certification shortly thereafter. Staff will present the HEU-related rezones to decision-makers for consideration in early 2024 (at the latest).
- *Safety Element Update* – As stated in Sections 1.0 and 2.0 (above), LRP staff will be managing the second phase of the State-mandated Safety Element Update. The second phase involves preparation of the Climate Adaptation Plan and amendments to the Safety Element based on the findings of the CCVA that the Board adopted in FY 2021 – 2022. Activities will involve public

outreach, consulting subject matter experts on adaptation strategies, drafting adaptation policies and programs, and conducting environmental review.

3.2 Non-Mandated, Delayed, and On-Going Projects

There are a number of non-mandated projects that the Board either included or considered including in FY 2022 – 2023 which staff is proposing to continue working on, provided that the Board allocates the budgetary resources to do so. These projects include:

- *ADUs LCPA and State Law Update* – On May 18, 2021, the Board adopted the ADU and JADU amendments to bring the County’s regulations into conformance with State law. The Inland Area amendments went into effect on June 16, 2021. Staff submitted the Local Coastal Program Amendment (LCPA) for the ADU and JADU Coastal Zoning Ordinance (CZO) amendments to the California Coastal Commission (CCC) for review and certification in August 2021. CCC staff reviewed the Board-adopted LCPA and requested additional information regarding the parking requirements that the Board adopted for ADUs in the Coastal Zone. Grant funding to process the LCPA was fully expended by FY 2021 – 2022 and the Board suspended processing of the LCPA during FY 2022 – 2023 in order to prioritize other projects.

On January 1, 2023, new State ADU and JADU laws became effective. The current Land Use and Development Code (LUDC) and Montecito Land Use Development Code (MLUDC) ADU and JADU regulations do not comply with current State ADU and JADU laws. Therefore, additional amendments must be made to the ADU/JADU regulations to comply with current State law. The zoning ordinance amendments package that staff will present to the Board in FY 2023 – 2024 will include the amendments to comply with current State ADU and JADU laws; doing so will provide clarity to the County’s ADU/JADU zoning regulations and could facilitate housing production that is aligned with Housing Element implementation programs.

- *AEO Amendments* – As discussed in Sections 1.0 and 2.0 (above), staff (and consultant services) will complete the environmental document for the AEO Amendments during summer 2023, decision-maker hearings will occur during fall 2023, and staff will submit the LCPA application to the CCC to initiate the certification process during winter 2024.
- *Coastal Resiliency LCPA* – Staff prepared an LCPA to help mitigate and respond to threats from current and reasonably foreseeable future sea level rise and coastal hazards. In December, 2018, the Board adopted the LCPA and submitted it to the CCC for certification. From 2019 through 2021, County staff consulted and negotiated with CCC staff on CCC staff’s suggested modifications to the LCPA. In September, 2021, the County withdrew the LCPA certification application due to a lack of staff funding and disagreement over a number of CCC staff’s suggested modifications. The Planning Director initiated negotiations with the former Executive Director of the CCC regarding disagreements over the LCPA. In addition, staff will be further researching, and considering applying for, an LCP local assistance grant (up to \$100,000) from the CCC to fund additional work that is required to complete this project. The specific tasks required to complete this project are contingent on County negotiations with Coastal Commission staff. (Potential recommendation to delay)

- *Housing Bill Implementation and State Density Bonus Law Ordinance Amendments* – As discussed in Attachment 1, this project involves the implementation of State housing and density bonus laws in order to achieve a number of County objectives (e.g., implement Housing Element programs and update the zoning ordinances to be compliant with State law). Some of the amendments are grant-funded and must be completed by September 2023. In addition there are a number of recently-adopted State housing and/or density bonus laws which could be the subject of this program. As part of the Zoning Ordinance Amendment Packages (discussed below), the next zoning ordinance amendment package will involve SB 9 (2022) (Government Code Sections 66452.6, 65852.21, and 66411.7) ministerial design and approval standards. Staff will initiate other Zoning Ordinance Amendments to implement State housing and density bonus law after completion of the Housing Element Update and as part of the Amendments involved with the FY 2022 – 2023 Expansion Project.
- *Short-Term Rentals (STRs) LCPA* – As discussed in Attachment 1, in June 2022, the Board directed staff to delay work on the Coastal Zone STRs LCPA in order to prioritize State-mandated projects. The Board may direct staff to recommence work on the STRs LCPA in FY 2023-2024. (Recommend delaying.)
- *Utility-Scale Solar Ordinance Amendments* – During the first quarter of FY 2022 – 2023, staff selected the manager and prepared a request-for-proposals (RFP) for consultant services to prepare the Comprehensive Plan Amendments and programmatic environmental impact report (PEIR) for this project. However, staff did not receive any proposals. Staff can continue to pursue consultant services and/or reallocate staff from other projects if the Board prioritizes this project in FY 2023-2024.
- *Zoning Ordinance Amendment Packages* – As stated above, during spring 2023 staff will begin the ADUs and JADUs ordinance amendments, as well as SB 9 (2022) (Government Code Sections 66452.6, 65852.21, and 66411.7) objective design standards, permit processing, and subdivision map regulations. The Board also identified the following subjects as priorities for future ordinance amendment packages:
 - Amendments to telecommunication regulations regarding back-up generators for macrocell towers and aesthetic design standards for small wireless telecommunication facilities; and
 - Certain amendments to the oil and gas regulations.
- *Zoning Ordinance and Other Comprehensive Plan Amendments (FY 2022 – 2023 Expansion Project)* – As discussed in Attachment 1, this project involves a number of ordinance amendments that differ with regard to complexity and potential environmental impacts. Therefore, during FY 2023 – 2024 staff will (1) prepare zoning ordinance amendments for relatively non-complex subjects that do not involve preparation of an environmental impact report for decision-makers consideration, and (2) conducting outreach and other activities to develop the project description for relatively complicated subjects that likely require preparation of a PEIR. The ordinance amendments for the complicated subjects and PEIR are anticipated to be completed during FY 2024 – 2025, followed by CCC certification that is likely to be completed in FY 2025 – 2026.

In addition, there are two CSD projects being carried out that LRP staff will monitor and on which LRP staff will conduct additional work in the next and/or other future fiscal years:

- *Climate Action Plan* – LRP will assist CSD with the preparation of the amendments to the Comprehensive Plan (e.g., Energy Element) and the County’s CEQA environmental thresholds (e.g., greenhouse gases emissions thresholds), consistent with the findings and objectives of the Climate Action Plan. Following adoption of the Climate Action Plan, LRP staff likely will be involved with the implementation of Climate Action Plan programs that affect P&D activities / functions or otherwise require LRP staff’s subject matter expertise.
- *Recreation Master Plan* – In coordination with the Development Review Division of P&D, LRP will provide support and advise on proposed Comprehensive Plan amendments throughout the preparation of the Recreation Master Plan, in order to align them with certain features of the Agricultural Enterprise Ordinance Amendments.

4. Future Projects

Staff has developed a list of projects that the Board could include in Year Two, Year Three, and/or a future fiscal year, of the Work Program. The projects mostly consist of updates to outdated components of the Comprehensive Plan (e.g., Environmental Resources and Management Element and Open Space Element). Of the potential future projects, only one of them is State-mandated—that is, by 2026, the County must adopt amendments to the Open Space Element to include plans and an action program that address specified issues, including climate resilience and other co-benefits of open space, correlated with the Safety Element (Government Code § 65565.5). Also, as groundwater sustainability agencies (GSAs) adopt groundwater sustainability plans (GSPs) that govern the groundwater basins that are subject to the Sustainable Groundwater Management Act (SGMA) (GC § 65352.5 et al), the Board could consider adopting corresponding amendments to the Comprehensive Plan to align with the governing strategies of the GSPs. Finally, current projects on which staff is working will constitute much of the work and will be completed in Years Two and Three.

Fiscal and Facilities Impacts:

Budgeted: No Funding to implement the staff-recommend services, operations, and projects that are included in FY 2023 - 2024 of the FY 2023 - 2026 LRP Work Program will be included in the P&D FY 2023 - 2024 Requested Budget submittal for the Board’s consideration during the budget adoption process in June 2023. Funding for subsequent fiscal year work programs will be considered as part of the annual County budget process.

Attachments:

Attachment 1 – LRP FY 2022 – 2023 Work Program Project Status Report

Attachment 2 – Timeline of Staff-Recommended Projects

Attachment 3 – Long Range Planning Division Organizational Chart

Attachment 4 – Long Range Planning Division Work Assignments

Authored by:

Dan Klemann