

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for**  
**Land Use Element Amendment – Disadvantaged Unincorporated Communities**

**Hearing Date:** November 2, 2022

**Staff Report Date:** October 25, 2022

**Case No.:** 22GPA-00000-00004

**Environmental Document:** Notice of Exemption, California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3)

**Deputy Director:** Dan Klemann

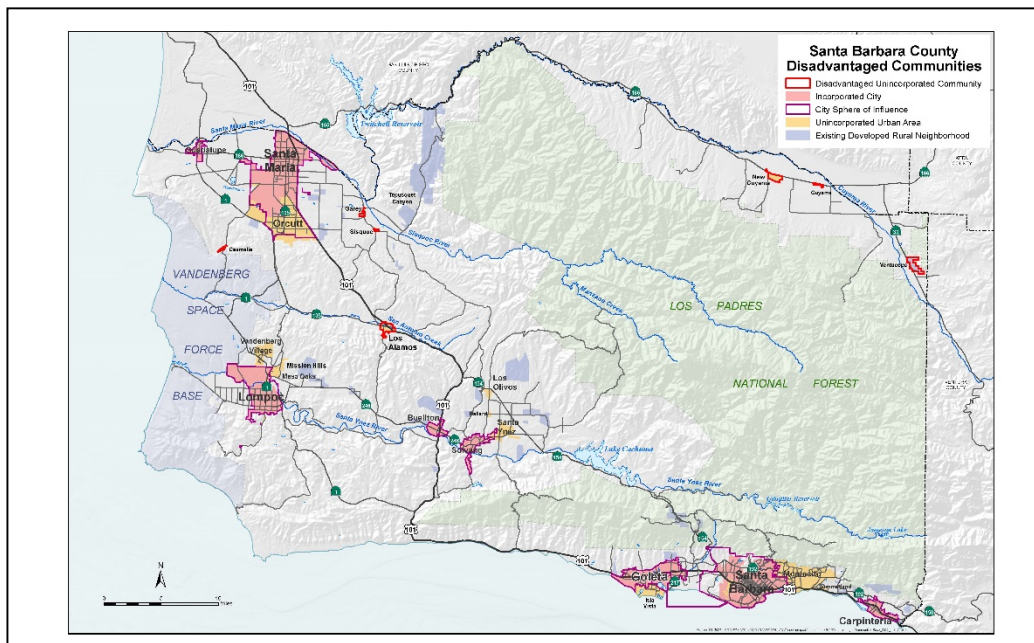
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The proposed general plan amendment affects the unincorporated communities of Casmalia, Cuyama, Garey, Los Alamos, New Cuyama, Sisquoc, and Ventucopa.

## 1.0 REQUEST

Hearing on the request of the County of Santa Barbara (County) Planning and Development Department (P&D) that the County Planning Commission (Commission) recommend that the Board of Supervisors (Board) adopt a general plan amendment, Case No. 22GPA-00000-00004, amending the Disadvantaged Unincorporated Communities (DUC) Policies, Land Use Definition of “DUC,” and DUC section of the Appendix of the Land Use Element of the County Comprehensive Plan as required by Government Code Section 65302.10.

## 2.0 RECOMMENDATION AND PROCEDURES

Your Commission's motion should include the following:

1. Make the required findings for approval of the proposed general plan amendment specified in Attachment A, including CEQA findings, and recommend that the Board make the required findings for approval of the proposed general plan amendment.
2. Recommend that the Board find that the proposed general plan amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and Notice of Exemption, included as Attachment B.
3. Adopt the resolution contained in Attachment C recommending that the Board adopt 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, Exhibit 1).

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings.

The proposed amendment and documents referenced herein are available on the P&D’s website:  
<https://cosantabarbara.app.box.com/s/q97rv82305oyfnbdjhcyxrrdhu3dgkqy/folder/152579353282>

## 3.0 JURISDICTION

Santa Barbara County Code Section 2-25.2, Chapter 2, authorizes the County Planning Commission to consider the proposed general plan amendment. It states, “... [T]he following shall remain within the jurisdiction of the county planning commission ... consideration and recommendations regarding general plan amendments required by law or requested by the [B]oard of [S]upervisors ...”

In addition, the Santa Barbara County Land Use and Development Code Section 35.104.050.A.1, states,

- a. The Commission shall hold at least one noticed public hearing on the proposed [Comprehensive Plan] Amendment ...*
- b. At the conclusion of the hearing the Commission shall recommend approval, conditional approval or denial of the proposed [Comprehensive Plan] Amendment. The Commission’s recommendation shall be adopted and transmitted to the Board by resolution of the Commission carried by the affirmative vote of not less than a majority of the total membership of the Commission.*

## **4.0 ISSUE SUMMARY**

State law requires that the County periodically update its Land Use Element to include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for DUCs. The County must also analyze benefit assessment districts or other financing alternatives that could make the extension of services to DUCs financially feasible.

P&D staff 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. Staff made 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. For example, the County Fire Department recently reconstructed Fire Station No. 27, improving structural fire protection services for Cuyama, New Cuyama, and Ventucopa.

Two of the seven DUCs lack access to public water and only two DUCs have 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. Three of the DUCs are within flood zone benefit assessment districts, but these districts lack sufficient funding to support flood control improvement projects. Grant funding is available to help address infrastructure deficiencies in DUCs.

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, including the Land Use Element and community plans, and does not raise policy, environmental, or other planning issues.

## **5.0 BACKGROUND**

### **5.1 Legislative Mandate**

Government Code Section 65302.10 (Senate Bill 244) requires all cities and counties to periodically review and update their land use elements with information regarding DUCs located inside or near their boundaries. Government Code Section 65302.10(b)(1) - (3) requires that these updates include:

1. Identification of current DUCs,
2. Analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies, and
3. Analysis of benefit assessment districts or other financing alternatives that could make the extension of services to DUCs financially feasible.

In regard to counties, Government Code Section 65302.10(a) defines a DUC as a “legacy community” where the median household income is 80 percent or less than the statewide median household income. A “legacy community” is a geographically isolated community located outside the sphere of influence of a city that is inhabited and has existed for at least 50 years. A “community” means an inhabited area that has no less than 10 dwellings in close proximity or adjacent to one another.

The County incorporated the initial analysis and discussion of DUCs into the Land Use Element on February 3, 2015 (Resolution No. 15-35, Case No. 14GPA-00000-00015). State law mandates that cities and counties periodically update the DUC analysis. Specifically, Government Code Section 65302.10(c) states, “On or before the due date for each subsequent revision of its housing element pursuant to Section 65588, each city and county shall review, and if necessary amend, its general plan to update the [DUC] analysis required by this section.” The County’s next (6<sup>th</sup> cycle) housing element planning period begins on February 15, 2023 (Government Code Section 65588). To comply with Government Code Section 65302.10(c), the County must update and amend the DUC section of the Land Use Element on or before February 15, 2023.

## **5.2 Summary Updates to the Land Use Element**

### *5.2.1 Current DUCs*

P&D staff completed an updated analysis to identify communities that currently meet the definition of “DUC.” Staff updated the median household income using current census data.<sup>1</sup> Staff identified six communities as being below the income threshold for DUCs: Casmalia, Cuyama, New Cuyama, Sisquoc, and Ventucopa.<sup>2</sup>

The Governor’s Office of Planning and Research’s Technical Advisory for Senate Bill 244 encourages counties to consult with other agencies and non-government organizations to include communities that meet the intent of the DUCs. P&D staff determined Garey was a DUC in 2015.<sup>3</sup> However, the 2020 census did not report a median household income for Garey due to the community’s low participation in the census. No major public service or infrastructure improvements have occurred in Garey since 2015. Given the lack of economic data and the continued infrastructure needs or deficiencies, P&D staff has determined that Garey still meets the definition of a DUC. P&D staff also determined that Los Alamos was a DUC in 2015. However, the 2020 census reported a 2020 median household income for Los Alamos above the income threshold for DUCs. However, Los Alamos has a large very low-income population with 35 percent of households making less than \$50,000 per year. There is also a very high-income population with 22 percent of households making over \$200,000 per year and another 14 percent of households making between \$150,000 and \$199,999 per year. The very low-low income residential areas qualify as DUCs and addressing infrastructure needs or deficiencies within these areas is consistent with Government Code Section 65302.10.

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<sup>1</sup> United States Census Bureau 2016-2020 American Community Survey (ACS).

<sup>2</sup> The California statewide median household income from 2016 to 2020 in 2020 dollars was \$78,672. Eighty percent of the median household income is \$62,937.60, which staff used as the DUC income threshold.

<sup>3</sup> Office of Planning and Research. *Technical Advisory. Senate Bill 244: Land Use, General Plans, and Disadvantaged Communities*. 2013.

### 5.2.2 Updated Infrastructure Analysis

Water: Public water systems serve five of the seven DUCs. Community services districts serve Casmalia, Los Alamos and New Cuyama. A private water purveyor (Golden State Water Company) serves Sisquoc. State law requires these larger public water system operators to prepare consumer confidence reports showing whether the water quality meets state health and safety standards.<sup>4</sup> An individual landowner provides water to approximately half of the residents of Ventucopa. The County Public Health Department Environmental Health Services (EHS) regulates this smaller public water system. According to 2021/2022 consumer confidence reports and conversations with EHS staff, all of these public water systems are currently in compliance with maximum contaminant levels (MCLs) except for New Cuyama.<sup>5</sup> Infrastructure improvements (e.g., pipelines and storage tanks) would be required for additional connections to the Ventucopa public water system. The remainder of the residents in Ventucopa and all of the residents in Cuyama and Garey do not have access to public water systems; they rely on private wells. The water quality of the private wells in these DUCs is unknown.

Wastewater: Public wastewater treatment is available for New Cuyama and Los Alamos. The residents of the remaining DUCs rely upon private onsite wastewater treatment systems (OWTS) (e.g., septic systems). These OWTS currently do not pose a known risk to health and safety.

Stormwater Drainage: The Water Resources Division of the Santa Barbara County Public Works Department includes stormwater quality and flood control programs. Project Clean Water is the County program leading compliance with the National Pollution Discharge Elimination System (NPDES) Municipal General Permit. Los Alamos is the only DUCs that is part of the County's regulated areas under the NPDES Municipal General Permit.

The County Flood Control and Water Conservation District constructs and maintains flood control infrastructure within 10 County Flood Zone Benefit Assessment Districts. Los Alamos is within the Los Alamos Flood Zone Benefit Assessment District. Garey and Sisquoc are within the Bradley Flood Zone Benefit Assessment District. Both of these districts are underfunded. Los Alamos, Garey, and Sisquoc do not have public stormwater drainage infrastructure. Portions of Casmalia, Los Alamos, New Cuyama, and Sisquoc are within the 100-year flood hazard overlay. Cuyama, Garey, and Ventucopa are entirely outside of the 100-year flood hazard area. Federal Emergency Management Agency (FEMA) Floodway maps and Flood Hazard Area Overlay maps can be viewed on the County's online Land Use and Zoning Map (<https://www.arcgis.com/home/webmap/viewer.html?webmap=fa3545a29dac49aeacc81669b956e3e5&extent=-120.9142,34.093,-118.9408,35.4355>).

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<sup>4</sup> Health and Safety Code Section 116470 and California Code of Regulations, Title 22, Article 20 require that public water system operators periodically prepare consumer confidence reports (CCRs) with water quality data.

<sup>5</sup> Cuyama Community Services District. *2021 Consumer Confidence Report*. 2022.  
<https://cuyamacsd.specialdistrict.org/files/458e92d14/Consumer+Confidence+Report+2021.pdf>

Structural Fire Protection: The County Fire Department provides structural fire protection to all DUCs. At least one County fire station is located within or near six of the seven DUCs. Ventucopa is the exception. It is served by Station No. 27, which is located 18 miles to the west in New Cuyama. Nonetheless, the County Fire Department considers the related response times for one fire engine to be satisfactory for all DUCs.

Multiple County fire stations exist near Casmalia, Garey, Los Alamos, and Sisquoc. Therefore, second and third County fire engines can respond to structural fires in these DUCs within relatively short response times. However, second and third County fire engines for structural fires in the Cuyama Valley (i.e., Cuyama, New Cuyama, and Ventucopa) are located in Santa Maria and Orcutt and must travel approximately 55 to 60 miles with response times of at least one hour. The California Mutual Aid Plan may help address this deficiency. Kern County has a fire station in Maricopa that is approximately 20 to 24 miles from Cuyama, New Cuyama, and Ventucopa. Ventura County has a fire station in Lockwood Valley that is approximately 36 miles from Ventucopa. These two fire stations may respond to structural fires in the Cuyama Valley if the County Fire Department requests their assistance.

#### *5.2.3 Updated Analysis of Benefit Assessment Districts and Other Financing Alternatives*

Los Alamos, Garey and Sisquoc are within County Flood Zone Benefit Assessment Districts.

There are currently multiple State and Federal funding opportunities that could be used for infrastructure projects in all DUCs. The proposed general plan amendment lists funding programs that currently have funds available for infrastructure improvement projects (Exhibit 1, Attachment C).

#### *5.2.4 Updates to the DUC Policies and DUC Definition*

The proposed amendment does not include any substantive changes to the DUC Policies or the DUC Definition. P&D staff made minor text amendments to improve clarity and consistency within the DUC Definition and existing DUC Policy.

## **6.0 ANALYSIS**

### **6.1 Environmental Review**

The DUC update to the Land Use Element 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. P&D staff prepared a Notice of Exemption for the proposed amendment (Attachment B). The DUC update is a research and analysis-based update that does not include any new policies, regulations, or projects, or otherwise authorize new uses or development of land.

### **6.2 Tribal Consultation**

Government Code Sections 65352.3 and 65352.4 require cities and counties to contact and, if requested, consult with Native American tribes before adopting or amending a general plan (comprehensive plan). The Native American Heritage Commission (NAHC) maintains a consultation

contact list of tribes that have expressed interest in preserving cultural places located within specific cities and counties.

P&D staff contacted the NAHC and received lists with 19 tribal contacts. Between July 19 and August 26, 2022, staff sent letters to all 19 tribal contacts. The letters described the proposed amendment and offered to consult with the tribes. P&D did not receive any requests to consult from any of the tribes.

### **6.3 Policy Consistency**

The proposed general plan amendment is a state mandated update and is consistent with all applicable policies and development standards of the County’s Comprehensive Plan, including community plans. The proposed amendment is a research and analysis-based update. It is limited to identifying communities that meet the definition of DUC and documenting their needs or deficiencies related to water, wastewater, stormwater drainage, and structural fire protection. The proposed amendment does not revise existing policies or development standards or include any new policies or development standards. The amendments will not expand or otherwise change allowed uses and/or development of land. Any projects to address identified needs or deficiencies resulting from this update to the Comprehensive Plan would be subject to applicable requirements in effect at the time a project is proposed.

## **7.0 APPEALS PROCEDURE**

Comprehensive Plan amendments recommended for approval or denial are automatically forwarded to the Board for final action; therefore no appeal is required.

## **ATTACHMENTS**

- A. Findings
- B. Notice of Exemption – CEQA Guidelines Section 15061(b)(3)
- C. County Planning Commission Resolution

Exhibit 1 Resolution of the Board of Supervisors Amending the Disadvantaged Unincorporated Communities Sections of the Land Use Element (Case No. 22GPA-00000-00004)