

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:

Prepared on: June 10, 2004
Department Name: Planning and Development
Department No.: 053
Agenda Date: June 22, 2004
Placement: Departmental
Estimate Time: 15 minutes
Continued Item: NO
If Yes, date from:
Document File Name: F:\GROUP\COMP\Co-wide Programs\Uniform Rules\RAU Program\BOS RAU SR.DOC

TO: Board of Supervisors

FROM: Val Alexeeff, Director
Planning and Development

STAFF CONTACT: David Lackie, Supervising Planner, 568-2023
Alex Tuttle, Planner, 884-6844

SUBJECT: Residential Agricultural Unit Ordinance Amendment

Recommendation(s):

That the Board of Supervisors:

1. Find that the ordinance amendment 04ORD-00000-00004 is exempt under the California Environmental Quality Act, pursuant to Sections 15183 and 15061(b)(3) of the State Guidelines for Implementation of CEQA
2. Approve Article III ordinance amendment 04ORD-00000-00004 to extend the expiration of the Residential Agricultural Unit (RAU) Ordinance by two years, through July 6, 2006.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 4. A Community that is Economically Vital and Sustainable, and Goal No. 5. A High Quality of Life for All Residents.

Executive Summary and Discussion:

The RAU Ordinance establishes a mechanism to allow additional housing opportunities on agricultural land enrolled in the County's Agricultural Preserve Program. The Ordinance was adopted on July 6, 1999 and was established initially as a pilot program to be implemented on a temporary basis limited to five years. The Ordinance calls for Planning & Development, within five years of program adoption, to report back to the Planning Commission and Board of

Supervisors as to the effect of the program and the public's participation in the program. Upon receiving this report, the Board of Supervisors may consider modifying, extending, or repealing the program.

In order to analyze the RAU program in the broader context of other rural housing issues currently being considered County-wide, including residential second units, agricultural employee housing, and residential allowances under the County's Agricultural Preserve Program, Planning and Development requests a time extension of two years to report back to the Planning Commission and Board of Supervisors. This time extension would have the effect of extending the sunset to seven years from the date of adoption of the program, or July 6, 2006. This would allow Planning and Development sufficient time to provide a more comprehensive analysis of the role of the RAU program in the wider housing context, and what changes, if any, are recommended to improve the effectiveness of the program.

Mandates and Service Levels:

Granting of the time extension will not result in any immediate changes to mandates and service levels. Review of the RAU Program and how it interfaces with residential second units and other options to provide housing opportunities on rural lands is anticipated in the Fiscal Year 2004-05 work program for the Comprehensive Planning Division.

Fiscal and Facilities Impacts:

Funding for this program is in Planning and Development's recommended Fiscal Year 2004-05 budget on page D-286 in the Comprehensive Planning Division. Funding is allocated for staff time associated with the review along with the development of any ordinance amendments that may come out of the process.

Concurrences:

County Counsel

Special Instructions:

Planning and Development will take care of the legal notice for this agenda item. Upon approval of the ordinance amendment, Planning and Development requests the Clerk of the Board to post the CEQA Notice of Exemption for a period of 30 days.

Attachments:

- A. Residential Agricultural Unit Ordinance Amendment
- B. CEQA Notice of Exemption
- C. Planning Commission Action Letter

ARTICLE III AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 7, SECTION 35-291B.8 TO EXTEND THE EXPIRATION DATE OF THE RESIDENTIAL AGRICULTURAL UNIT ORDINANCE BY TWO YEARS.

Case Number 04ORD-00000-00004

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

Division 7, Section 35-291B.8. Expiration of Chapter 35 of the County Code of the County of Santa Barbara is hereby amended to read as follows:

The Residential Agricultural Unit (RAU) program is to be implemented on a temporary basis limited to ~~5-7~~ years from the date of adoption of the RAU Ordinance. Within ~~5-7~~ years of adoption of the RAU Ordinance, Planning & Development shall prepare and present a report to the Planning Commission and the Board of Supervisors for their consideration of the effects of the RAU program and the public's participation in the program. The Board of Supervisors may consider modification, extension or repeal of the existing RAU Ordinance if the report indicates a need to modify or abandon the program. Prior to P&D's report to the Planning Commission, the Agriculture Advisory Committee (AAC) and the Agriculture Preserve Advisory Committee may review the report and provide their recommendation to the Planning Commission and the Board of Supervisors. If the Board of Supervisors fails to take the necessary action to modify or extend the program, the RAU ordinance will expire ~~five~~seven-years from the date of adoption.

SECTION 2

Except as amended by this ordinance, Section 35-291B of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 3

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of June, 2004, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
SHANE STARK
County Counsel

By _____
Deputy Clerk

By _____
Deputy County Counsel

Attachment B
NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Alex Tuttle, Planning and Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

Case No.: 04ORD-00000-00004

Location: County-wide

Project Title: Residential Agricultural Unit Ordinance Amendment

Project Description: Ordinance amendment to extend the expiration date of the Residential Agricultural Unit (RAU) Program by two years to provide Planning and Development sufficient time to analyze the program in the broader context of rural housing issues currently being contemplated under the Housing Element.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect [§15061(b,3)]

Cite specific CEQA Guideline Section: Section 15183 also applies, as the RAU Ordinance was previously analyzed in a certified EIR (97-EIR-1) and EIR Revisions document (97-EIR-1 RV1).

Reasons to support exemption findings (attach additional material, if necessary):

The EIR for the RAU Program based its impact analysis on a worst-case scenario, or maximum buildout, whereby up to 2,200 units could be developed. To date, less than one dozen units have been approved. Extending the program by 2 years before any possible modifications are made or a decision is made to abandon the program, would not result in any new impacts that were not previously analyzed. Nor would the development of additional units during this time extension result in significant effects that would not be adequately mitigated by the development standards that are applied to all RAU proposals under the existing RAU Ordinance.

Department/Division Representative: Alex Tuttle

Date: May 21, 2004

Acceptance Date: _____

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

distribution: Hearing Support Staff
Project file (when P&D permit is required)

Date Filed by County Clerk