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Brianda Negrete *General Public Comment*

From: Otis Calef <crahtac@explore-santa-barbara-county.com>
Sent: Monday, March 20, 2023 11:53 AM
To: de Bruin, Adriana
Cc: sbcob; Villalobos, David; Chapjian, George; Lindgren, Jeffrey; Plowman, Lisa; Wilson, Jeffrey
Subject: Tools for Acquiring Easements for Public Trails
Attachments: CRAHTAC-Tools-for-Acquiring-Easements-for-Public-Trails-03-00-23.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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Dear Ms. Van Mullen,

Please find attached a letter expressing CRAHTAC's deep concern that the County's historical use of requiring trail dedications from a broad range of development projects is no longer being applied due to potential legal concerns. CRAHTAC cannot fulfill its Board of Supervisors assigned task to advise on acquiring and developing trails if one of our essential tools is severely restricted.

On the face of it, as discussed in our letter, such projects appear to be inconsistent with the County's adopted Comprehensive Plan. We believe that the loss of such potential future, often long-planned trails, is of serious concern and creates significant adverse impacts on public health and welfare.

Thank you for considering this matter!

Sincerely,



Otis Calef
Chair

CRAHTAC | County Riding and Hiking Trails Advisory Committee

805.708.5009 | [website](#)

The County Riding and Hiking Trails Advisory Committee (CRAHTAC) was established by the Santa Barbara County Board of Supervisors in an advisory capacity to review programs, policies, and procedures affecting county recreational riding and hiking and their use.



CRAHTAC

COUNTY RIDING AND HIKING TRAILS ADVISORY COMMITTEE



March 20, 2023
Submitted via email

CHAIR
Otis Calef

VICE CHAIR
Faith Deeter

SECRETARY
Kirk Nordgren

1st DISTRICT
Kim Fly
Kevin Snow

2nd DISTRICT
Jack Bish
Otis Calef
Dan Gira

3rd DISTRICT
Faith Deeter
Kirk Nordgren
Jason Osborne
Desiree Woodill

4th DISTRICT
John Karamitsos
Robin Dunaetz
Debbie Smith

5th DISTRICT

STAFF
Jeffery Lindgren

Ms. Rachel Van Mullem, County Counsel
Office of County Counsel
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Tools for Acquiring Easements for Public Trails

Dear Ms. Van Mullem:

As you are aware, the Santa Barbara County Riding and Hiking Trails Advisory Committee (CRAHTAC) is a standing committee appointed by the Board of Supervisors to advocate for recreational trails and advise the County on matters related to recreational trail issues. CRAHTAC is typically composed of three or four members from each supervisorial district and is recognized by the County as having a key role in advising on trail matters. In particular, CRAHTAC is specifically tasked by the Board with review of projects that affect trails and present "*trail conditions and mitigation measures for specific proposed development projects*" (Resolution item 3B, attached).

CRAHTAC is deeply concerned that the County's historical use of requiring trail dedications from a broad range of development projects is no longer being applied due to potential legal concerns. CRAHTAC cannot fulfill its Board of Supervisors assigned task to advise on acquiring and developing trails if one of our essential tools is severely restricted. We are aware that many projects (at least five currently pending) with trails proposed on the County's Parks, Recreation, and Trails (PRT) maps and in multiple community plans are not being required to dedicate easements for planned trails across affected properties. On the face of it, as discussed further below, such projects appear to be inconsistent with the County's adopted Comprehensive Plan. We believe that the loss of such potential future, often long-planned trails, is of serious concern and creates significant adverse impacts on *public health and welfare*.

We want to remind Counsel that the County has expended tens of millions of dollars on community planning, and trails are often an issue of crucial concern to residents as part of these planning projects. Trails are typically seen as a major benefit of such planning projects. The community plans and PRT maps are the County's commitment to the community to acquire such trails to benefit the public and at least partially offset the adverse impacts of new development on the community. If this is not happening in many instances, then the County's compact with the community regarding this issue is not being upheld. Until recently, CRAHTAC, many residents, trail organizations, and community organizations were unaware that this was happening as it was not brought to the community's attention.

Therefore, CRAHTAC is writing you to request that the Office of County Counsel, in concert with the Planning and Development Department and in coordination with County Parks, investigate tools or actions to improve the County's ability to require trail dedications from pending development projects. We are directing our comments to you as, by statute, County Counsel is the legal adviser to the Board of Supervisors and is charged with advancing and defending the County's civil policies and actions, including implementing and upholding the recommendations of the County's Comprehensive Plan. Trails are a critical benefit identified in the County's Comprehensive Plan and on the PRT maps and were one of the reasons the public could accept the impacts of increased development allowed under the adopted plans.

The Office of County Counsel may not be aware that many of the County's most popular trails have been acquired or protected through the previous acquisition of trail easements from lot splits and lot line adjustments that increase development potential or even single-family homes. Under current conditions, this is no longer happening, a disaster for trail planning in the County. We believe that trails such as the San Ysidro and Hot Springs Trails in Montecito, the Franklin Trail in Carpinteria, and much of the Summerland trail system were acquired or protected by the requirement to dedicate trail easements from small-scale development projects. These trails are used by tens of thousands of residents and visitors annually and are a crucial component of public outdoor recreation.

In the age of recognized chronic health concerns such as an obesity epidemic, increased diabetes, and heart disease, outdoor physical activity is widely recognized by state and federal governments as essential for public health and welfare. We understand that based on surveys conducted for the Countywide Recreation Master Plan with almost 8,000 responses, trails were identified as the most popular form of outdoor recreation in most of the County and the form of recreation that County residents are most interested in seeing more fully developed. The loss of a primary tool for trail easement acquisition is a major loss to the County's ability to meet these residents' existing and future needs.

Because of the importance of this issue to County residents, we would respectfully request that the Office of County Counsel investigate and provide recommendations to the Board of Supervisors on the array of tools and actions available to the County to improve requirements for the provision of long-planned public trails, including:

1. Review of potential policies and tools that would allow the County to require dedication of easements for planned trails from the broadest range of projects possible, including new single-family homes, lot splits, tract maps, lot line adjustments, conditionally permitted uses, commercial projects, etc.
2. Consider the effects of new state housing laws such as the so-called duplex or lot split by right laws, Additional Dwelling Units (ADUs), new strengthened Housing Element housing allocations, and other actions and their direct impacts on substantially increasing demand for public trails and potentially the County's ability to require trail dedications from pending 'smaller scale' development projects. We request that County Counsel consider if these changes in state law could provide the County with an improved nexus for exacting trails from such projects. For example, if a single-family home is allowed by right to become a

duplex and/ or develop an ADU or even a future lot split by right, we would like to understand how or whether this substantial increases in the intensity of such allowable development and the associated demand for trails increases the County's ability to require trail easement dedication. If lot-splits create the potential for the development of substantially more than just 2, 3, or 4 new units but instead, 4, 6, or 8 new units (or even more?), can the County's bar for the nexus for the exaction of trail easements be adjusted to capture more projects?

3. Consider the widely accepted finding of the nexus of active recreation, improved public health and welfare, and the popularity of trails as a major form of active recreation and the potential ability of the County to more actively pursue trail acquisition as part of project development to protect the public health and welfare. We understand that the County's ability to exact trails offsite as part of project development (e.g., offsite road or driveways easements) is somehow more limited than that of public works or fire to apply conditions to protect the public health and welfare. If this is the case, given the obvious importance of trails to public health and welfare, we would like to understand why trail easement under such conditions cannot be acquired.
4. Is state law an issue restricting the County's ability to require trail dedications? If so, we request that County Counsel identify relevant law(s) and possible changes to permit CRAHTAC to request that the Board of Supervisors lobby our state representatives to amend such laws to support maximizing tools for trail acquisition.
5. If County tools for trail easement acquisition cannot be substantially strengthened and/ or state law amended to permit improved tools for requiring trail dedication from pending development, we request that County Counsel review the ability of the County to deny projects that do not offer dedication of planned trails as being inconsistent with the County's adopted Comprehensive Plan. We understand that all projects must be consistent with the Comprehensive Plan by law and that the PRT maps and community plans are part of the Comprehensive Plan. CRAHTAC typically does not take a position for or against pending development projects; however, if projects fail to comply with Comprehensive Plan proposed trail and policies requiring or recommending trail acquisition, we wish to understand the County's ability to deny such projects. Such an action would, of course, be a policy decision for the Board of Supervisors, but as a last option, we believe they should be aware of the legal ability to take such action.
6. Finally, in looking into this issue, CRAHTAC became aware that County staff does not appear to have a clear idea of how many projects have been approved or are proposed that do not include the dedication of planned trails. In our review of past environmental documents, the cumulative impact analyses do not typically describe this issue or provide an analysis of this potential cumulative impact. We understand that the California Environmental Quality Act (CEQA) *requires* that analysis of the impacts of past, currently pending, or possible future projects. To date, for projects with planned trails, this is typically lacking. We would like to understand what Counsel feels are the legal requirements for such disclosure in CEQA documents and try to understand just how many trail segments have been or will be lost. This disclosure seems particularly relevant given the beneficial effects of trails on public health and welfare, their very high importance to the public, and their key place in the

County's Comprehensive Plan. At a minimum, discussion and disclosure of this issue to inform the community seems required.

We appreciate County Counsel's attention to this request. We understand that your office has a heavy workload, so addressing these concerns may require time. However, we believe that the importance of trails to County residents, their key role in the Comprehensive Plan and the number of past and pending projects that do not include trail easement dedication warrants attention.

Thank you for considering this matter!

Sincerely,



Otis Calaf, Chair
CRAHTAC

Cc: Santa Barbara County Board of Supervisors
Santa Barbara County Planning Commission
George Chapjian, Director, Santa Barbara County Community Services
Jeff Lindgren, Assistant Director, Santa Barbara County Community Services, Parks Division
Lisa Plowman, Director, Santa Barbara County Planning and Development
Jeff Wilson, Assistant Director, Santa Barbara County Planning and Development

Gaviota Coast Conservancy
Guadalupe Dunes Center
Lompoc Trails
Los Padres Forest Association
Montecito Trails Foundation
Move for Santa Barbara County
Sage Trail Alliance

Santa Barbara Audubon Society
Santa Barbara County Trails Council
Santa Maria Valley Open Space
Santa Ynez Valley Riders
Sierra Club – Santa Barbara Group
The Bucket Brigade
The Land Trust for Santa Barbara

Approved
11/20/90

RESOLUTION OF THE BOARD OF SUPERVISORS REC'D SB COUNTY
OF THE COUNTY OF SANTA BARBARA

DEC 22 1992

A RESOLUTION ESTABLISHING THE) RESOLUTION NO. 90-757
SANTA BARBARA COUNTY RIDING AND)
HIKING TRAILS ADVISORY COMMITTEE)

WHEREAS, the Board of Supervisors has adopted resolutions establishing the County Riding and Hiking Trails Advisory Committee (CRAHTAC) and appointing members to that Committee; and

WHEREAS, it appears useful to establish a Committee with specified authority and increased membership to assume those duties presently fulfilled by the current County Riding and Hiking Trails Advisory Committee among other duties.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED:

1. There is hereby established an advisory body to be known as the Santa Barbara County Riding and Hiking Trails Advisory Committee consisting of no more than ~~twenty-five~~²⁰ regular members.

2. Members shall be appointed by each supervisor, subject to confirmation by the Board of Supervisors, to serve at the pleasure of the appointing Supervisor. Each member shall be a resident of and represent the supervisorial district of the county from which the member is appointed, and shall serve upon acceptance of appointment until a successor is appointed and accepts the position. No more than ~~five~~ members shall be appointed from any one Supervisorial District.

3. Committee members shall serve the Board of Supervisors in an advisory capacity regarding the programs, policies and procedures affecting County recreational, riding and hiking trails and their use, including, without limitation:

A. The location, development, maintenance of a system of recreational, riding and hiking trails.

B. The development of trails conditions and mitigation measures for specific proposed development projects subject to discretionary review under the County Comprehensive Plan, Zoning provisions and CEQA, NEPA and Coastal Commission reviews to provide for the location of trails compatible with and sensitive to other land uses.

C. The development of cooperation with the private, Federal and State agencies providing trails which link with, or have the potential to link with a countywide trails system.

D. The development of means by which the County may take advantage of grant programs, gifts and contributions for acquisition and development of recreational, riding and hiking trails.

E. The development of a trails system to provide public access into the Los Padres National Forest, to existing or proposed additions to the County park system and to the coastal beaches.

F. The identification and utilization of existing or abandoned public corridors such as roads and flood control easements for public trails.

G. The preservation of the character of historic trails.

H. The budgetary needs for recreational, riding and hiking trails.

4. When considering departmental activities, projects, policies and permits which may affect County trails, equestrian facilities, bikeways and related open space, the Directors of the Public Works, Parks and Resource Management Departments shall inform CRAHTAC. CRAHTAC shall deliberate upon such matters and decide upon a recommendation to the appropriate County official by majority vote of a quorum of members present at any regular or special meeting duly called for such purpose. Copies of all correspondence, and all written materials pertaining to trails and pathways, grading permit applications which affect trails, and road right-of-way abandonments, shall be sent to the Chair of CRAHTAC.

Sales or exchange of trails or pathways for any consideration should be presented to CRAHTAC for study and recommendation prior to any action taken on the matter by the Board of Supervisors.

5. Regular meetings of the Committee shall be held at the County Administration Center, 105 East Anapamu Street, Santa Barbara, California, or as such other place or places as the Committee may determine by resolution or minute order. Administrative business of the Committee shall be transacted at the office of the County Parks Department, 610 Mission Canyon Road, Santa Barbara, California, or at such other place or places as the Committee may determine by resolution or minute order. Notice of all regular meetings, together with an agenda for the meeting, shall be given as required by law and shall be mailed at least five working days before the meeting to all regular members. Special Meetings may be called by the Chair or Vice-Chair of the

committee, to be held in the County of Santa Barbara at any convenient place and time. Notice of special meetings, together with the agenda for the meeting, shall be mailed no less than 72 hours before the meeting, followed by a phone or other message transmitted to all members.

6. Five (5) members shall comprise a quorum for the conduct of all business of the Committee at any regular or special meeting. A vote of a majority of members in attendance at any meeting at which a quorum was present shall be sufficient for the business of the Committee. No vote will be taken on an item affecting a District if a representative for that District is not present at that meeting.

Three consecutive absences during any calendar year from regularly scheduled meetings by any appointed committee member without reason approved by the membership at any regular or special meeting will be cause for recommendation to that district Supervisor for removal from CRAHTAC.

7. Roberts Rules of Order will be followed at all such Committee meetings. Public Comment Period shall be allowed but limited to five minutes per speaker on a new topic; and to three minutes per speaker on the same topic.

8. It is not intended that the Committee be involved in the supervision of County staff. The Committee may review and make recommendations regarding the development and implementation of policies concerning areas of interest of the Committee. Neither the Santa Barbara County Riding and Hiking Trails Committee nor any of its members shall be involved in the administration of the Civil Service Rules and Regulations of the County of Santa Barbara or in any grievance proceeding on behalf of individual employees or the Park Department.

9. Officers shall be elected by a majority of committee members present at the November meeting and shall serve one-year terms commencing the following January 1 and ending December 31. Officers of CRAHTAC shall consist of a Chairperson; two Vice Chairpersons, one from the North County and one from the South County; a Corresponding Secretary; and an Archivist. The County may from time to time provide appointed staff and recording secretary support.

10. Two Land Use sub-committees shall be formed, one for the North County and one for the South County. Each Land Use sub-committee will consist of three members appointed by the Chairman to physically inspect projects or problems in each respective geographic area and make report and recommendations to the entire committee at its regular monthly meeting.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 20 day of November, 1990 by the following vote:

AYES: Ochoa, Rogers, Wallace, Owens, Miyoshi


NOES: None

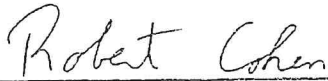
ABSTAIN: None

ABSENT: None

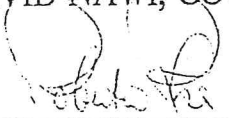
ATTEST:

ZANDRA CHOLMONDELEY
CLERK OF THE BOARD


THOMAS A. ROGERS, CHAIR
BOARD OF SUPERVISORS

By 
Deputy

APPROVED AS TO FORM:
DAVID NAWI, COUNTY COUNSEL

By 
Deputy County Counsel

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