

August 29, 2001

The Honorable Rodney S. Melville, Presiding Judge
Santa Barbara County Superior Court
312-C East Cook Street
Santa Maria, CA 93456-5369

RE: Santa Barbara County Planning Commission Response to Santa Barbara County
2000-2001 Grand Jury Final Report on Natural Resources in the Santa Maria Valley

Dear Judge Melville:

The Planning Commission offers the following responses as directed. The Commission appreciates the Grand Jury's interest in land use planning and natural resources enhancement in the Santa Maria Valley.

Thank you for the opportunity to respond to this 2000-2001 Grand Jury Report.

Very truly yours,

Doreen Farr
Chair, Santa Barbara County Planning Commission

xc: Ms. Joni Gray, Chair Santa Barbara County Board of Supervisors
Ms. Naomi Schwartz, Supervisor, First District
Ms. Susan Rose, Supervisor, Second District
Ms. Gail Marshall, Supervisor, Third District
Mr. Tom Urbanske, Supervisor, Fifth District
Mr. Michael Brown, County Administrator
Ms. Colleen Parent Beall, Planning Commissioner, First District
Ms. Elizabeth Farnum, Planning Commissioner, Third District
Mr. Joe Valencia, Planning Commissioner, Fourth District
Mr. Charles Oberdeck, Planning Commissioner, Fifth District
John Patton, Director, Planning and Development

**Responses to 2000-2001 Grand Jury Report on
Natural Resources in the Santa Maria Valley
Submitted by the Planning Commission**

Land

Finding 1a: The Santa Maria Valley seashore and beaches have been neglected by the local governments for years.

Response to Finding 1a: Disagree. The County Parks and Planning and Development (P&D) Departments have led efforts to protect and improve both the environment of and access to the Santa Maria Valley's seashore and beaches. The Parks Department coordinated efforts to acquire the 600-acre Rancho Guadalupe Dunes Park. P&D led efforts to acquire the 300-acre seashore Point Sal reserve parcel. The Parks Department is preparing master plans to facilitate public access to both sites, while protecting sensitive resources. However, most of the Santa Maria Valley coast remains in either private ownership or that of Vandenberg Air Force Base (VAFB).

Finding 1b: Vehicular access to these beaches is either non-existent or across private land. Hiking access to these beaches also traverses private land.

Response to Finding 1b: Partially Agree. Access to Santa Maria Valley seashore and beaches is limited by the lack of public roads leading to the coast, steep terrain, and the extent of relatively large private land holdings and those of VAFB. The lack of historic public roads and damage to the existing Point Sal Road has further limited such access. The management plan for Rancho Guadalupe Dunes and the County Point Sal parcel will partially address these concerns. However, opening up either new areas for coastal access or improving access to Point Sal would require significant funds, cooperation by Vandenberg AFB, and probably purchase and/or condemnation of easements across private property.

Finding 1c: Point Sal Beach State Park has been neglected for years and has no parking places or toilet facilities, and lacks even a safe footpath to the beach.

Response to Finding 1c: Agree . County Parks Department has discussed coastal access with State Parks recently and in the past. Representatives of State Parks, Channel Coast District, maintain they have been unsuccessful in allocating resources to improve facilities and access to the beach at Pt. Sal State Park due to the inability to meet certain justifying criteria, mainly, the lack of ability for the park to generate revenue to support staffing resources, and the lack of significant visitor counts to justify investment in improvements.

Historically, vehicle access to Pt. Sal State Park was provided by Brown Road, a county-maintained road up to the point that it extends over private property and Vandenberg Air Force Base, approximately 3 miles from the park. Brown Road is no longer passable by vehicle on VAFB or the portion on private property due to severe erosion washing out sections of the roadway. VAFB has continued to monitor and measure earth movement in the eroded areas and

has concluded that the soils are too unstable to make rebuilding feasible. VAFB officials have informally reported to County Parks they are considering abandoning Brown Road in place due to cost estimates in the multi-millions of dollars to repair and stabilize. Further, any future public access over VAFB property would require a formal agreement addressing all security issues.

Currently, Santa Barbara County Parks has taken a lead role in facilitating an interagency task force group composed of public land owners (VAFB, BLM, State Parks, County Parks) to update an access plan within the 1993 Pt. Sal Management Plan with a goal to identify public access to County and State Park coastal properties.

Finding 1e: Non-local organizations may give little consideration for beach access and benefits for local residents.

Response to Finding 1e: Partially agree. Although the County, the Coastal Commission, Coastal Conservancy, and State Parks all support improved public access, some private non-profit conservation groups may not have access as part of their mission. However, the County and Coastal Commission would likely attempt to review any private conservation group acquisitions to encourage or require public access consistent with reasonable protection of sensitive resources.

Ancient Sand Dunes

Finding 2a: The conversion of prime agricultural land for housing and other urban developments conflicts with long-standing county policy. It has been done in the past simply because the prime agricultural land was located conveniently adjacent to a city's boundaries when the need for expansion existed.

Response to Finding 2a: Agree. Conversion of agricultural land for urban uses conflicts with both county policy and the statutes governing the Local Agency Formation Commission (LAFCO). Because of the location of the cities of Santa Maria and Guadalupe on the Valley's prime alluvial soil, much of these cities' past and currently planned short- to mid-term development has led to conversion of such prime lands. The logical and most economical extension of urban roads, sewers, water lines and other services is to such adjacent areas. The community of Orcutt has been developed primarily upon non-prime soils. However, it should be noted that both the City of Santa Maria and the community of Orcutt's principal longer term growth areas (Area 9 and Keysite 22 respectively) contain mostly non-prime soils.

Finding 2b: The ancient sand dunes in the Santa Maria Valley are presently and potentially the least productive agriculturally zoned lands in the Santa Maria Valley, and thus contribute the least to the revenue base of the County.

Response to Finding 2b: Partially agree. Although these lands have traditionally been less productive than prime alluvial soils, grazing and specialty crops are important agricultural

industries. Most of the prime and non-prime agricultural land in this county is under Williamson Act contract, and enjoys a significant tax advantage. Most of the County's Williamson Act lands are non-prime. Many of the ancient dune soils in close proximity to the main Santa Maria-Orcutt urban area have been converted to strawberry production using modern drip irrigation technology. Strawberries are consistently a very high value cash crop. It should also be noted that such ancient dunes often support some of the Valley's last remaining wetlands and a number of sensitive plant and animal species. In addition, while prime and cultivated agricultural lands contribute substantial economic activity to the county, neither constitutes a significant direct revenue source for the County's tax base.

Finding 2c: Expansion of city boundaries, by Guadalupe or Santa Maria, does not now need to be into contiguous land, most of which is devoted to agricultural production and is designated prime agricultural land.

Response to Finding 2c: Disagree. Sections 56741 and 56742 of the Government code allow small discontinuous annexations only for municipal purposes such as sewer plants and landfills. Such leapfrog or non-contiguous annexation raises both legal issues and inconsistencies with both LAFCO and County policies. In addition, the extension of urban services through agricultural lands, when combined with increased urban rural conflicts, would create tremendous pressure to convert such bypassed lands in the future.

Recommendation 2a: Housing needs for the population growth in the Santa Maria Valley, as projected in the County's Strategic Scan 2000, should be best met by cities and the County by carefully planned development on these ancient dune lands, rather than on highly productive prime agricultural land.

Response to Recommendation 2a: The recommendation will not be implemented because it is not warranted at this time. Carefully planned development by the cities and county will be needed to accommodate projected population growth through the year 2030. Improved interagency coordination between LAFCO, the County and the cities would lead to improved protection of prime agricultural land.

The population projections in Strategic Scan 2000 were based on extrapolation of growth rates in the 1990s; they are not policy statements nor are they based on modeling of the economy and resource constraints. Indeed, the resources (particularly water) may not be available to support the kind of growth projected in the 2030 report. These are questions which need careful analysis and should be part of the region's response to the 2003 Housing Element revision.

Since non-agricultural land available for growth in the Valley is scarce, it must be used efficiently. Pursuit of increased urban densities and focused rezones of commercial and industrial lands would also minimize the need for conversion of prime soils. Lands currently planned for urban development by the City of Santa Maria and the County (i.e., Area 9 and Key Site 22) would accommodate about 50% of the unmet (i.e. not yet zoned) demand for housing through 2030, even at historically low densities (Attachment 2).

However, at high growth rates and low densities experienced through the 90s, up to 2,000 acres of agricultural land could be threatened by urbanization to meet projected housing demand. Threats to this agricultural land could be substantially reduced or eliminated if the City of Santa Maria, the County and LAFCO all pursued strong infill development policies.

For example, if average urban densities were increased from 3.3 units per acres to 6 or 7, the need for urban expansion onto agricultural land not currently planned for urbanization could be substantially reduced until after 2030. This approach would be most consistent with county policy. If additional raw land is still required, then expansion onto the non-prime ancient sand dunes east of Orcutt would be the urban expansion approach least inconsistent with county policy. Active pursuit of infill development policies; i.e., rezones, medium density buildout, by the County and the City of Santa Maria, with support by LAFCO, would provide the most feasible approach to reduce development pressure on prime soils east of Hwy. 101.

Recommendation 2b: Investigate promptly and thoroughly the feasibility of locating urban growth on one or more of these ancient sand dune areas in the Santa Maria Valley.

Response to Recommendation 2b: The recommendation will be implemented over the next two years. The sense in which the recommendation will be implemented is that the feasibility of growth in these areas will be investigated. This does not mean the county intends to support conversion. The County's upcoming 2030 Open Space Newsletter will provide data on land demand and possible options for locations to accommodate urban growth demands through the year 2030. As the County and the cities revise their Housing Elements in response to the State's growth mandates, the location of land needed to accommodate regional housing needs will be debated and decided through public processes. However, non-contiguous or leap frog annexations will not be investigated as they conflict with both County and LAFCO policies. Finally, both LAFCO and County policies encourage infill development over conversion of rural agricultural land and open space.

The Technical Advisory Committee

Finding 3a: The process of revision and improvement of the County's controversial agricultural grading ordinance is being moved along steadily by the Planning and Development Department as directed by the Board of Supervisors.

Response to Finding 3a: Agree. Although the TAC process has been lengthy and has required substantial county resources and support, reaching consensus over controversial issues between disparate groups is clearly a worthwhile goal.

Finding 3b: The appointment and organizing of a Natural Resource Technical Advisory Committee (which concerns, among other issues, agricultural grading), guided by a skilled facilitator, was a process conceived by the Planning and Development Department. P&D's flexibility in creating TAC, after the inability to obtain consensus during the prior two-year

process (involving public hearings, workshops, and drafts of goals, programs and regulations), is commendable.

Response to Finding 3b: Agree. Planning and Development appreciates the Grand Jury's commendation for the Technical Advisory Committee approach, which was conceived by Deputy Director Dan Gira. To date, the committee has successfully engaged a variety of contentious issues, and the department is hopeful it will be successful in identifying specific standards which can replace the general criteria of the grading ordinance exemption.

Finding 3c: TAC members have shown an ability to communicate with each other with courtesy, sensitivity, and understanding, while devising the optimum viable compromises needed to honor both environmental and agricultural laws and concerns.

Response to Finding 3c: Agree. The TAC process has provided the first structured forum for open communication between interested groups historically on opposite sides of resource protection issues. Such communication is a vital component in resolving such longstanding issues.

Finding 3d: P&D staff have provided excellent support, thus enabling the TAC to focus on its deliberations while staff provided maps, visual aids, basic information, and expert outside speakers, as well as producing agendas and summaries of each meeting's results.

Response to Finding 3d: Agree. To permit open discussion between TAC members, P&D staff have primarily functioned in a support rather than leadership role. The goal of this approach is to provide the interest groups with flexibility in reaching consensus, with staff developing proposals only when necessary to move the overall process forward, rather than on each issue or in detail.

Finding 3e: In the course of 11 scheduled meetings, each usually lasting over three hours, and one field trip, the TAC has made slow but solid progress featured by incisive questions, creative suggestions, and meticulous care to eliminate possible sources of future confusion, misunderstandings, and disputes.

Response to Finding 3e: Agree. The process has worked as well as possible given divergent viewpoints of TAC members.

Finding 3f: TAC members development of a two-track protection system is a key element in their consensus building. The landowner has the option of following an inexpensive, totally voluntary process or of following the staff regulatory process.

Response to Finding 3f: Partially agree. The two-track process has been key to allowing the agricultural resource interest groups to reach tentative compromises. Exact costs of this "voluntary", no permit approach have not been determined. However, substantial ongoing

funding for staff time, technical experts to assist landowners in preparing management plans, and incentives will be required. P&D has recommended that these costs be substantially born by the county, partially offset through potential new revenues and state and federal grants. The costs of the alternative regulatory process would also be kept as low as possible.

Finding 3g: TAC's success in working out a consensus of its draft two-track Archaeological Protection Program (including grading and clearing activities) and two-track Riparian Setback Protection Program are notable positive achievements that can serve as a model for the more complex TAC goals still remaining. These include protecting wetlands and endangered species.

Response to Finding 3g: Agree. Archaeological resources served as a possible model for all issues. P&D will consider this model for other projects.

Recommendation 3c: The Planning and Development Department should continue to lead, support, and build on this thus-far remarkably successful program, and use it as a model for planning and addressing other important P&D program responsibilities.

Response to Recommendation 3c: The recommendation will be implemented as future work programs present opportunities. The program has been remarkably successful to date and will be considered for application elsewhere as appropriate.

Laguna Sanitation District

Recommendation 4: The County's Laguna Sanitation District, which already owns a significant amount of Betteravia Lake, is a potential and early direct beneficiary of a multipurpose tertiary treatment pond and water storage in the Lake, and should play a leading role in trying to get the Lake restoration project started.

Response to Recommendation 4: The recommendation will not be implemented at this time because it is not reasonable. Laguna County Sanitation District owns just 67 acres of the approximate 725 acres lake surface area, which represents less than 10% of the total. Currently, Laguna discharges treated effluent to pastureland. In order to change the method of discharge to include discharge to a water body, a significantly greater regulatory and monitoring effort would be required. In addition, several land and water rights issues would have to be addressed. While some grants may be available, the project could easily cost in the tens of millions of dollars. Additional study of the technical and financial feasibility of such proposals would be required. Any such proposal would require support from property owners, local citizens and government and the agricultural community in order to assemble the approvals and funding required.

Finding 5a: It appears that the owners of the Betteravia Lake bottom are likely to face increasing production costs in the future as well as diminished growing seasons, thus less income and profit.

Response to Finding 5a: Agree. Landowners pump the Lake during wet periods. There is thus a significant energy component to pumping the lake dry. With increased energy costs, it can be expected that the pumping costs will correspondingly increase.

Finding 5b: There may be significant incentive for some of the landowners to sell their land and use the proceeds to make more profitable investments.

Response to Finding 5b: Disagree, based solely on the fact that the Commission has no information to suggest that the finding is correct or incorrect.

Finding 5c: At least one Betteravia Lake landowner is in bankruptcy and may need to sell much, if not all, of his land around the Lake.

Response to Finding 5c: Disagree, based solely on the fact that the Commission has no information to suggest that the finding is correct or incorrect.

Recommendation 6b: The Board of Supervisors should direct the Planning Commission to begin a priority revision of South Coast Land Use and Zoning Plans and its housing policies with the goal of actually meeting South Coast housing needs.

Instead of continuing the County's longstanding policy of inadequately addressing the South Coast housing needs, available South Coast housing would be the only possible way of mitigating the Santa Maria valley air pollution resulting from South Coast employees having to crowd Highway 101 to obtain affordable housing.

Response to Recommendation 6b: The recommendation has been implemented. The County has undertaken a number of initiatives to improve jobs-housing balance. These include: interim housing element amendments to increase the proportion of units in market rate projects affordable to middle income families; a longer term revision of the housing element schedule for 2002; more employment opportunities in the northern part of the County; and selective rezoning of south coast commercial properties for housing; formation of a new Department of Housing and Community Development to concentrate county financial resources and expertise in the provision of affordable housing and developer pursuit of federal legislation to provide CDBG entitlement status, which would add approximately \$3 million per year for community development programs, including affordable housing on the South Coast.

Nevertheless, the Planning Commission recognizes that the Grand Jury has identified a major regional growth and economic development question which warrants focussed attention by policy makers. The problem is broader than air pollution caused by commuters. Since constructing enough housing to fully restore jobs-housing balance on the South Coast will be very difficult, the County's economic development program should focus on creating jobs in the northern part of the county which will be attractive to existing and potential future commuters to the South Coast. The County should determine if the opportunities and incentives available for

commercial and industrial development which would support such jobs are insufficient in the Santa Maria Valley, and offer assistance to local communities.

Since it is unlikely that economic development in the Santa Maria Valley and additional housing on the South Coast will eliminate commuting, the County should also pursue enhancements to commuter transit services to reduce growth in the number of commuter vehicles on the road.

Orcutt and the Orcutt Sub-aquifer of the Santa Maria Valley Aquifer

Finding 10: Orcutt does not have sufficient operating revenues to fund operating costs equivalent to Santa Maria's standards.

Response to Finding 10: Agree. The Orcutt Community Plan recommended creation of a Community Finance District to generate revenue to fund parks, flood retention, libraries, and road maintenance. The office of the Treasurer-Tax Collector is coordinating implementation.

Recommendation 10: Santa Maria should not be encouraged to underwrite Orcutt's operating costs, and it should continue to resist discussions of Orcutt annexation.

Response to Recommendation 10: The recommendation has been implemented. Orcutt has been removed from Santa Maria's LAFCO Sphere of Influence. Studies prepared for the Orcutt Community Plan indicate that Orcutt residents actually provide a significant revenue stream to the city of Santa Maria, as approximately two-thirds of the sales tax dollars paid by Orcutt residents accrue to the city.

The City of Guadalupe

Finding 13: It is legally possible for Guadalupe to annex currently non-contiguous land for urban growth needs. This would allow the City to plan its future growth on marginal farm land instead of converting adjacent highly profitable prime agricultural farm land to housing tracts.

Response to Finding 13: Disagree. This approach raises legal issues and would conflict with both county and LAFCO policies. It is not legally possible, with minor exceptions, for Guadalupe to annex currently non-contiguous land for urban growth needs. Government Code section 56741 states in pertinent part: "Unless otherwise provided in this division, territory may not be annexed to a city unless it is contiguous to the city at the time the proposal is initiated..." Gov. Code section 56031(a)(1) defines "contiguity" for purposes of annexation as "territory adjacent to, or territory adjoining territory within the local agency to which annexation is proposed." That section goes on to state that "Territory is not contiguous if the only contiguity is based upon a strip of land more than 300 feet long and less than 200 feet wide, that width to be exclusive of highways." There is an exception in Government Code section 56742 that allows a city to annex non-contiguous property not exceeding 300 acres that are owned by the city. located within the same county and is being used for municipal purposes, for waste water facilities, and US Government land (the prison exception).

Finding 18: Paradise Beach has the potential to be improved to become a multi-purpose County/City recreational and conservation park.

Response to Finding 18: Disagree. Vehicular access to Paradise Beach would require major road construction across private rangeland. Such road construction would need to address very steep terrain, sand dunes, and environmentally sensitive habitat, and probably the need to condemn property.

Recommendation 18: Paradise Beach (through efforts of the City of Santa Maria, Orcutt, and the County) should be developed into a County park similar to the beach at the base of the cliff at Summerland on the South Coast. Additionally, the County, the City of Santa Maria, and Orcutt in combination with input from the city of Guadalupe should encourage the State legislature and the local representatives to bring Point Sal Beach State Park up to a reasonable standard (regarding access, parking, and sanitation facilities) for safer and enhanced public use.

Response to Recommendation 18: The recommendation will not be implemented because it is not reasonable. The remoteness of Paradise Beach makes it a different proposition than Summerland, which is immediately adjacent to an urbanized area and existing roads. As explained in response to Finding 18, vehicular access is infeasible at this time.

Finding 19: Restoration of Betteravia Lake could provide recreational and educational benefits for Guadalupe, its residents, and visitors.

Response to Finding 19: Agree.

Recommendation 19: Guadalupe officials should participate in planning and promoting restoration of Betteravia Lake, or portions thereof, into a multipurpose park

Response to Recommendation 19: The recommendation will not be implemented by the County because it is not warranted. The recommendation is directed to, and should be responded to, by Guadalupe officials.