



**Agenda Item C.4
PUBLIC HEARING
Meeting Date: July 15, 2008**

TO: Mayor and Councilmembers

FROM: Steve Chase, Director, Planning & Environmental Services

CONTACT: Patricia S. Miller, Manager, Current Planning
Alan Hanson, Senior Planner

SUBJECT: Case No. 08-063-GPA, Initiation of Proposed General Plan Amendments
Bishop Ranch, 96 Glen Annie Road, APN 077-020-045

RECOMMENDATION:

- A. Conduct a public hearing on the initiation of proposed General Plan Amendments by Bishop Ranch.
- B. Receive public testimony.
- C. Deliberate and move to decline initiation of the proposed General Plan Amendments.

BACKGROUND:

Bishop Ranch is located between Cathedral Oaks Road on the north, US 101 on the south, Los Carneros Creek and an adjoining agricultural property currently under agricultural production (citrus and avocados) on the east, and another agricultural property currently under agricultural production (avocados) and Glen Annie Road on the west. Bishop Ranch is 240 acres in size and includes one single family residence. The General Plan land use designation for the property is "Agriculture." The Zoning Map designation is Agriculture, 40 acre minimum parcel size (AG-I-40)."

The matter before the City Council is whether to initiate the study/due processing of proposed General Plan Amendments proposed by Bishop Ranch. The proposed amendments would facilitate the creation of an entire suburban residential neighborhood. Conversely, the City Council may choose to follow staff's recommendation and decline to initiate that study/due process. In that event, the proposed changes to the General Plan would be summarily denied.

The staff analysis that follows is cursory in nature, owing to the fact that what is before the City Council is a procedural choice. A detailed analysis under the auspices of the California Environmental Quality Act and California Government Code – Planning and Zoning Law would follow much further down the road, only if initiated.

Project Components

The proposed General Plan Amendments are designed to act as an umbrella under which various aspects of the project, including permits, would take shape over time. What follows is a summary of the project components. To get a complete picture of the matter at-hand, the reader is encouraged to review the General Plan worksheets prepared by staff in Attachment 1, as well as the materials provided by Bishop Ranch in Attachments 2 and 3.

1. Land Use Element Map Designation Amendment: The applicant requests initiation of a change to the Land Use Element Map, Figure 2-1, from “Agriculture” to a proposed new land use designation “Mixed Use - Bishop Ranch.” The accompanying conceptual development plan envisions 1,195 residential units, 90,000 square feet of neighborhood serving commercial space, 63 acres of passive park land, and 17 acres of active recreational park land.
2. Land Use Element Table 2.2 Amendment: The applicant requests an expansion of the table to include “Mixed Use” in the title of the table with a new land use designation of “MU-BR (Mixed Use - Bishop Ranch)” that mirrors the format of the existing Goleta - Old Town land use designation.
3. Conservation Element Policy CE 11.2 Amendment: The applicant requests that the text of this policy be amended to remove the current prohibition against agricultural land conversions, as follows:

CE 11.2 Conversion of Agricultural Lands. [GP/CP] Conversion of agricultural lands as designated on the Land Use Plan Map (Figure 2-1) to other uses shall not be allowed ~~Lands designated for agriculture within the urban boundary shall be preserved for agricultural use.~~ unless:

- a. The property is located within the previous Santa Barbara County Urban Limit Line.*
- b. The property has had previous urban land use designations; and*
- c. The property has not been used for agricultural production for the last 20 years or more.*

Except as provided above, land designated for agriculture within the urban boundary shall be preserved for agriculture.

4. Zoning Designation Change: A rezoning of the property from “AG-I-40” to “MU-Mixed Use” zoning designation is contemplated further down the road. This matter is not before the City Council nor has an application been received for such.

5. Other Permits: Development of a mixed neighborhood commercial/residential project would eventually require, at a minimum, processing and approval of future applications for a Development Plan and a Subdivision Map.

Only the request to initiate a change in the General Plan land use designation, as well as amendments to General Plan policies, are before the City Council at this time.

DISCUSSION:

Staff recommends that the initiation of the proposed General Plan Amendments not go forward for the following reasons.

Amendment of Land Use Map Designation

The General Plan’s land use designations identify the proposed distribution and intensity of uses within the City. These designations include land for housing, business, industry, open space, natural resources, and location of public facilities, as well as other categories for public and private uses. These designations identify the anticipated future use and/or re-use of land within the City.

Existing General Plan land use designations for the City, as a whole, would allow for the following potential residential buildout (General Plan, p. 2-7):

	<u>Existing</u>	<u>G.P. Buildout</u>	<u>Change</u>	<u>RHNA</u>
Single Family	5,483	5,963	+480 ----	
Multi-Family	6,132	9,532	+3,400 ----	
Total	11,615 units	15,495 units	+3,880 units	1,065 units

These totals indicate that the current General Plan land use designations provide sufficient urban land inventory to meet the current and foreseeable demand for housing. In addition, the Housing Element identifies growth potential in the City that considerably exceeds the State’s expectations. Table 10-1 of the Housing Element indicates a need for 1,065 additional dwelling units in order to meet the City’s current State Regional Housing Needs Allocation Plan (RHNA) objectives. Table 10-2 indicates a housing development potential within the City of 2,619 dwelling units under General Plan build-out. This is over 1,500 units more than needed to meet RHNA objectives.

The RHNA objectives were recently updated for the planning period of 2007 - 2014. The results of that update process will be incorporated into the General Plan’s Housing Element as a part of the Track 1 efforts now underway. The results set a 1641 dwelling unit objective for the City. This is not additive; rather it is the present-day allocation for the City that stems from the updated RHNA process. There is ample land in the City that is designated and zoned to meet the City’s housing objectives.

Bottom-line, the General Plan provides sufficient urban land inventory for its twenty five year planning horizon, as well as for the current and foreseeable RHNA affordable housing objectives.

The General Plan also accounts for variable conditions such as site constraints, transportation improvements and public facilities. The plan includes many programmatic measures, such as a new fire station in west Goleta, pacing of growth to the availability of water, and land use designations that accounted for known biological constraints (Figure 4-1 of the Conservation Element), as well as Geology, Fire, Flood, Tsunami and other hazards (Figures 5-1 thru 5-3 of the Safety Element). In many respects, the General Plan takes into account these variables, provides a realistic framework for build-out, and obviates the need for agricultural land conversions, including that proposed by Bishop Ranch.

Any development of significant size should incorporate a logical land use/street pattern, provision of adequate infrastructure, active and passive park space, green design and materials, and the concept of neighborhood(s). The Bishop Ranch project touches on most of these elements and the applicant and staff acknowledge that much more planning would need to occur beyond the concept plans that frame the proposed General Plan Amendments, were they to be initiated and eventually approved.

There are some basic planning issues at-hand that give further pause to initiation. Bishop Ranch lies in an agricultural belt that is located on the periphery of the City and is bordered by active, producing orchards on its north, east and west sides. The location is anything but the urban infill area envisioned by the applicant.

The applicant contends that the project site is an infill property and as such, is appropriate for conversion to urban uses now. However, Public Resources Code §21061.3 identifies the following criteria that must be met for a parcel to be considered an “infill” site pursuant to CEQA:

- *The immediately adjacent parcels are developed with qualified urban uses or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses, and the site has not been developed for urban uses and no parcel within the site has been created within the past 10 years.*
- *The site has been previously developed for qualified urban uses.*

Given the property’s location on the City’s periphery in an area under active agricultural cultivation and outside of what can realistically be considered the City’s urban core, Bishop Ranch is not currently positioned for “infill development.” If and when that time comes, the development of Bishop Ranch would constitute an expansive agricultural land conversion that reshapes the City’s urban configuration, impacts and infrastructure needs and plans.



The property is currently mapped as Farmland of Local Importance/Grazing Land by the California Resources Agency, Santa Barbara County Important Farmland Map 2006. The General Plan EIR describes the Bishop Ranch as “one of the City’s primary agricultural resources areas” and notes that although the project site “is not actively engaged in agriculture at this time, it was intensively farmed with both row crops and orchards.” To give further context, the General Plan defines “Agriculture” as: (1) sites zoned for agriculture by the County at the time of incorporation of the City in 2002; (2) sites that are or were used for agricultural production that are devoid of structures that prevent or limit the continued or resumed use of the land for agricultural purposes; and/or (3) sites with soils or other characteristics that make them suitable for agricultural activities and are devoid of structures or other alterations that prevent or limit the use of land for agricultural purposes.” The Bishop Ranch property meets these criteria.

Soils onsite include US Soil Conservation Services Capability Units II, III, and IV. These soil types are capable of supporting agricultural production ranging from orchard crops, pasture crops and range lands. The soil types, in combination with the property’s topography, climate, water resources, proximity to larger farming operations, buffering

from urban uses, and the on-site history of agricultural use make Bishop Ranch suitable for long term agriculture.

The Bishop Ranch Company held the right to receive 100 acre-feet/year since 1952 from the Bureau of Reclamation. Those rights were subsequently conveyed to the Camino Real Limited Liability Company in 1995 to serve the Camino Real Marketplace. The applicant has indicated that other water sources exist to serve the property, including private water and groundwater resources (Bishop Ranch Community Working Group Meeting Minutes, October 20, 2007). Considerably more information would need to be established on water availability and rights, should the proposed amendments be initiated for study/due process. There is conflicting information on the water picture needed to reestablish economically viable agricultural production on Bishop Ranch, but whatever the status may be, it was promulgated by their selling off the water rights.

Amendment of Conservation Element Policy

The applicant has also proposed an amendment to Conservation Element Policy CE 11.2 that would remove the current prohibition against the conversion of agriculturally designed land to non-agricultural uses (please refer to Attachment 1). CE 11.2 as currently written applies to all agriculturally designated property within the City and provides the City with a tool for protecting its agricultural resources and heritage. The Council previously initiated an amendment to CE 11.2 as part of the Shelby Trust project at 7400 Cathedral Oaks Road (February 19, 2008). The amendment to CE 11.2 proposed by the Shelby Trust differs significantly from that proposed by Bishop Ranch. Those differences would have to be reconciled should the Council take other than the recommended action.

Litigation

Pending litigation filed by the applicant contends in part that the Bishop Ranch property is not agriculturally viable and as such, must be planned and zoned for non-agricultural/urban use to avoid a regulatory taking of their property. The applicant's proposed General Plan Amendments are a precursor to the urban development of the property. The City, however, has the authority to regulate the use of private property, if such regulation substantially advances a legitimate governmental interest and does not constitute a regulatory taking. In the case of Bishop Ranch, protection of the City's agricultural resources is one of the primary goals of the General Plan. Given an ever expanding population, rapid and continuing loss of arable land, and substantial intensification of the costs of agricultural production (both economic and environmental), the protection of local agricultural resources is absolutely critical to the well being of the City, its residents, and visitors.

Staff suggests that the current policy CE 11.2 is the most important tool the City has to advance this public interest.

SUMMARY:

There is already sufficient land available for commercial, industrial, and residential opportunities under the General Plan to meet the needs of the City into the foreseeable future. The property may be one of the City's most significant agricultural resources, and if the proposed General Plan Amendments were initiated and eventually approved, would deprive the City of some of its most important tools to protect such resources and the City's agricultural heritage. If the requested amendments were initiated and approved, the ensuing movement of urban, residential development onto the City's periphery, in an area surrounded by productive agricultural lands currently under cultivation, would not result in good planning, or promote a legitimate public purpose. Therefore, the proposed change in the Bishop Ranch's land use designation from "Agriculture" to an urban mixed use designation, as well as the proposed amendment of policy CE 11.2 are not supported by staff.

ALTERNATIVES:

The City Council may elect to initiate the proposed General Plan Amendments. If so, the following considerations should be deliberated and acted upon:

- The Open Space Element's *Open Space Plan Map* (General Plan Figure 3-5) also designates the project site as "Agriculture." Therefore, if the Council were to initiate the applicant's requested change to Land Use Element Figure 2-1, a corresponding amendment to Open Space Element Figure 3-5 would also have to be initiated. This would be necessary in the event that if the applicant's requested amendment were approved by the City, said approval would not create an internal General Plan inconsistency between the Land Use and Open Space Elements. No request for initiation of an associated amendment to Figure 3-5 has been filed by the applicant.
- Open Space Element Policy OS 7.4(b) states the following:

Agricultural lands shall be managed in accord with Land Use Element Policy LU 7 and with Conservation Element Policy CE 11. Conversion of lands designated for agriculture to urban or other nonagricultural uses shall not be permitted.

If the requested amendment to Policy CE 11.2 is initiated, the City Council should also initiate a similar amendment to OS 7.4(b) for the sake of internal consistency.

LEGAL REVIEW:

This matter was discussed with the City Attorney's office.

FISCAL IMPACTS:

The processing costs associated with the proposed General Plan Amendments initiation are paid by the applicant.

Submitted By:

Approved By:

Steve Chase, Director
Planning & Environmental Services

Daniel Singer
City Manager

ATTACHMENTS:

1. General Plan Amendment Worksheets
2. Letter from Bishop Ranch 2000 LLC dated April 15, 2008
3. Conceptual Land Use Schematic (11 x 17 reduction)

ATTACHMENT 1
General Plan Amendment Worksheets

GENERAL PLAN AMENDMENT WORKSHEET (Section 1 of 3)

Analyst:	Alan Hanson		Policy ID #:	LUE Figure 2-1
Contributors:	N/A		Policy Title:	
Date:	5/20/08			
			GP Page #:	Follows 2-4

Policy Objective: *To maintain a land use pattern that provides continuity with the past and present use and development of the city and locates the various uses in a manner that is consistent with the fundamental goals and principles of the plan.*

Policy Text:
Land Use Element (LUE) Figure 2-1, Land Use Plan Map.

Proposed Amendment:
Revise the land use designation from Agriculture to Mixed Use—Bishop Ranch for APN 077-020-0454.

GENERAL PLAN AMENDMENT WORKSHEET (Section 2 of 3)

			Policy ID #:	LUE Figure 2-1
			Policy Title	
Author:	Bishop Ranch 2000 LLC			

Author Rationale: Bishop Ranch 2000 LLC proposes changing the existing land use designation for the project site from Agriculture to Mixed Use—Bishop Ranch to allow for construction of a mix of residential units ranging from single family lots to multi-family residential development and neighborhood serving commercial space.

Workshop Feedback: N/A

Beta/Lessons Learned: N/A

Further Considerations: N/A

CEQA: The proposed change from agriculture to mixed-use on the project site poses the potential to result in significant environmental impacts that trigger the requirement for environmental review under CEQA.

Track Assignment: N/A

GENERAL PLAN AMENDMENT WORKSHEET (Section 3 of 3)

Policy Amendment Summary:			Policy ID #:	LUE Figure 2-1
Continue:	<input type="checkbox"/>		Policy Title	
Edit:	<input type="checkbox"/>			
Deny:	<input checked="" type="checkbox"/>			

Staff Recommendation: It is recommended that initiation of the proposed policy amendment be denied.

Staff Rationale: One of the guiding principles of the General Plan is "To preserve agricultural lands to allow future potential agricultural production, including a locally grown food supply, especially agricultural and floriculture. Based on an assessment of the current condition and history of various agricultural and undeveloped parcels within the City, the project site, along with a number of similar properties, were designated as Agriculture on the LUE Land Use Map (Figure 2-1) of the General Plan to facilitate protection of these agricultural resources per the guiding principles of the Plan. The Bishop Ranch property is not sufficiently different from other properties designated Agriculture to warrant this change to Figure 2-1 nor has it been demonstrated that the property does not meet the criteria used by the City in establishing such designations when the Plan was originally written and adopted.

GENERAL PLAN AMENDMENT WORKSHEET (Section 1 of 3)

Analyst:	Alan Hanson		Policy ID #:	LUE Table 2.2
Contributors:	N/A		Policy Title:	
Date:	5/20/08		GP Page #:	Pgs 2-13 & 2-14

Policy Objective: *To provide lands in locations that are suitable, functional, attractive, and convenient for an appropriate mix and scale of residential- and business-serving commercial uses, including business and professional offices, retail trade, business services, and residential mixed uses.*

Policy Text:
Land Use Element (LUE) Commercial Land Use Categories/Table 2-2

Proposed Amendment:
Expand the table to include mixed use in the title of the table with a new land use designation of MU-BR (Mixed Use-Bishop Ranch).¹

¹ Per the attached General Plan Amendment Worksheet, the proposed land used designation, MU-BR, would mirror the existing Goleta-Old Town land use designation in the current General Plan.

GENERAL PLAN AMENDMENT WORKSHEET (Section 2 of 3)

			Policy ID #:	LUE Table 2-2
			Policy Title	
Author:	Bishop Ranch 2000 LLC			

Author Rationale: Bishop Ranch 2000 LLC proposes adding a new land use designation to Land use element Table 2-2 called Mixed Use—Bishop Ranch. This new land use designation would allow for the type of mixed use development envisioned by the applicant in their conceptual development plan for the Bishop Ranch.

Workshop Feedback: N/A

Beta/Lessons Learned: N/A

Further Considerations: N/A

CEQA: Although the proposed MU-BR land use designation would mirror the MU zone district use and development standards, and as such was evaluated at a programmatic level in the General Plan EIR, application of such a land use designation to a property far beyond the City's urban core could pose potentially significant environmental effects not already identified and analyzed in the General Plan EIR. Therefore, the proposed change from agriculture to mixed-use would be subject to environmental review under CEQA.

Track Assignment:	N/A	
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GENERAL PLAN AMENDMENT WORKSHEET (Section 3 of 3)

Policy Amendment Summary:		Policy ID #:	LUE Table 2-2
Continue:	<input type="checkbox"/>	Policy Title	
Edit:	<input type="checkbox"/>		
Deny:	<input checked="" type="checkbox"/>		

Staff Recommendation: It is recommended that initiation of the proposed policy amendment be denied.

Staff Rationale: Given that staff does not support changing the land used designation on the project site from Agriculture, there is no compelling reason to add another, new land use designation to Table 2-2 specific to the Bishop Ranch property.

GENERAL PLAN AMENDMENT DATA SHEET (Section 1 of 3)

Analyst:	Alan Hanson		Policy ID #:	CE 11.2
Contributors:	N/A		Policy Title:	Conversion of Agricultural Lands
Date:	5/20/08			
			GP Page #:	4-29

Policy Objective: *To promote and retain Goleta's agricultural heritage by conserving existing agricultural resources for future generations and supporting agricultural production by minimizing activities and uses that may conflict with agricultural use of the land.*

Policy Text:

CE 11.2 Conversion of Agricultural Lands. [GP/CP] Conversion of agricultural lands as designated on the Land Use Plan Map (Figure 2-1) to other uses shall not be allowed. Lands designated for agriculture within the urban boundary shall be preserved for agricultural use.

Proposed Amendment:

CE 11.2 Conversion of Agricultural Lands. [GP/CP] Conversion of agricultural lands as designated on the Land Use Plan Map (Figure 2-1) to other uses shall not be allowed ~~Lands designated for agriculture within the urban boundary shall be preserved for agricultural use.~~
unless:

- a. The property is located within the previous Santa Barbara County Urban Limit Line.
- b. The property has had previous urban land use designations; and
- c. The property has not been used for agricultural production for the last 20 years or more.

Except as provided above, land designated for agriculture within the urban boundary shall be preserved for agriculture.

GENERAL PLAN AMENDMENT DATA SHEET (Section 2 of 3)

			Policy ID #:	CE 11.2
			Policy Title	Conversion of Agricultural Lands
Author:	Bishop Ranch 2000 LLC			

Author Rationale: Bishop Ranch 2000 LLC proposes to amend this policy because the current prohibition on conversion of designated agricultural lands does not take into consideration the productive viability, the economic feasibility, or the suitability of their property for agricultural production. They further argue that their property offers a logical and feasible site for production of additional housing units to meet the City's affordable housing needs.

Workshop Feedback: N/A

Beta/Lessons Learned: N/A

Further Considerations: N/A

CEQA: The proposed change from agriculture to residential on the project site poses the potential to result in significant environmental impacts that trigger the requirement for environmental review under CEQA.

Track Assignment:	N/A
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GENERAL PLAN AMENDMENT DATA SHEET (Section 3 of 3)

Policy Amendment Summary:			Policy ID #:	CE 11.2
Continue Processing:			Policy Title	Conversion of Agricultural Lands
Edit/Process:				
Deny:	X			

Staff Recommendation: Staff recommends that initiation of this amendment be denied.

Staff Rationale: The requested amendments to Policy CE 11.2 would severely limit existing tools in the General Plan to protect the City's agricultural resources and heritage. Protection of such resources is one of the primary goals of the General Plan and constitutes a legitimate governmental interest. The project site is agriculturally viable and as such, application of CE 11.2 as currently written to the Bishop Ranch property does not constitute a regulatory taking of the applicant's property in conflict with constitutionally guaranteed property rights.

ATTACHMENT 2
Letter from Bishop Ranch 2000 LLC dated April 15, 2008

THE
BISHOP
RANCH

RECEIVED

APR 16 2008

City of Goleta
Planning & Environmental Svcs.

EXHIBIT 2

April 15, 2008

Ms. Patty Miller
City of Goleta
Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

**Subject: General Plan Amendment Initiation Application
Bishop Ranch Property; APN 077-020-045
96 Glen Annie Road, Goleta, CA**

Dear Ms. Miller:

I. PURPOSE OF REQUEST

The purpose of our application is to seek initiation of (i) a General Plan Amendment (GPA) to amend the current property Land Use designation from "Agriculture" to "Mixed-Use-Bishop Ranch" land use¹; and (ii) a General Plan text and map amendment. It should be noted that if the GPA Initiation request is granted, full build-out of the Bishop Ranch would not occur for 10-13 years. This is based upon the following assumptions:

- 2± years to process the GPA and complete required CEQA review of the GPA;
- 1+ years (once the GPA was approved) to complete required Development Plans, Tentative Maps, etc.;
- 1± years to prepare final building plans and obtain City building permits;
- 1± year to install all needed infrastructure; and
- 6-8 years to complete all construction.

Based upon this anticipated schedule, full build-out of proposed units would not occur until 2018 to 2021.

II. PROJECT SETTING

This section describes the project location; site land use and zoning designations; surrounding land use and zoning designations; and site access:

¹ Please note that the proposed Mixed Use-Bishop Ranch Land Use designation is identical to the City's existing Goleta-Old Town General Plan Land Use designation (see Exhibit I, attached and made a part hereof).

PO Box 1636

Goleta, California

93116-1636



Project Site Location

The project site is approximately 240 acres generally located south of Cathedral Oaks Road; north of U.S. Highway 101; east of Glen Annie Road; west of Los Carneros Creek; within the Urban Limit Line of the City of Goleta.

Project Site Land Use and Zoning

The property has a Land Use designation of AG-II, Agriculture, and a zoning designation of AG-II-40 (agriculture, 40 acre minimum lot size), and is located within the Inland Area of the City of Goleta. The property is not subject to any Agricultural Preserve contracts as it has not been utilized for agriculture for approximately the past 50 years or more (except for a period during the 1980s when attempts were made at various agricultural activities, all of which were unsuccessful), therefore over one half century. It should be noted that the subject property was designated for urban uses since the early 1950s through the mid 1980s and during this entire time, through the date of submission of this application, this land has not been used and is not compatible with any agricultural usage.

Surrounding Land Use and Zoning

Land uses surrounding the property include Cathedral Oaks Road and agricultural uses to the north; U.S. Highway 101 to the south; Los Carneros Creek and residences/open space to the east; and Glen Annie Road/open space/Dos Pueblos High School/residential and commercial uses to the west.

Project Site Access and Utility Service

Access to the property is via Cathedral Oaks Road and Glen Annie Road.

III. PROJECT DESCRIPTION

The project consists of applications for (i) a General Plan Amendment to change the Land Use designation from Agricultural to a Mixed-Use Bishop Ranch Land Use designation²; and (ii) a General Plan text and map amendment. A rezone to MU-Mixed Use will be proposed if the proposed General Plan Land Use designation amendment initiation is approved (see Exhibit 3, attached and made a part hereof).

Conceptual Plan and Site Design

A Conceptual Plan has been prepared which depicts a concept for a variety of residential, commercial, recreational, open space and resource protection uses (see Exhibits 4 and 5, attached and made a part hereof). Approximately 1,195 residential units are contemplated;

² Please note that the proposed Mixed Use-Bishop Ranch Land Use designation is identical to the City's existing Goleta-Old Town General Plan Land Use designation (see Exhibit 1).



approximately 7 acres of neighborhood-serving commercial uses (approximately 90,000 sq. ft.); approximately 63 acres of passive City parkland and approximately 17 acres of active City parkland, for a total of approximately 80 acres. It should be noted that the proposed Conceptual Plan provides opportunities for a variety of housing types for all income groups: from high-density rental apartments; to multi-family condominiums and townhouses; to detached single-family residences; to "age-restricted" senior housing. **The proposed project can provide up to 240 units of affordable housing, pursuant to the City's requirements.**

The project site is proposed to be accessed by a network of private streets, with connection points on Glen Annie Road and Cathedral Oaks Road. Additionally, a series of pedestrian and bicycle paths are proposed to connect all of the proposed on-site neighborhoods and will also connect to access off-site. Finally, an "offer-to-dedicate" a strip of land at the southeastern boundary of the property to accommodate any future connection of Calle Real to Los Carneros Road, to be built by the owner of the property contiguous to and easterly of the Bishop Ranch, upon development of that property.

The Conceptual Plan promotes good planning and good urban design, as it includes the following parameters:

- Infill property located in the core of the community;
- Is adjacent to existing transit corridors (US Highway 101, Glen Annie Road, Cathedral Oaks Road, etc.), thereby allowing the use of public transportation;
- Creates its own villages (with separate but related neighborhoods), while complimenting existing surrounding neighborhoods;
- Flexible design can accommodate future development of adjacent properties if so desired by the City and land owners;³
- Is surrounded on three sides by urban development;
- Has available infrastructure to serve the development's needs;
- Integrates ALL urban needs in one location (i.e., numerous and varied housing types [single family, multi-family condominiums and townhomes], apartments, age-restricted senior housing, etc.; neighborhood commercial retail uses, approximately 80 acres of active and passive City parkland, open space and natural resource protection, etc.);
- Proposes bicycle and pedestrian linkage (both on-and off-site connections); and,
- Proposes exciting and tasteful architecture

Inclusionary Housing

The proposed Conceptual Plan contemplates accommodating the City of Goleta's Inclusionary Housing requirements. It must be noted that the Bishop Ranch property is the only appropriately sized land located within the City of Goleta's boundaries where the City can

³ There are two properties adjacent to the subject property (the "Vogel" property to the northwest and the "Stowe" property to the east [across Los Carneros Creek]) which are not proposed for development as part of the Conceptual Plan for the following reasons: BR 2000 does not own or control these properties; and, the "Stowe" property is separated by a natural buffer (Los Carneros Creek).



provide a substantial amount of affordable and workforce housing units. At 1,195 units, 20% would yield 239 units. The Bishop Ranch Conceptual Plan provides the opportunity for the City to meet the State's requirements for such housing. It is also the only realistic opportunity to gain a substantial number of senior (age restricted) units which are also needed within the community.

Agriculture

Regarding the Bishop Ranch's agricultural Land Use designation, it is critical to note that when Bishop Ranch was acquired by its present owners in 1957, the land had been zoned in the early 1950s for residential uses and remained so until the mid-1980s (over 30 years), before it was arbitrarily changed by the County to the present agricultural designation. During this entire time, the property was not used for agriculture (except for a period during the 1980s when attempts were made at various agricultural activities, all of which were unsuccessful). Since this improper agricultural designation was made, the property has not been utilized for agriculture (except the unsuccessful attempts as noted above) for an additional 20 years or more, or a total of over 50 consecutive years of non-agricultural usage, therefore over one half century.

In 1993 the County updated the Urban Boundary placing Bishop Ranch inside the Urban Boundary for consideration for urban development by 2003.

Additionally, in 2002, when the City of Goleta was established with the boundaries approved by the Local Agency Formation Commission (LAFCO), LAFCO recommended inclusion of the Bishop Ranch within its boundaries and recognized that the Bishop Ranch property would be utilized for urban uses. This was noted by LAFCO, when commenting on the boundaries of the future City of Goleta: "the Commission declined to include lands planned to remain in agriculture or open space based on the view that only lands projected for urban use should be included in the city" (See Exhibit 7, attached and made a part hereof.). In this regard, LAFCO assumed that lands to be included in the City (such as Bishop Ranch) were projected for urban use; not to remain in an agriculture designation or open space designation. Therefore, for these reasons, the Bishop Ranch must be considered for urban use, as requested by this General Plan Amendment Initiation request.

From the time in the early 1950's when the County first designated Bishop Ranch for residential use, there has been no agricultural activity on the property, over 50 years of non-agricultural usage (except for a period during the 1980s when attempts were made at various agricultural activities, all of which were unsuccessful) of the property, therefore over one half century. During the 1980's, there were a series of unsuccessful attempts at agricultural endeavors.

- Cattle were grazed briefly, but were not economically viable. During this same period, approximately 10 acres of citrus were planted on the northeast corner of the property but were abandoned because of failure to produce fruit. An attempt to grow 5 acres of strawberries failed, and an attempt to grow 10 acres of Christmas trees also failed.



- There is no economically viable water available for irrigation to serve agricultural uses on the Bishop Ranch.

Therefore, agricultural issues should not interfere with the requested change in Land use designation as part of this General Plan Amendment Initiation request. When the property was designated agriculture in the mid-1980s, after over 30 years of urban land use designation, such arbitrary designation was made despite the fact there was no evidence of agricultural viability. A governmental agency's arbitrary designation of an urban property as agriculture does not in any way justify its conversion from urban to agriculture.

Finally, the City of Goleta Land Use Element (Policy LU 7.3) states that:

Sites designated in the Agriculture land use category shall generally meet one or more of the following criteria:

- a. The site was zoned for agriculture by the County of Santa Barbara at the time of incorporation of the City of Goleta in 2002.
- b. The site is or has been used for agricultural production activities, and the site is devoid of structural improvements that prevent or limit the continued or resumed use of the land for agricultural purposes.
- c. The site has soils or other characteristics that make it suitable for production of agricultural commodities to meet local food supply or other needs and is devoid of structural improvements or other alterations that prevent or limit the use of the land for agricultural purposes.

It should be noted that if this definition of agriculture was in place when the Bishop Ranch property was considered for an agricultural designation in the mid-1980s, the property would not have met these criteria and as such would not have been designated agricultural; the same should have been the conclusion when the City designated the site as agriculture in its current General Plan. Therefore, this is a case of restoring the property's designation to urban from the improper land use designation of agriculture, which was designated agriculture despite having no evidence of the property's viability for agriculture.

Infill

Urban development of the Bishop Ranch (which will occur as a result of the proposed General Plan Amendment Initiation) should be considered for the following reasons:

- The Bishop Ranch is an infill property, located in the center of the City of Goleta, surrounded on three (3) sides by urban development;



- The Bishop Ranch is located adjacent to existing roadway networks (US 101, Glen Annie Road, Cathedral Oaks Road, and Los Carneros Road) accommodating easy access to/from the site;
- Adequate public services are available to serve development on the Bishop Ranch;
- Bishop Ranch's large size (approximately 240 acres) enables it to accommodate a large amount of housing for the future benefit of the community and because of its size, can provide opportunities for a variety of housing types for all income groups within the community;
- The Bishop Ranch can assist in providing HCD's RHNA housing requirements, per the Santa Barbara County Association of Governments, for the City of Goleta's current RHNA cycle and for years to come, including assistance NOW in getting the City of Goleta's Housing Element certified by the State. As indicated in the Appendix to HCD's letter dated March 19, 2007 (under A-1), "...now would be an opportune time for the City to reexamine and evaluate the viability of expanding the land inventory to include new sites that have the potential to provide opportunities for a variety of housing types for all income groups" (see Exhibit 11, attached and made a part hereof). The Bishop Ranch is an ideal candidate for the City's consideration of expanding the land inventory to include new sites that have the potential to provide opportunities for a variety of housing types for all income groups. As indicated in the Appendix to HCD's letter dated March 19, 2007 (under B-2), "Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities, including sewer collection and treatment, domestic water supply... needed to facilitate and encourage the development of a variety of housing for all income levels..." The Bishop Ranch is an ideal site which should be made available through appropriate zoning and development standards and with public services and facilities, including sewer collection and treatment, domestic water supply needed to facilitate and encourage the development of a variety of housing for all income levels;
- According to conversations with Bob Braitman, Executive Officer of the Santa Barbara LAFCO, it was LAFCO's understanding that in approving the incorporation of the City of Goleta, lands located within the Urban Limit Line (including this portion of Bishop Ranch) would be utilized for urban development. The Commission declined to include lands in the new City that were planned to remain in agriculture or open space based on the view that only lands projected for urban use should be included in the proposed city. It was LAFCO's understanding that lands were included within the City so they would be available for urban development. (see Exhibit 7);
- The Bishop Ranch would provide approximately 80 acres of a new public parkland (in critical demand within the City of Goleta), including active and passive recreational amenities, extensive bike paths, and trails and environmental



protection of vast areas on Bishop Ranch. It should be noted that approximately 63 acres of passive City parkland and 17 acres of active City parkland (a total of approximately 80 acres) are proposed. (For comparison purposes, Girsh Park totals 25 acres);

- The Bishop Ranch would provide needed commercial retail services thereby reducing vehicular trips for existing residences north of US 101 that presently have to cross 101 for these services;
- By providing much needed housing for employees presently working in the South Coast but now living in other areas; vehicular commutes will be reduced thereby minimizing existing congestion on Highway 101 and associated air quality impacts; as such, it should be considered for residential development in the City's revised Housing Element;
- The Bishop Ranch can provide up to 240 units of affordable housing opportunities for the community (realistically, the only property in the City in which to do so); and,
- According to data collected during the City of Goleta's General Plan process, over 78% of those who participated were in favor of residential development of the Bishop Ranch.

Housing Need

City Planning Staff stated in the Shelby Trust General Plan Initiation request staff report that the City's adopted General Plan provides Land Use designations that would provide 3,880 dwelling units. However, the data in Exhibits 8 and 9, attached and made a part hereof, clearly show that although there may be Land Use designations that could theoretically provide approximately 3,880 dwelling units; when resource constraints are taken into consideration, current Land Use designations could only accommodate approximately 2,644 units; not 3,880 dwelling units (a difference of 1,236 units). In this regard, build-out of the Bishop Ranch Conceptual Plan with approximately 1,195 residential units, has already been evaluated in the City of Goleta's General Plan EIR, as the anticipated 1,195 residential units is less than the 1,236 units already anticipated in the General Plan EIR that are not considered buildable when resource constraints are taken into consideration.

Additionally, according to the City of Goleta's Housing Element (Page 10A-4 [Table 10A-1]) adopted September 2006, ("2005 Population and Housing Estimates"), the City of Goleta presently has 8,070 single family units; which equates to 70% of its total existing inventory of residential units. The City of Goleta presently has 3,416 multi-family units; which equates to 30% of its total existing inventory of residential units. ⁴ According to the City of Goleta's

⁴ It must be noted that there is an internal inconsistency between the City's Housing Element and the City's Land Use Element; the City's Housing Element indicates the City is currently comprised of 70%

Housing Element Technical Appendix⁵, the City of Goleta General Plan provides for only 25 new single-family units between now and 2030; which equates to 1% of its anticipated new inventory of residential units. Conversely, the City of Goleta has planned for 2,619 new multi-family units; which equates to 99% of its anticipated new inventory of residential units. As a result of the City's adopted General Plan, the existing balance of 70% single family units and 30% multi-family units will be shifted such that upon such build-out, the City's housing stock will be 57% single family units and 43% multi-family units. If this were to occur, a significant unfavorable change to the character of the City of Goleta would result.

The City of Goleta has the largest jobs/housing imbalance in the South Coast Santa Barbara County area. Goleta desperately needs new housing to balance the jobs/housing ratio. The lack of needed housing forces critical workers, such as police, fire, hospital, and teachers to commute from outside the areas where they serve and protect. Living outside the local community forces these workers into long, time consuming commutes. These long, time consuming commutes take precious time away from workers' families and make after hour's participation by these workers in the life of the community, virtually impossible.

Therefore, we conclude that the Bishop Ranch property should be placed in an urban Land Use category so that adequate lands are made available for ALL types of residential units (including a substantial amount of single family units); so that Goleta's single-family residential character is not irreversibly changed forever.

Additionally, the State Housing and Community Development (HCD) Department has recognized the need for the City Housing Element to be revised to address these issues. HCD's letter dated March 19, 2007, reviews and rejects the City's Housing Element of the City's General Plan (see Exhibit 10, attached and made a part hereof). For example, the HCD letter states that Goleta's Housing Element "continues to require significant revisions to comply with State housing element law." Additionally, the State's March 19, 2007, letter Appendix (Paragraph B.2) says the City needs to "identify adequate sites... needed to facilitate and encourage the development of a variety of housing..." The Bishop Ranch property is such an

single-family (SF) units and 30% multi-family (MF) units; while the City's Land Use Element indicates the City is currently comprised of 47% single-family units and 57% multi-family units.

⁵ Pages 10A-42 through 10A-47 [Tables 10A-16 through 10A-19]), identifies Lands Suitable for Residential Development, with a "field-truthing" of what can realistically be developed (based upon physical constraints such as noise, environmentally sensitive habitats, flooding, riparian corridors, wetlands, native grasslands, etc.). It should also be noted that there are other site constraints that appear to have been overlooked in the City Housing Element's "net developable buildout" which requires consistency with the Santa Barbara County Airport Land Use Commission's (ALUC) Clear and Approach Zones. Several properties identified as appropriate development/ redevelopment sites for residential uses within the Housing Element Technical Appendix are located within the ALUC's Approach Zone, which contains a limitation that no multi-family residences are allowed and single family residences may only be developed at two units/ acre. No housing is allowed in the Clear Zone. Through application of the ALUC residential limitations to Vacant & Redevelopment Sites Identified for Residential Development in the City GP, total residential development for the years 2005-2009 would undoubtedly be reduced.

adequate site that must be considered so that the City's Housing Element can be certified by the State.

Finally, as noted above, Local Agency Formation Commission (LAFCO), when commenting on the boundaries of the future City of Goleta said: "the Commission declined to include lands in the new city that were planned to remain in agriculture or open space based on the view that only lands projected for urban use should be included in the proposed city." In this regard, LAFCO assumed that lands (i.e., this portion of The Bishop Ranch) would be utilized for urban development; not to remain in agriculture or open space. Therefore, for these reasons, the Bishop Ranch must be returned to an urban Land Use designation, as requested by this General Plan Amendment Initiation request.

Summary of the Bishop Ranch Community Outreach Program

Starting in September of 2007, Bishop Ranch 2000 initiated an effort to bring together Goleta residents and business owners in a process aimed at creating a community-driven vision for how best to utilize Bishop Ranch property.

This effort resulted in a tremendous response to our invitation to join the Community Working Group. More than 11,000 invitations were sent to all Goleta registered voters after placing a number of advertisements in the local newspapers to inform Goleta residents of this process. More than 300 people registered for the Community Working Group for Bishop Ranch. At each of the 8 meetings, there was an average attendance of approximately 100 participants or more who voiced their opinions at these meetings. This type of community participation is unprecedented in Goleta and it is gratifying that so many people took the time to participate in this process.

The Community Working Group covered a variety of topics such as Goleta housing needs, recreational opportunities, resource constraints, needed infrastructure, transportation, and commercial needs. Members of the working group were able to tour the Bishop Ranch which gave the community a first-hand look at the 240-acre property.

After the completion of each meeting, summaries of each meeting and other documents generated by the group on the Bishop Ranch were posted on the website so that anyone who was interested could remain updated. All of the information regarding the 5 month outreach program can still be viewed at www.visionforbishopranch.org.

After 5 months of meetings, the final substantive meeting culminated in a presentation to the Community Working Group of a conceptual plan for the Bishop Ranch (created by input from the Community Working Group). The results of the final questionnaire prepared by the participants (see Exhibit 11) showed that 85% of the participants felt the process was fair and balanced and the resulting conceptual plan was consistent with each of the Plan criteria as discussed at the community meetings (residential uses, commercial uses, parks and recreation, resource protection, etc.). With respect to traffic circulation, a number of participants expressed their opinions that a future connection to Los Carneros Road would be desirable; that issue is addressed by Bishop Ranch's proposed "offer-to-dedicate" an easement in the



south-eastern portion of the property which can provide access for a future connection to Los Carneros Road to accommodate the extension of Calle Real through the Bishop Ranch, when the property contiguous to and easterly to the Bishop Ranch is developed.

IV. REQUESTED GENERAL PLAN AMENDMENTS

The following sets forth our requested General Plan Amendment Initiation requests:

General Plan Section 2.0 – Land Use Element

LU 1.1 Land Use Plan Map – We request an amendment to the Land Use Plan Map (Figure 2-1) of the adopted General Plan to change the Land Use Category from "Agriculture" to "Mixed-Use – Bishop Ranch".

General Plan Section 4.0 – Conservation Element

CE Policy 11.2 Conversion of Agricultural Lands – The current policy states that "Conversion of agricultural lands as designated on the Land Use Plan Map to other uses shall not be allowed. Land designated for agriculture within the urban boundary shall be preserved for agriculture". We maintain that the original re-designation from an urban, residential designation to an agricultural designation was inappropriate, and arbitrary, and not based upon any justification of the property as appropriate for agricultural usage. When the City conducted its EIR for its General Plan, the County's Agricultural designation was simply inserted into the City's Land Use Maps without any examination of whether this property had supported, or was capable of supporting agriculture, to justify the City's designation placed upon the property. Also, the property is located within the previous Santa Barbara County Urban Limit Line and therefore had been intended for urban designation at the time of Goleta Incorporation.

We request that this policy be amended as follows:

"Conversion of agricultural lands as designated on the Land Use Plan Map to other uses shall not be allowed unless:

- a. The property is located within the previous Santa Barbara County Urban Limit Line;
- b. The property has had previous urban land use designations; and
- c. The property has not been used for agricultural production for the past 20 years or more.

Except as provided above, land designated for agriculture within the urban boundary shall be preserved for agriculture."

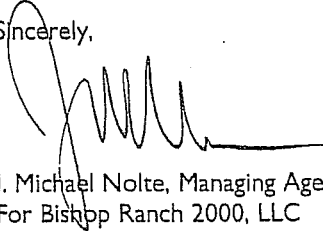
⁶ Please note that the proposed Mixed Use–Bishop Ranch Land Use designation is identical to the City's existing Goleta–Old Town General Plan Land Use designation.



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Thank you for your consideration of this matter. If you have any questions or wish to discuss this proposal further, please do not hesitate to contact me at (805) 450-8738, or by email at jmichaelnolte@cox.net. For any technical questions, please contact Ken Marshall, care of Dudek, at (805) 963-0651 ext 3521 or by email at kmarshall@dudek.com.

Sincerely,



J. Michael Nolte, Managing Agent
For Bishop Ranch 2000, LLC

Enclosures

cc: Kenneth Marshall



EXHIBIT 1

TABLE 2-2
ALLOWABLE USES AND STANDARDS FOR COMMERCIAL AND MIXED USE CATEGORIES

Allowed Uses and Standards	Commercial and Mixed Use Categories						
	C-R	C-C	C-OT	C-VS	C-I	C-G	MU-BR ⁶
Retail Trade							
Large-Scale Retail Establishments	X	-	-	-	-	-	-
General Merchandise	X	X	X	-	-	X	X
Food and Drug Stores	X	X	X	-	X	X	X
Apparel and Specialty Stores	X	X	X	-	-	X	X
Building/Landscape Materials and Equipment	X	X	X	-	-	X	X
Eating and Drinking Establishments	X	X	X	X	X	-	X
Other Retail Trade Establishments	X	X	X	X	-	X	X
Coastal-Related Commercial	X	X	X	X	-	-	X
Services (Including Offices)							
Finance, Insurance, and Real Estate	X	X	X	-	-	X	X
Personal Services	X	X	X	-	-	X	X
Business Services	-	X	X	-	-	X	X
Information Technology Services	-	-	-	-	-	X	-
Professional Services	-	X	X	-	-	X	X
Medical and Health-Related Services	X	X	X	-	-	X	X
Educational Services	-	-	X	-	-	X	X
Entertainment and Recreation Services	X	X	X	X	-	-	X
Building and Construction Services	-	-	-	-	-	X	-
Other Services	X	X	X	X	X	X	X
Transient Lodging and Services							
Resorts	-	-	-	X	-	-	-
Hotels, Motels, Bed and Breakfast Inns	X	X	X	X	-	-	X
RV Parks	-	-	X	X	-	X	X
Other Visitor Services and Attractions	-	-	-	X	-	X	-
Auto-Related Uses							
Retail – Automotive Sales and Rentals	-	-	X	-	-	X	X
Auto Repair and Painting	-	-	-	-	-	X	-
Auto Wrecking Yard/Junk Yard	-	-	-	-	-	X	-
Auto Service (Gas) Station	X	-	X	-	X	X	X
Car Wash	-	X	X	-	X	X	X
Wholesale Trade and Storage							
General Wholesale Trade	-	-	-	-	-	X	-
Warehousing – General	-	-	-	-	-	X	-
Warehousing – Self-Storage	-	-	-	-	-	X	-
Outdoor Storage	-	-	-	-	-	X	-
Residential Uses							
Residential Units	-	X	X	-	-	-	X
One Caretaker Unit	X	X	X	X	-	X	X
Assisted-Living Residential Units	-	-	-	-	-	X	-
Other Uses							
Religious Institutions	-	X	X	-	-	X	X
Public and Quasi-public Uses	X	X	X	-	X	X	X
Wireless Communications/telecommunications	X	X	X	X	X	X	X
Standards for Density and Building Intensity							
<i>Standards for Density</i>							
Maximum Residential Density	N/A	12/acre	20/acre	N/A	N/A	20/acre	N/A
<i>Standards for Building Intensity</i>							
Maximum FAR	0.35	0.40	0.60	0.25	0.40	0.40	N/A
Maximum Structure Height	35 feet	25 feet	30 feet	35 feet	25 feet	35 feet	N/A
Maximum Lot Coverage Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Open Space Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Lot Size	size in 2005	size in 2005	size in 2005	size in 2005	size in 2005	10,000 s.f.	N/A

Notes:

1. Use Categories: C-R – Regional Commercial; C-C – Community Commercial; C-OT – Old Town Commercial; C-VS – Visitor Commercial; C-I – Intersection; C-G – General Commercial; M-U – BR Mixed Use Bishop Ranch.
2. X indicates use is allowed in the use category; - indicates use not allowed.
3. General Note: Some uses requiring approval of a conditional use permit are as set forth in text policies, others are specified in the zoning code.
4. Wholesale trade is permitted within the C-R use category, provided that it is an integral part of a retail trade use.
5. N/A = Not applicable.
6. Note that MU BR "Allowed Uses and Standards" are identical to C-OT "Allowed Uses and Standards. The intent was to use an existing Land Use designation that the City had already adopted; however, there are allowable uses that are not intended as part of the Bishop Ranch Conceptual Plan (i.e., Building/Landscape Materials and Equipment, Religious Institutions, etc.). Therefore, IF the City so desires, BR 2000 would be more than willing to restrict the allowable uses in the MU-BR land use category.

ATTACHMENT 3
Conceptual Land Use Schematic (11 x 17 reduction)

