

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

July 2, 2010

Santa Barbara County
Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

*By email to sbcob@co.santa-barbara.ca.us
and by hand delivery*

RE: California Coastal Commission (CCC) Suggested Modifications to County Land Use and Development Codes (LUDC)

Dear Chair Wolf and Honorable Members of the Board,

This letter is submitted on behalf of the Gaviota Coast Conservancy (“GCC”), a non-profit organization that promotes the permanent protection of the Gaviota Coast's unique natural, scenic, agricultural, recreational, and cultural resources. GCC is concerned that some of the changes to the County's LUDC recommended by the CCC may have adverse impacts on the Gaviota Coast's agricultural and biological resources, and recommends the following changes.

1. Streamlining Permit Processing for Beneficial Habitat Restoration Projects

Voluntary habitat restoration projects play a vital role in improving degraded areas and restoring coastal ecosystems. We urge the Board to use the opportunity provided by this LUDC amendment process to streamline the permitting process with respect to bona fide restoration projects so that willing landowners are not discouraged from pursuing beneficial projects due to extensive processing time and cost. Recognizing beneficial habitat restoration as a principal permitted accessory use in all zones would effectuate this goal by avoiding the potential for appeals to the CCC based on the activity not being the principal permitted use and the additional time and cost associated with hearings on appealable permits. We urge the Board to endorse such a change.

If the County and the CCC are unable to reach agreement on classifying beneficial habitat restoration projects as an accessory principal permitted use, we urge the Board to take all possible alternative steps to streamline the processing of beneficial restoration projects. One approach that could help reduce the obstacles to pursuing such projects is for the County to expressly identify beneficial habitat restoration that minimizes environmental impacts as “minor development” for which the public hearing requirement may be waived pursuant to LUDC § 35.82.050.D.2.e.1. Additionally, the County could remove disincentives to pursuing beneficial habitat restoration projects such as reducing or waiving fees for the CDP applications and/or assigning priority to beneficial habitat restoration projects in the processing queue. Given the benefit to all County residents conferred by private habitat restoration projects that improve coastal ecosystems, we believe fee waiver and/or priority status for such projects is appropriate.

2. Narrowing CDP Requirement for Expansion of Existing Agriculture

Changes the CCC recommends include a requirement that “in the Coastal Zone, new or expanded areas of agricultural activities [that are part of existing, on-going lawfully established agricultural operations] are not exempt and require the issuance of a Coastal Development Permit”. (CCC Staff Report, p. 94). The effect of this recommended change would be that any cultivated agriculture, orchard, or vineyard outside the *existing footprint* of cultivated agriculture, orchard or vineyard, would require the landowner to secure a CDP. Additionally, any grazing outside the existing footprint, or increase in “intensity of use” would require a CDP (*see* CCC Staff Report, p. 95). GCC believes that this suggested modification will stifle agriculture including sustainable agriculture, which should be encouraged on the Gaviota Coast and elsewhere in the County.

We urge the Board to consider changes to the LUDC that would exempt certain types of expanded agriculture from the CDP requirement. With respect to grazing, clarification is needed with respect to what constitutes an “increase in the intensity of use”, and we urge that the definition include adequate flexibility to accommodate fluctuations in use that are part and parcel to the regular operations of the established agricultural operation. With respect to expanded areas of operation, LUDC §§ 35.20.040.C.3 subsections d and g can be amended to include specific performance standards that would qualify certain types of expanded grazing, cultivation, orchards, or vineyards for an exemption from the planning permit requirements. For example, these sections could provide that in addition to agricultural activities occurring within existing areas, that new operations outside of existing areas are exempt when they are not within 100 feet of ESHA or slopes of 30% or more and where the agricultural operation has a demonstrated commitment to sustainable farming practices.

3. Modifying Prohibition on Non-Profit Activities on Agricultural Land

The CCC’s recommended changes include prohibiting charitable or philanthropic organization ‘services’ on agricultural land. (*See* CCC Staff Report, Exhibit 4 (Use Tables), p. 2). GCC is concerned that this prohibition could be interpreted so as to prohibit non-profit activities that are consistent with the land use designation, specifically non-profit activities directly related to agriculture or agricultural land preservation. GCC believes that these types of non-profit activities should be allowed on agricultural lands. Accordingly, we urge the Board to include additional clarifying language specifying that charitable or philanthropic organization services are only prohibited on agricultural land where they are *unrelated and/or inconsistent* with the agricultural land use designation.

4. Support CCC Proposal to Limit Non-Appealable Home Size

The CCC recommends limiting primary dwellings that are considered principal permitted uses in agricultural zones to dwellings that are no more than 3,000 square feet in gross floor area within a 10,000 square foot building envelope. (*See* CCC Staff Report, p. 84). GCC believes this limitation is

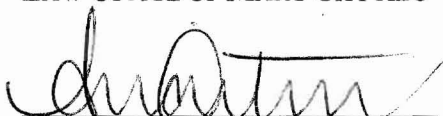
prudent and will help safeguard against the conversion of agricultural uses to predominantly residential use. GCC urges the Board to adopt this CCC recommended change.

5. Conclusion

We respectfully urge the Board to consider the above points and to take all possible action to ensure that the adopted LUDC changes do not erect barriers to beneficial habitat restoration and sustainable farming operations that are so critical to the continued vitality of coastal agriculture in Santa Barbara County.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Ana Citrin