

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: December 30, 2003
Department Name: Planning & Development
Department No.: 053
Agenda Date: January 6, 2004
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:
Document File
Name:

TO: Board of Supervisors

FROM: Val Alexeeff, Director

STAFF David Lackie, Supervising Planner (x2023)
CONTACT: Comprehensive Planning Division

SUBJECT: Hearing to consider response to California Coastal Commission regarding proposed changes to the Carpinteria Valley Greenhouse Program

Recommendation(s):

That the Board of Supervisors:

1. Review options for response to the California Coastal Commission regarding modifications proposed by Commission staff to the Carpinteria Valley Greenhouse Program as an amendment to the county's certified Local Coastal Program; and
2. Authorize Chair to sign and transmit a letter to the Commission for consideration at their hearing in Laguna Beach on Wednesday, January 14, 2004, or authorize P&D Director or his designee to communicate the Board's position on proposed suggested modifications to the Carpinteria Valley Greenhouse Program Local Coastal Program amendment.

Alignment with Board Strategic Plan: The recommendation(s) are primarily aligned with Goal No. 1., An Efficient Government Able to Respond Effectively to the Needs of the Community, Goal No. 4., A Community that is Economically Vital and Sustainable, and Goal No. 5., A High Quality of Life for All Residents.

Executive Summary and Discussion: The Carpinteria Valley Greenhouse Program was adopted by the Santa Barbara County Board of Supervisors in February 2002 and was submitted to the Coastal Commission in May 2002 as a proposed amendment to the county's certified Local Coastal Program (LCP). The Commission staff accepted it for processing in November 2002, and in January

2003 the statutory deadline for action was extended by the Commission for one year, to January 2004.

The Coastal Commission original staff report was released on March 27, 2003, and recommended 24 separate modifications to the Carpinteria Valley Greenhouse Program as approved by the county. The Commission heard this item at its meeting in Santa Barbara on April 7, 2003, and the item was continued to their hearing in Laguna Beach on January 14, 2004. Due to the Commission's statutory deadlines, the January, 2004 meeting will be the last opportunity for the Commission to act on this matter.

P&D staff met with Coastal Commission staff to discuss their proposed modifications to the Carpinteria Valley Greenhouse Program prior to release of the Coastal Commission staff report on December 29, 2003. The Commission staff revised recommendation involves 20 modifications, some of which involve minor wording changes, while other modifications involve revision of the Program's policies, development standards, and implementing ordinances. The vast majority of suggested modifications are line with the Board adopted Carpinteria Agricultural Overlay District to address cumulative impacts of greenhouse development in the Carpinteria Valley. The Coastal Commission staff suggested modifications differ from the Board adopted Program in the following major areas: new CUP requirements for greenhouse development, new greenhouse abandonment procedures, cultivation methods and use of prime soils, and proposed limitations on greenhouse development entitlements as a result of land divisions. The discussion below highlights the primary changes between the first and revised Commission staff report as well as a discussion of several of the more significant suggested modifications.

Development Cap and Lot Coverage: The first significant change is related to the proposed Carpinteria Agricultural Overlay (CAO) development cap and lot coverage requirement. Coastal Commission staff have dropped their original proposed modification (2.2 million square feet development cap and 65% maximum lot coverage) in favor of the Board approved 2.75 million square feet development cap and reliance on increased setbacks to address lot coverage. P&D staff is encouraged by this change, which recognizes the extensive local review process that occurred in reaching a delicate balance in the Carpinteria Valley Greenhouse Program.

Modification 2 appears to be a new suggested modification that "unpaved" driveways and parking areas be included in lot coverage calculations. P&D staff informed Commission staff that the county has historically considered agricultural roads and parking areas ancillary features of the overall agricultural operation and has not included these areas in lot coverage or development plan calculations. Coastal Commission staff indicated that Modification 2 was inadvertently included in the Coastal Commission staff report and will not be recommended to the Commission.

Modification 7 and 20: The second significant change is Coastal Commission staff's suggested modification addressing greenhouse development outside of the Carpinteria Valley. Modification 7 and 20 would amend the Coastal Land Use Plan and Coastal Zoning Ordinance (Article II) to require all greenhouse and greenhouse related development, including all additions to existing greenhouse or greenhouse related development, that result in a total of 20,000 sq. ft. or more of cumulative development per parcel, obtain a Major CUP in any agriculturally designated zone district. This requirement would apply on a countywide basis within the coastal zone, unless the area is within the Carpinteria Agricultural Overlay District. A Major CUP is also required for greenhouse development of any size where greenhouse or greenhouse related development is proposed on slopes greater than five percent. This latter suggested modification would also be applicable within the Carpinteria Agricultural Overlay District. The Coastal Commission staff report indicates the modification is intended to address the anticipated demand for additional greenhouse development, and associated cumulative impacts, into other locations that do not have similar restrictions to regulate greenhouse development.

The permit processing implication of Modification 7 and 20 is that new greenhouse development inland of the Coastal Commission appeals jurisdiction (typically 300 feet or the first public road from the coast) would be appealable to the Coastal Commission as conditionally permitted uses. Greenhouse development 20,000 square feet or greater per parcel currently requires a development plan that is reviewed by the Planning Commission. A CUP requires the same level of review as a development plan. The primary difference is that a CUP (outside the appeals jurisdiction) may be appealed to the Coastal Commission.

Staff Recommendation: Outside of the Carpinteria Valley, the majority of existing greenhouse development within the coastal zone is located in Goleta in the South Patterson Agricultural Area and would be most affected by the new CUP requirement. P&D staff requests Board guidance regarding Modification 7 and 20.

Modification 19 - Abandonment Procedure: Modification 19 would require the property owner to sign a written agreement with the County to remove new greenhouse or greenhouse related development if any component of the greenhouse is abandoned (not in operation for 24 consecutive months and no subsequent 90 day resumption of activities in the following year).

Staff Recommendation: P&D staff considers this modification a beneficial requirement that will ensure abandoned greenhouses do not become a visual blight upon the scenic and rural qualities of the Carpinteria Valley.

Other Modifications: Additional examples of problematic suggested modifications include those related to cultivation methods and use of prime soils (Modification 4 and 13), and proposed limitations on greenhouse development entitlements as a result of land divisions (Modification 5 and 14). The Carpinteria Agricultural Overlay includes a development standard to minimize the covering of prime soils through effective site and building design and the use of

permeable surfaces to the maximum extent feasible. Suggested Modification 4 and 13 proposes additional requirements that greenhouse development use the native soil for cultivation where feasible, prohibit use of chemicals that would adversely affect the long-term productivity of the soil, and prohibit the removal of prime soils for use in container grown operations where the plants are sold intact.

Modification 5 and 14 require that greenhouse development be approved consistent with the parcels as configured on the date of Commission action on the LCP amendment and would not allow additional greenhouse development entitlements as a result of divisions of land or rezoning.

Staff Recommendation: P&D staff finds these modifications difficult to accept and request Board guidance.

Options for Response to the Coastal Commission:

1. Recommend that the Commission certify the Program as submitted. The Carpinteria Valley Greenhouse Program represents an update and improvement in the LCP as it applies to this area, and has been prepared to be consistent with the state Coastal Act. This option would request that the Commission recognize the substantial time and care that the county invested in preparing and adopting the Program, including the active participation of numerous local residents and other agencies.
2. Accept Limited Modifications. Identify those suggested modifications acceptable to the Board and request that the Commission limit its suggested modifications to those acceptable to the Board. [Note: If the County accepts Commission certified suggested modifications within six months, they will become effective upon report to the Commission by its Executive Director.]

These options request that the Commission recognize the substantial time and care the county invested in preparing and adopting the Program, including the active participation of numerous local residents and other agencies, and either accept the plan as submitted (Option 1) or suggest only those modifications acceptable to the Board so that the LCP certification process can be timely completed (Option 2).

Staff Recommendation: P&D staff recommends the Board select Option 2 and request the Commission limit its suggested modifications to those acceptable to the Board. Staff recommends acceptance of the majority of suggested modifications since they are generally in line with the Board adopted Program. Staff requests guidance regarding the Board's position on Modification's 4, 5, 7, 13, 14 and 20.

If the Commission acts to certify with modifications recommended by their staff but not acceptable to your Board, the Board would be faced with the choice of either agreeing to all of the Commission's proposed changes to timely complete the process of certification within six months, or proposing further modifications which then would be re-submitted for another round

of review by the Commission. In the latter instance, several iterations of this loop are conceivable over the course of months or even years.

Mandates and Service Levels: No immediate change in mandates or service levels. This is an expected part of processing the Carpinteria Valley Greenhouse Program LCP Amendment.

Fiscal and Facilities Impacts: Implementation of the Carpinteria Valley Greenhouse Program (e.g. Coastal Commission submittal and review, litigation support, and preliminary Transportation Improvement Plan work) was funded in the latter part of last fiscal year (2002-03) and in the current fiscal year (2003-04) through a \$40,000 Coastal Impact Assistance Program (CIAP) grant. The CIAP grant balance (\$18,600 as of 12/30/03) would be used to fund the remaining staff work associated with the certification process. Should the Coastal Commission act to certify with modifications not acceptable to the Board, re-submittal of the Program to the Commission would require an unknown but substantial amount of future staff time, materials, and hearings costs. Such an effort could require an augmentation of P&D's budget if the existing CIAP grant balance is depleted.

Attachments:

Coastal Commission staff report, December 29, 2003 (Board member copies and Clerk of the Board file only)

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