

ATTACHMENT 4

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, ARTICLE II OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL; DIVISION 2, DEFINITIONS; DIVISION 3, DEVELOPMENT STANDARDS; DIVISION 5, OVERLAY DISTRICTS; DIVISION 7, GENERAL REGULATIONS; DIVISION 9, OIL AND GAS FACILITIES; DIVISION 10, NONCONFORMING STRUCTURES AND USES; DIVISION 11, PERMIT PROCEDURES; AND ADDING A NEW APPENDIX I, TECHNICAL GUIDELINES FOR PREPARATION OF A COASTAL HAZARD REPORT, TO ADD OR MODIFY TEXT THAT WOULD ALLOW THE COUNTY TO IMPLEMENT THE CORRESPONDING POLICY CHANGES IN THE COASTAL LAND USE PLAN WITH REGARD TO THREATS FROM SEA LEVEL RISE AND COASTAL HAZARDS.

Case No. 17ORD-00000-00015

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-51D, Economically Viable Use of Property, to read as follows:

Section 35-51D. Economically Viable Use of Property.

Where full compliance with all LCP policies and standards, including setbacks for coastal hazards, would preclude all reasonable economic use of the property as a whole, the County may allow the minimum economic use and/or development of the property necessary to avoid an unconstitutional taking of private property without just compensation.

A Coastal Development Permit that allows a deviation from an LCP policy or standard to provide a reasonable economic use may be approved or conditionally approved only if the decision-maker finds that LCP-consistent uses would not provide an economically viable use of the property, and that the proposed development is consistent with the applicable zoning, is consistent with other laws or legal principles (e.g., is not a public nuisance), is the least environmentally damaging feasible alternative, and is the minimum necessary to avoid a taking. These findings are in addition to the findings required in Section 35-169 (Coastal Development Permits).

SECTION 2.

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add the following definitions to Section 35-58, Definitions, to read as follows:

Bluff (or Cliff): A scarp or steep face of rock, weathered rock, sediment and/or soil resulting from erosion, faulting, folding or excavation of the land mass, with at least 10 feet of vertical relief. (See Figure 1 below.) In the Coastal Zone, the toe of a bluff is or may be subject to marine erosion.

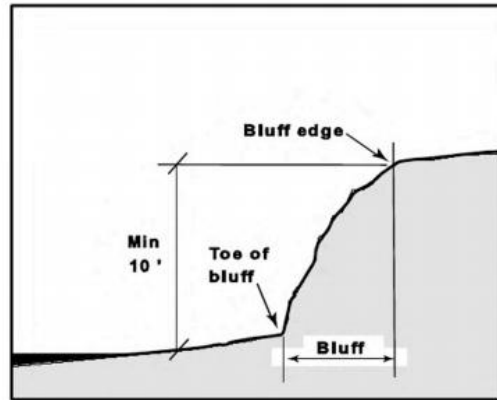


Figure 1. Diagram of a Generalized Bluff

Bluff Edge: The upper termination of a bluff, cliff, or sea cliff. In cases where the top edge of the bluff is rounded away from the face of the bluff, the bluff edge shall be defined as that point nearest the bluff face beyond which the general gradient changes downward more or less continuously to the base of the bluff. (See Figure 2 below.) In a case where there is a step-like feature at the top of the bluff, the landward edge of the topmost riser shall be considered the bluff edge. (See Figure 3 below.) In cases where bluffs are undercut, the most undercut portion shall be considered as the defined bluff edge. (See Figure 4 below.) Artificial fill placed near the bluff edge, or extending over the bluff edge does not alter the position of the bluff edge. (See Figure 5 below.) Where a coastal bluff curves landward to become a canyon bluff, the termini of the coastal bluff edge shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the coastal bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the canyon facing portion of the bluff. (See Figure 6 below.)

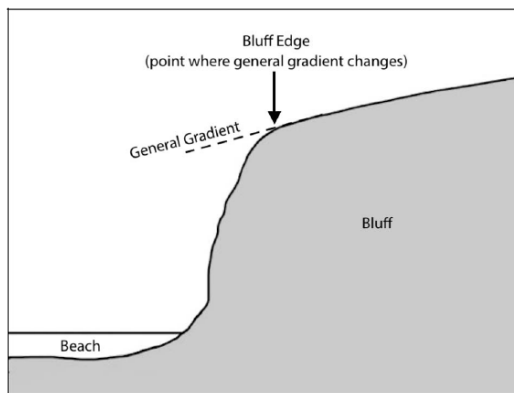


Figure 2. Rounded Bluff Edge

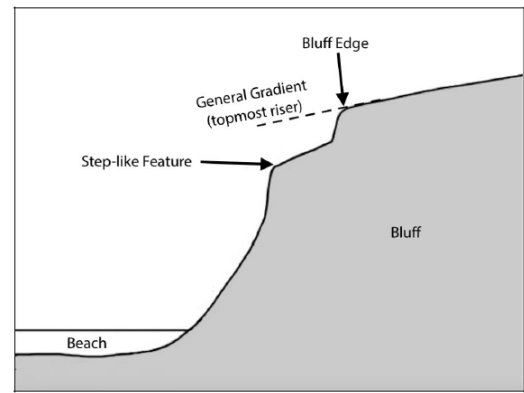


Figure 3. Bluff Edge with Step-like Feature

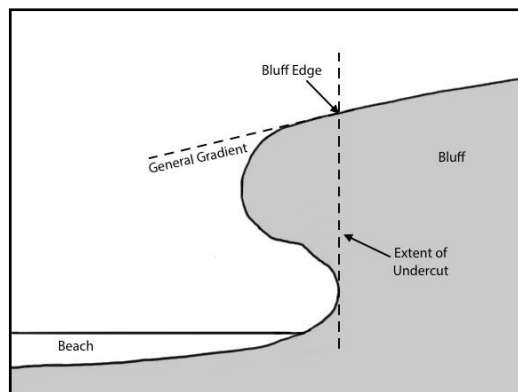


Figure 4. Diagram of an Undercut Bluff

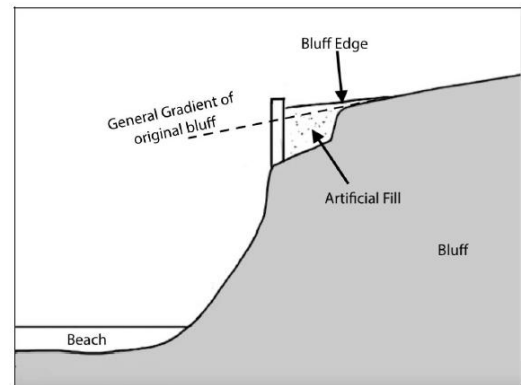


Figure 5. Bluff Edge with Artificial Fill

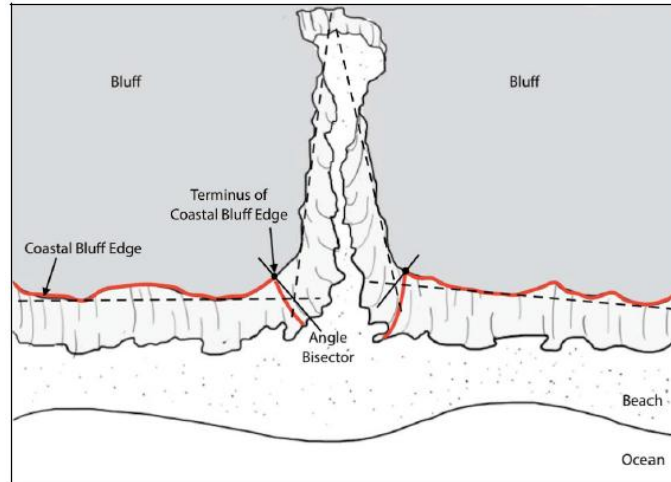


Figure 6. Coastal Canyon Bluff Edge

Coastal Hazards: Natural hazards that adversely affect the coastline, including but not limited to:

Coastal Erosion: Short- and long-term shoreline changes caused by erosion related to storm events, wave action, currents, water, wind, or other natural events.

Coastal Flooding: Temporary flooding due to high water level events caused by one or more of the following: high tides, storm surge (a rise above normal water level during storms), and sea level rise.

Extreme Monthly Tidal Inundation: Routine tidal inundation expected at least once a month.

Sea level rise: Change in the mean sea level due to an increase in the volume of ocean water.

Wave run-up: The maximum vertical extent of wave action on a beach or structure, above the still water line.

Existing Structure: A structure that was legally established on or before [effective date of the proposed sea level rise/coastal hazard LCP amendment].

Existing Principal Structure: See “Existing Structure” and “Principal Structure.”

Principal Structure: A structure (e.g., residential dwelling, accessory dwelling unit, or public recreation facility) in which is conducted the principal use of the lot on which it is situated. In any residential, agricultural, or estate district, any dwelling shall be deemed to be the principal structure on the lot on which it is situated.

Redevelopment: Development that consists of alterations to an existing structure that results in one or more of the following conditions:

1. Fifty percent or more of the structural components of exterior or interior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, reinforced, or removed.
2. Fifty percent or more of the foundation system is replaced, structurally altered, reinforced, or removed, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfer gravity loads from the structure to the ground.
3. Fifty percent or more of the structural elements of the roof or floor framing are replaced, structurally altered, reinforced, or removed.
4. Alterations that do not individually meet one or more of the thresholds in subsections 1, 2, or 3, above, where those alterations combined with previous alterations undertaken on or after [effective date of the proposed Coastal Resiliency Project LCP amendment] would cumulatively meet or exceed one or more of the thresholds in subsections 1, 2, or 3, above.

Shoreline Protective Devices: Constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, and bulkheads that block the landward retreat of the shoreline and are used to protect structures or other features from waves, erosion, and other coastal hazards.

SECTION 3.

DIVISION 3, DEVELOPMENT STANDARDS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change subsection 3 of Section 35-59, General, to read as follows:

Section 35-59. General.

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3. The densities specified in the Land Use Plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography; geologic, ~~or~~ flood, or fire hazards; coastal bluff or shoreline retreat; habitat areas; or steep slopes. However, densities may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the local Coastal Program.

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SECTION 4.

DIVISION 3, DEVELOPMENT STANDARDS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change subsection 1 of Section 35-61, Beach Development, to read as follows:

Section 35-61. Beach Development.

1. To avoid the need for future shoreline protective devices that could adversely impact sand movement and supply, no permanent above-ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, and coastal public access facilities, such as boardwalks and trails, or where such restriction would cause the inverse condemnation of the lot by the County. Such development shall be designed to be relocated or removed if warranted by changing coastal conditions.

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SECTION 5.

DIVISION 3, DEVELOPMENT STANDARDS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-67, Bluff Development to read as follows:

Section 35-67. Bluff and Dune Development.

1. ~~In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide Interpretive Guidelines regarding "Geologic Stability of Blufftop Development." (See also Policy 4-5 regarding protection of visual resources.)~~

All development on bluff-top lots shall be sited a sufficient distance from the bluff edge to be safe from the threat of bluff erosion and slope instability, factoring in the effects of sea level rise, and without reliance on shoreline protective devices over the anticipated life of the development. [Refer to Coastal Land Use Plan Policy 3-10 and Appendix I (Technical Guidelines for Preparation of a Coastal Hazard Report) of the Article II, Coastal Zoning Ordinance for the anticipated life of development and technical

guidance on calculating the bluff edge setback, respectively.] Utility infrastructure required for safe habitation (e.g., water, sewer, and onsite wastewater treatment systems) shall be set back from the bluff edge to at least the same distance as the development to ensure the provision of adequate services during the anticipated life of the development.

Applications for development on bluff-top lots shall include a site-specific Coastal Hazard Report prepared according to the requirements in Appendix I (Technical Guidelines for Preparation of a Coastal Hazard Report). The report is subject to review and approval by the County as part of the Coastal Development Permit application review process. When permitted, development shall be conditioned to require noticing per Section 35-67A.7 and removal per Section 35-67A.6.

2. In addition to that required for safety, ~~further~~ larger bluff setbacks may be required for oceanfront structures to minimize or avoid adverse impacts on public views from the beach. Bluff-top structures shall be ~~set back from the bluff edge sufficiently far~~ located as far landward as necessary to ensure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff edge than the adjacent structures.
3. Minor, at grade, easily removable development associated with passive public recreational uses (e.g., signs, benches, and trails) may be located within coastal bluff edge setbacks.
4. Minor and/or ancillary development that does not require foundations or grading, does not adversely impact bluff stability, and can be readily removed and/or relocated (e.g., decks, fences, patios, and walkways) may be permitted within the bluff edge setback area if consistent with the protection of coastal resources. The minor and/or ancillary development shall be removed or relocated landward at the owner's expense when imminently threatened by coastal hazards. Shoreline protection devices are prohibited to protect these minor and/or ancillary structures from bluff retreat and other coastal hazards.
35. ~~Within the d~~Drought-tolerant vegetation shall be maintained, on all bluff-top areas seaward of the required bluff edge setback, using native plants and materials to the maximum extent feasible. Minor G~~grading, as that may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability,~~ may be permitted. Surface water shall be directed away from the top of the bluff top or be handled in a manner satisfactory managed to prevent damage to the bluff by surface and percolating water.
46. Development and activity of any kind ~~beyond~~ landward of the required bluff edge setback shall be constructed to ensure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.
57. No new development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access, and pipelines for scientific research or coastal dependent industry; such uses are permitted only where no other less environmentally damaging alternative is feasible and the development is sited and designed to not contribute to erosion and to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can feasibly be drained away from the bluff face.
8. All development adjacent to dunes shall be sited and designed to prevent adverse impacts to coastal resources, assure structural stability of the development, and avoid coastal hazards over the anticipated life of the development. Siting and design shall take into account the anticipated extent of the landward migration of foredunes over the anticipated life of the development. This landward migration shall be determined based upon historic dune erosion, storm damage, anticipated sea level rise, and foreseeable changes in sand supply. When permitted, development shall be conditioned to require noticing per Section 35-67A.7 and removal per Section 35-67A.6.

Applications for development adjacent to dunes shall include a site-specific Coastal Hazard Report prepared according to the applicable requirements in Appendix I (Technical Guidelines for Preparation of a Coastal Hazard Report). The report is subject to review and approval by the County as part of the

Coastal Development Permit application review process.

SECTION 6.

DIVISION 3, DEVELOPMENT STANDARDS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-67A, Coastal Hazard Areas, to read as follows:

Section 35-67A. Coastal Hazard Areas

The following provisions apply to new development in areas that are potentially subject to coastal hazards, including beaches and bluffs (see also Sections 35-61 and 35-67).

1. The Medium Sea Level Rise Coastal Hazards Screening Map (Appendix J to the Coastal Land Use Plan) shall be used to identify coastal areas that require additional review and development standards to avoid and minimize adverse impacts from sea level rise and coastal hazards. Properties located in areas not shown on the Medium Sea Level Rise Coastal Hazards Screening Map shall also be subject to policies requiring site-specific hazards analysis and avoidance of threats from sea level rise and coastal hazards if there is substantial evidence demonstrating that the site may be subject to reasonably foreseeable future coastal hazards. Where the physical extent of a coastal hazard on the project site is different than those indicated on the Medium Sea Level Rise Coastal Hazards Screening Map, the Coastal Development Permit application shall describe and provide substantial evidence of the physical extent of the coastal hazard.
2. The County may act on a Coastal Development Permit application in compliance with LCP policies and standards, even if the Medium Sea Level Rise Coastal Hazards Screening Map (Appendix J to the Coastal Land Use Plan) needs an update, but has not been updated as of the time of action on the Coastal Development Permit application.
3. All development potentially subject to coastal hazards over its anticipated life, including but not limited to areas shown in the Medium Sea Level Rise Coastal Hazards Screening Map (Appendix J to the Coastal Land Use Plan), shall be sited and designed to avoid existing or reasonably foreseeable future threats from sea level rise and coastal hazards without reliance on shoreline protective devices over the anticipated life of the development. (Refer to Coastal Land Use Plan Policy 3-10.) Utility infrastructure required for safe habitation (e.g., water, sewer, and onsite wastewater treatment systems) shall be set back at least the same distance as the development to ensure the provision of adequate services during the anticipated life of the development.
4. In areas of known coastal hazards, including those areas shown on the Medium Sea Level Rise Coastal Hazards Screening Map (Appendix J to the Coastal Land Use Plan), a site-specific Coastal Hazard Report shall be prepared according to the requirements in Appendix I of the Coastal Zoning Ordinance (Technical Guidelines for Preparation of a Coastal Hazard Report). The analysis shall be prepared by a qualified California licensed professional (e.g., Professional Geologist, Engineering Geologist, Geotechnical Engineer, Civil Engineer, and/or Coastal Engineer, as applicable) and is subject to review and approval by the County as part of the Coastal Development Permit application review process. The analysis shall identify any hazards affecting the proposed project based on the best available science, any necessary mitigation measures, and contain substantial evidence that the project site, with mitigation, is suitable for the proposed development and that the development will adequately protect life and property from the identified hazards. Mitigation measures shall be applied to development when required to avoid or minimize impacts related to coastal hazards and sea level rise.
5. Minor and/or ancillary development that does not require foundations or grading, does not adversely impact beach, dune or other coastal resource stability, and can be readily removed and/or relocated (e.g., decks, fences, patios, and walkways) may be permitted within the coastal hazard setback areas if consistent with the protection of coastal resources. The minor and/or ancillary development shall be

removed or relocated landward at the owner's expense when imminently threatened by coastal hazards. Shoreline protection devices are prohibited to protect these minor and/or ancillary structures from erosion, flooding, and other coastal hazards.

6. Coastal Development Permits for development within coastal hazard areas potentially subject to coastal hazards over its anticipated life shall be conditioned to require that the permitted development will be removed, relocated, or modified, and the area restored at the applicant's or property owner's expense, if:
- a) The structure has been damaged and designated as unsafe to enter by the County Building Official or designee due to coastal hazards;
 - b) Essential services to the site can no longer feasibly be maintained (e.g., utilities and roads);

The permit shall also specify that in the event that portions of the development fall to the beach or ocean before they are removed/relocated, the property owner will remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site, after acquiring a Coastal Development Permit for such removal.

7. Applicants or property owners receiving a Coastal Development Permit for development subject to existing or reasonably foreseeable future threats from sea level rise or coastal hazards and any related conditions of approval shall record a Notice to Property Owner (NTPO) disclosing such threats and conditions. The NTPO shall notify current and future property owners of the: (1) conditions of approval of the Coastal Development Permit that authorized the development; (2) existing and reasonably foreseeable future threats from sea level rise and coastal hazards, including bluff retreat, erosion, wave run-up, and flooding/inundation and the results of any site-specific analysis thereof; and (3) potential for the public trust boundary to move inland, encompassing part or all of the development and therefore requiring a permit from the California Coastal Commission or State Lands Commission to remain.

SECTION 7.

DIVISION 5, Overlay Districts of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change subsection 1 of Section 35-97.19, Development Standards for Stream Habitats, to read as follows:

Section 35-97.19 Development Standards for Stream Habitats.

1. The minimum buffer strip for major streams and their associated riparian vegetation in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams and their associated riparian vegetation in urban areas, 50 feet. These minimum buffers may be ~~adjusted upward or downward~~ increased on a case-by-case basis when necessary to prevent significant disruption of habitat values given site-specific evidence provided in a biological report prepared by a qualified biologist. The minimum buffer strip may be decreased only to avoid precluding reasonable use of property. The buffer shall be established An increase to the buffer strip shall be based on an investigation of the following factors and after consultation with the California Department of Fish and Game Wildlife and Regional Water Quality Control Board in order to. All buffers shall be sufficient to protect the biological productivity and water quality of streams, avoid significant disruption of habitat values, and to protect the habitat area, including the following habitat area characteristics:

- a) existing vegetation, Ssoil type and stability of stream and riparian corridors;
- b) ~~H~~ow surface water filters into the ground;
- c) ~~S~~slope of the land on either side of the stream; and
- d) ~~L~~ocation of the 100-year flood plain boundary;
- e) consistency with adopted plans, particularly biology and habitat policies; and
- f) landscape-scale habitat connectivity.

The required buffer shall extend from the outer extent of development (including fuel clearance required by the Fire Department) to the outer extent of the stream's riparian canopy, or the top of the stream bank if there is no riparian vegetation. Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, inconsistent with (1) any policies or other applicable provisions of the LCP or (2) any provisions and conditions of existing, approved permits for the subject lot, the buffer shall allow for the reestablishment of riparian vegetation extend to it's the prior extent of the riparian vegetation to the greatest degree possible feasible.

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SECTION 8.

DIVISION 7, General Regulations of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add subsection 3 to Section 35-130, Subdivision of Land, to read as follows:

Section 35-130, Subdivision of Land

1. In order to obtain approval for a division of land, the subdivider shall demonstrate that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the recorded subdivision or parcel map.
2. As a requirement for approval of any proposed land division of agricultural land designated as AG-I or AG-II, the County shall make a finding that the long-term agricultural productivity of the land will not be diminished by the proposed division.
3. Subdivisions and certain lot line adjustments in areas subject to threats from sea level rise and coastal hazards shall only be permitted if each created parcel will comply with all applicable coastal hazard policies and standards of the LCP, will not require shoreline protection, and will not adversely impact coastal resources or public access. This policy shall only apply to lot line adjustments that would result in (1) an increased subdivision potential for any affected lot in the lot line adjustment, or (2) a greater number of residentially developable lots than existed before the lot line adjustment. This policy shall not apply to parcels created or adjusted for the purpose of providing open space or public access. For the purposes of this standard, the County shall use the "high" sea level rise scenario, as shown in the High Sea Level Rise Coastal Hazards Screening Map (Appendix K to the Coastal Land Use Plan) and analyze potential hazards over a 100-year timeframe.

SECTION 9.

DIVISION 9, Oil and Gas Facilities of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change subsection 3 of Section 35-154, Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development, to read as follows:

Section 35-154, Onshore Processing Facilities Necessary or Related to Offshore Oil and Gas Development.

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3. **Processing.** No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Section 35-174 (Development Plans), ~~and~~ with Section 35-169 (Coastal Development Permits), and with the specific findings required by Public Resources Code Section 30260. In addition to the other information required under Section 35-174 (Development Plans), the following information must be filed with a Preliminary or Final Development Plan application.
 - a. An updated emergency response plan to address deal with potential consequences and actions to be taken in the event of hydrocarbon leaks, or fires, and facility impacts from increased coastal flooding and erosion due to sea level rise. ~~These emergency response plans shall be approved by the~~ The County's Office of Emergency Services Coordinator and Fire Department shall review and, if found to be adequate, approve these emergency response plans.

- b. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.

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SECTION 10.

DIVISION 10, Nonconforming Structures and Uses of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change Section 35-162, Nonconforming Buildings and Structures, to read as follows:

Section 35-162. Nonconforming Buildings and Structures.

If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain as long as it is otherwise lawful, subject to the following regulations. Nonconforming buildings and structures include, but are not limited to, buildings and structures that do not comply with the coastal hazard standards or setbacks required for development in Section 35-67 (Bluff and Dune Development) and Section 35-68 (Coastal Hazard Areas).

1. Structural change, enlargement, or extension.

a. Enlargements or extensions allowed in limited circumstances.

- 1) Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.
- 2) **Allowed structural alterations.**
 - a) **Seismic retrofits allowed.** Seismic retrofits as defined in [Section 35-58](#) (Definitions) and in compliance with [Section 35-169.2](#) (Applicability) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - i) Subsection 1.a.2)a), above, shall not apply if a structure is nonconforming as to coastal hazard standards or setbacks and the proposed seismic retrofits qualify as redevelopment. Such seismic retrofits shall comply with all LCP policies and standards.
 - b) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
 - c) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term. However, such a structure shall not be enlarged, extended, reconstructed, relocated, and/or structurally altered if the nonconforming structure is inconsistent with any coastal resource protection policies of the LCP (regardless of historic status).
 - i) Subsection 1.a.2)c), above, shall not apply if a structure is nonconforming as to coastal hazard standards or setbacks and the proposed alterations would enlarge or extend the exterior or qualify as redevelopment. Such alterations shall comply with all LCP policies and standards.

d) Conforming residential uses and residential accessory uses. A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection 1.a.1), above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure. However, such a structural alteration to a nonconforming structure shall be prohibited if the nonconforming structure and/or the structural alterations are inconsistent with any LCP coastal resource protection policies.

i) Subsection 1.a.2)d), above, shall not apply if a structure is nonconforming as to coastal hazard standards and setbacks and the proposed alterations qualify as redevelopment. Such alterations shall comply with all LCP policies and standards.

e) Reasonable accommodation. Reasonable accommodation in compliance with Section 35-144 (Reasonable Accommodation) may be allowed to remove barriers to fair housing opportunities for individuals with disabilities.

i) Subsection 1.a.2)e), above, shall not apply if a structure is nonconforming as to coastal hazard standards and setbacks and the proposed alterations qualify as redevelopment. Such improvements shall comply with all LCP policies and standards.

f) Structures threatened by coastal flooding. Elevating a nonconforming single or multiple-family dwelling and/or associated residential accessory structure to a required or desired flood protection elevation, as determined by the County Flood Control District, may be allowed pursuant to Subsection 1.a.2)d), above.

3) Permit required. The issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or Land Use Permit in compliance with Section 35- 178 (Land Use Permits), as applicable, is required prior to the commencement of any structural alteration allowed in compliance with Subsections 1.a.1) or 1.a.2), above, unless the alteration is determined to be exempt in compliance with Section 35-169.2 (Applicability).

b. Accessory living quarters. No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

c. Loss of nonconforming status.

1) An existing nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection 1.a, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Article.

2) If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with [Section 35-185](#) (Enforcement, Legal Procedures, and Penalties).

2. Damage. Except for a structure that is nonconforming as to coastal hazard standards and setbacks, the purpose of this section is to identify the standards for allowing the restoration or reconstruction of a nonconforming structure that is damaged by fire, flood, earthquake or other natural disaster ...

- 3. Damage in coastal hazard areas.** The purpose of this section is to identify the standards for allowing the restoration or reconstruction of a structure that is nonconforming as to coastal hazard standards or setbacks and is damaged by fire, flood, earthquake or other natural disaster. However, buildings or structures damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features would be eligible for a De Minimis Coastal Development Permit Waiver pursuant to Section 35-51C (De Minimis Waiver of Coastal Development Permit) of this Chapter.
- a.** A nonconforming structure damaged by fire, flood, earthquake, or other natural disaster may be restored or reconstructed to the same or lesser size in the same general footprint location, provided the restoration or reconstruction does not qualify as redevelopment.
 - b.** Any restoration or reconstruction that qualifies as redevelopment shall comply with all applicable LCP policies and standards.
 - c.** The restoration or reconstruction permitted above shall commence within 24 months of the time of damage and be diligently carried to completion. If the restoration or reconstruction of such building or structure does not commence within 24 months it shall not be restored or reconstructed except in conformity with all applicable LCP policies and standards.

SECTION 11.

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to change subsection 3, Seawalls and Shoreline Structures, of Section 35-172.13, Conditional Use Permits, Additional Requirements, to read as follows:

Section 35-172.13 Additional Requirements

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3. ~~Seawalls and Shoreline Structures~~ Shoreline Protective Devices.

- a.** Shoreline protective devices shall only be permitted when required to serve coastal-dependent uses or protect existing principal structures or public beaches in danger from erosion, when sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, when designed to avoid, or mitigate if avoidance is infeasible, adverse impacts to lateral beach access, biological resources, water quality, visual, and other coastal resources, and when no less environmentally damaging alternative exists. Shoreline protective devices shall be sited to avoid sensitive resources, and adverse impacts on all coastal resources shall be mitigated to the maximum extent feasible. ~~Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible, natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.~~
- b.** Shoreline protective devices shall meet the following standards:
 - 1)** No other feasible, less environmentally damaging alternative exists, including but not limited to relocation or removal of the threatened development, beach nourishment, dune creation, non-structural drainage and native landscape improvements, or other similar non-structural options.

- 2) Non-structural options (e.g., dune or bluff revegetation or beach nourishment) shall be prioritized over other protection methods. Where non-structural options are not feasible, soft protection methods (e.g., sand bags or revetments that are combined with dune restoration) shall be used and prioritized before any more significant hard shoreline protective devices (including, but not limited to, seawalls, revetments, breakwaters, groins, bluff retention devices, etc.) are permitted.
 - 3) Landscape-scale solutions on a larger geographic basis are prioritized over single-lot shoreline protective devices.
 - 4) The proposed shoreline protective device shall be sited and designed to avoid, or, if avoidance is infeasible, mitigate adverse impacts on shoreline sand supply, public access, biological resources, and other coastal resources.
 - 5) The siting, design, and construction shall preserve natural landforms and be visually subordinate to the natural character of the shoreline.
 - 6) The proposed shoreline protective device shall not result in the loss of public trust lands or public beach access. Where necessary to maintain existing public access in the future, the property owner shall grant lateral access if the shoreline protective device would adversely affect or result in the loss of public beach access.
 - 7) Colors, materials, and designs shall minimize visual impacts.
- c. At a minimum, Coastal Development Permits for shoreline protective devices shall include conditions of approval that require the following:
- 1) Mitigation if avoidance of adverse impacts to shoreline sand supply, public access, biological resources, or other coastal resources is infeasible.
 - 2) Removal at such time as the existing structure, public beach, or use requiring protection is removed, redeveloped, ceases to exist, or the protection device is no longer needed for its permitted purpose, whichever comes first.
 - 3) Recordation of a Notice to Property Owner (NTPO) to notify current and future property owners that the public trust boundary could move inland as a result of coastal forces including sea level rise such that the device, or portion of it, is no longer located on private property, and at which point the device or portion of it that is on public trust land will no longer be authorized pursuant to the County's coastal development permit. Any portion of the development on public land may then have to be removed or properly permitted by the Coastal Commission and either State Lands Commission or other trustee agency of the public tidelands, who may deny the permit(s) if the development substantially interferes with public trust uses of the land or is otherwise not in accordance with law.
- ~~d. Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.~~

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SECTION 12.

The Appendices to the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are amended to add a new Appendix I, *Technical Guidelines for Preparation of a Coastal Hazard Report*, to read as follows:

APPENDIX I: TECHNICAL GUIDELINES FOR PREPARATION OF A COASTAL HAZARD REPORT

The following standards and guidelines are intended to clarify and assist with the preparation of a Coastal Hazard Report for beachfront and bluff-top development. This appendix also includes the methodology for calculating a site-specific bluff edge setback and preparing a wave run-up study. All of these standards and guidelines may not be applicable or necessary for an individual project on a specific site, based upon the initial analysis performed by a qualified professional. The qualified professional must provide sufficient evidence to show that individual standards or guidelines do not apply to a specific site or proposed development.

1. Sea Level Rise Projection Information.

The Medium Sea Level Rise Coastal Hazard Screening Map (Appendix J to the Coastal Land Use Plan) shows areas of the county coastline that are potentially subject to increased threats from sea level rise and coastal hazards, where further site-specific study is needed to assess potential adverse impacts. The Screening Map shows the “medium” sea level rise scenario possible by the years 2030, 2060, and 2100, based on projections described in the County’s 2017 “Sea Level Rise and Coastal Hazards Vulnerability Assessment.” Table I-1 below shows the medium sea level rise scenario, as well as the low and high scenarios. All three scenarios can be visually examined using the Coastal Resilience Mapping Portal available online through the Planning and Development Department website.

Table I-1. Sea Level Rise Projections for Santa Barbara County (inches)

<u>Time Period</u>	<u>Low Sea Level Rise Scenario</u>	<u>Medium Sea Level Rise Scenario</u>	<u>High Sea Level Rise Scenario</u>
<u>By 2030</u>	<u>0.04</u>	<u>3.5</u>	<u>10.2</u>
<u>By 2060</u>	<u>2.8</u>	<u>11.8</u>	<u>27.2</u>
<u>By 2100</u>	<u>10.6</u>	<u>30.7</u>	<u>60.2</u>

Source: Santa Barbara County Sea Level Rise and Coastal Hazards Vulnerability Assessment, July 2017.

2. Methodology for Calculating a Bluff Edge Setback:

- (a) Identify bluff edge consistent with the Article II definition of “bluff edge.”
- (b) Determine a slope stability setback. Evaluate the stability of the bluff. If the slope exhibits a factor of safety of less than 1.5 for the static condition or 1.1 for the pseudostatic condition, then a “slope stability buffer” shall be established landward of the bluff edge. The slope stability buffer is the line landward of the bluff edge where the minimum factor of safety (1.5 static and 1.1 pseudostatic) can be met. When determining the slope stability buffer, the minimum factor of safety shall be achieved without the use of new or existing slope or shoreline protection devices.
- (c) Determine the bluff erosion setback. A site-specific evaluation of the long-term bluff retreat rate at the site shall be conducted that considers not only historical bluff retreat data, but also acceleration of bluff retreat projected to occur under continued and accelerated sea level rise and any known site-specific conditions. The geologic evaluation must include the total scope of development (e.g., proposed grading, buildings, structures, landscaping, and associated irrigation). Such an evaluation shall be used to determine the distance from the bluff edge (or from the slope stability buffer line if applicable) that the bluff might reasonably be expected to erode over the anticipated life of the structure (refer to Coastal Land Use Plan Policy 3-10), factoring in sea level rise using the current best available science, and without the use of new or existing slope or shoreline protection devices. Analysis of the effect of sea level rise on erosion rate shall use the best available science and include an examination of the “medium” amount of the sea level rise expected over the anticipated life of the development. Historic erosion rates can be determined by examination of historic records, surveys,

aerial photographs, studies, or other evidence showing the location of the bluff edge through time. A minimum of 50 years' worth of historic data is generally used to evaluate historic erosion rates, but a greater time period may be warranted if the shoreline has changed dramatically due to natural forces or development.

- (d) Determine the bluff edge setback by adding the slope stability and bluff erosion setback distances. Development shall be setback from the bluff edge the distance needed to: ensure slope stability (the slope stability setback); ensure the development is not endangered by erosion (the bluff erosion setback); and avoid the need for protective devices during the life of the structure.

3. Standards and Guidelines for Preparation of a Coastal Hazard Report for Bluff-top Properties:

A site-specific Coastal Hazard Report shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes. At a minimum, the Coastal Hazard shall examine the "medium" scenario of projected sea level rise over the expected life of the structure using the current best available science. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with erosion over the life of the structure, excluding the effects of any existing shoreline protective device; high tide conditions, combined with projections for sea level rise for the life of the structure; and storm waves from a 100-year event. The study shall provide maps and profiles that identify these conditions, as well as recommendations and alternatives to avoid, and if avoidance is not feasible, minimize, identified coastal hazards over the expected life of the structure. The study shall identify unavoidable coastal resource impacts and appropriate mitigation measures. Studies shall include an assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other utilities over the life of the development, considering sea level rise.

Coastal Hazard Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or adversely impact the proposed development. Reports should address and demonstrate the site hazards and effects of the proposed development on coastal resources, including discussion, maps, profiles and/or other relevant information that describe the following:

- (a.) Current conditions at the site, including the current:
- tidal range, referenced to an identified vertical datum
 - intertidal zone
 - inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events
 - beach erosion rates, both long-term and seasonal variability
 - bluff erosion rates, both long-term and episodic
- (b) Projected future conditions at the site, accounting for sea level rise over the anticipated life of the development, including the future:
- Shoreline, dune, or bluff edge, accounting for long-term erosion and assuming an increase in erosion from sea level rise
 - intertidal zone
 - inland extent of flooding and wave run-up associated with both storm and non-storm conditions
- (c) Safety of the proposed structure to current and projected future coastal hazards, including:
- Identification of a building envelope on the site that avoids hazards
 - Identification of options to minimize hazards if no building envelope exists that would allow avoidance of hazards

- Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation for the anticipated life of the development in both storm and non-storm conditions
 - Description of any proposed future sea level rise adaptation measures, such as incremental removal or relocation when threatened by coastal hazards
- (e) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts and the elevation and inland extent of current and future flooding and wave runup.
- (f) For blufftop development, the report shall include a detailed analysis of erosion risks, including the following:
- To examine risks from erosion, the predicted bluff edge, shoreline position, or dune profile shall be evaluated considering not only historical retreat, but also acceleration of retreat due to continued and accelerated sea level rise and other climatic impacts. Future long-term erosion rates should be based upon the best available information, using resources such as the highest historic retreat rates, sea level rise model flood projections, or shoreline/bluff/dune change models that take rising sea levels into account. Additionally, proposals for blufftop development shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) and 1.1 (pseudostatic, $k=0.15$ or determined through a quantitative slope stability analysis by a geotechnical engineer), whereby safety and stability must be demonstrated for the predicted position of the bluff and bluff edge following bluff recession over the identified project life, without the need for caissons or other protective devices. The analysis should consider adverse impacts both with and without any existing shoreline protective devices.

The “medium” sea level rise scenario shall be examined to understand potential adverse impacts that may occur throughout the anticipated life of the development. At a minimum, flood risk over the anticipated life of the development should be examined. Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts versus flooding from extreme storms only) and describe the extent to which the proposed development would be able to avoid, minimize, and/or withstand impacts from such occurrences of flooding. Studies should describe adaptation strategies that reduce hazard risks and neither create nor add to adverse impacts on existing coastal resources and that could be incorporated into the development.

4. Standards and Guidelines for Preparation of a Coastal Hazard Report for Beachfront Properties:

A site-specific Coastal Hazard shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes. At a minimum, the Coastal Hazard shall examine the projected sea level rise under the “medium” scenario, over the expected life of the structure, using the current best available science. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with erosion over the life of the structure, excluding the effects of any existing shoreline protective device; high tide conditions, combined with projections for sea level rise for the life of the structure; and storm waves from a 100-year event. The study shall provide maps and profiles that identify these conditions as well as recommendations and alternatives to avoid, and if avoidance is not feasible, minimize, identified coastal hazards over the expected life of the structure. The study shall identify unavoidable coastal resource impacts and appropriate mitigation measures. Studies shall include an assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other utilities over the life of the development, considering sea level rise.

Coastal Hazard Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or adversely impact the proposed development. Studies should address and demonstrate the site hazards and effects of the proposed development on coastal

resources, including discussion, maps, profiles and/or other relevant information that describe the following:

(a) Current conditions at the site, including the current:

- tidal range, referenced to an identified vertical datum
- intertidal zone
- inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events
- beach erosion rates, both long-term and seasonal variability
- bluff erosion rates, both long-term and episodic

(b) Projected future conditions at the site, accounting for sea level rise over the anticipated life of the development, including the future:

- shoreline, dune, or bluff edge, accounting for long-term erosion and assuming an increase in erosion from sea level rise
- intertidal zone
- inland extent of flooding and wave run-up associated with both storm and non-storm conditions

(c) Safety of the proposed structure to current and projected future coastal hazards, including:

- Identification of a building envelope on the site that avoids hazards
- Identification of options to minimize hazards if no building envelope exists that would allow avoidance of hazards
- Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation for the anticipated life of the development in both storm and non-storm conditions
- Description of any proposed future sea level rise adaptation measures, such as incremental removal or relocation when threatened by coastal hazards

(d) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts and the elevation and inland extent of current and future flooding and wave runup.

(e) For development on a beach, dune, low bluff, or other shoreline property subject to coastal flooding, inundation or erosion, the report shall include a detailed wave uprush and impact report and analysis, including the following:

- The analysis shall consider current flood hazards as well as flood hazards associated with sea level rise over the anticipated life of the development. To examine risks and adverse impacts from flooding, including daily tidal inundation, wave impacts, runup, and overtopping, the site should be examined under conditions of a beach subject to long-term erosion and seasonally eroded shoreline combined with a large storm event (1% probability of occurrence). Flood risks should take into account daily and annual high tide conditions, backwater flooding, water level rise due to El Niño and other atmospheric forcing, groundwater inundation, storm surge, sea level rise appropriate for the time period, and waves associated with a large storm event (such as the 100 year storm or greater). The analysis should consider impacts both with and without any existing shoreline protective devices.

At a minimum, the “medium” scenario of projected sea level rise shall be examined to understand the potential adverse impacts that may occur throughout the anticipated life of the development. Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts versus flooding from extreme storms only) and describe the extent to which the proposed development would be able to avoid, minimize, and/or withstand impacts from such occurrences of flooding. Studies should describe adaptation strategies that reduce hazard risks and neither create nor add to impacts on existing coastal resources and that could be incorporated into the development.

SECTION 13:

All existing indices, section references, and figure and table numbers contained in the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 14:

Except as amended by this Ordinance, Division 2, Definitions, and Division 3, Development Standards, of the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 15.

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ___ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel