

Santa Barbara County Board of Supervisors

**California Coastal Commission
Suggested Modifications to the
County & Montecito Land Use & Development Codes
November 9, 2010**



RECOMMENDATIONS

- Receive a report on the four informational sessions conducted by P&D
- Review the status of suggested modifications (based on newest Coastal Commission staff report)
- Provide direction to P&D regarding presenting comments to the Coastal Commission
- Authorize the Chair of the Board to sign the letter to the Coastal Commission
- Select up to two Board members to attend the November 18th Coastal Commission hearing
- Continue this hearing to December 14, 2010 to provide direction to P&D following the November 18th hearing

INFORMATIONAL SESSIONS

- Date and locations:
 - October 4th Montecito
 - October 6th Carpinteria
 - October 11th Gaviota
 - October 12th Goleta
- Issues raised:

AGRICULTURE

PROCESS

ANIMAL KEEPING

SEA LEVEL RISE

BEACH STAIRWAYS

VEGETATION REMOVAL

COSTS

EXISTING AND PROPOSED PERMIT REQUIREMENTS

As Submitted By County	As Modified By Coastal Commission
EXEMPT	EXEMPT
PERMITTED USES - CDP (w/o hearing)	PERMITTED USES - CDP (w/ hearing) PRINCIPAL PERMITTED USE - CDP (w/o hearing)
ALLOWED WITH CUP & CDP (w/ hearing)	ALLOWED WITH CUP & CDP (w/ hearing)
USE NOT ALLOWED	USE NOT ALLOWED

BASIS FOR PRINCIPAL PERMITTED USE REQUIREMENT

Coastal Act Section 30603 Appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

...

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

...

MOD 9 CDP REQUIREMENT FOR CULTIVATED AGRICULTURE

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (7/28)
Exempt if associated grading does not require a CDP	All new cultivated agricultural, orchards & vineyards require a CDP	<p>Historic use: Exempt if constitutes historic use.</p> <p>New or expanded areas: Exempt if it complies with development standards regarding:</p> <ul style="list-style-type: none"> •Slopes/cut & fill height & quantities •Minimum distance from the top of bank of any watercourse •Minimum distance from ESH areas •Does not remove native or non-native protected trees <p>County issues exemption</p>

BASIS FOR CDP REQUIREMENT

- Coastal Act Section 30106 definition of development includes:
 - Grading and the “change in density or intensity of use of land”
 - Removal or harvesting of major vegetation other than for agricultural purposes
 - CDP required for installation of new cultivated agriculture

MOD 9 CDP REQUIREMENT FOR GRAZING

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (11/5)
Exempt	All new grazing or intensification of grazing requires a CDP	<p>Historic use: Exempt if constitutes historic use.</p> <p>New or expanded areas: Exempt if complies with development standards regarding:</p> <ul style="list-style-type: none"> •Slopes/cut & fill height & quantities •Minimum distance from the top of bank of any watercourse •Minimum distance from ESH areas •Does not remove native or non-native protected trees <p>County issues exemption</p>

BASIS FOR CDP REQUIREMENT

- Coastal Act Section 30106 definition of development:
 - Change in density or intensity of use of land

MOD 9 CDP REQUIREMENT FOR ANIMAL KEEPING

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (11/5)
Exempt	<p>Exempt only if designated exempt in the Animal Keeping Tables (e.g., household pets, wildlife care rehabilitation).</p> <p>Keeping of livestock and small animals (e.g., poultry) designated as:</p> <ul style="list-style-type: none"> •A Principal Permitted Use in Agricultural zones; new animal keeping requires a CDP w/o hearing •A Permitted Use in Resource Management and Residential zones; new animal keeping requires a CDP w/ hearing. 	<p>Exempt only if designated exempt in the Animal Keeping Tables (e.g., household pets, wildlife care rehabilitation) .</p> <p>Keeping of livestock and small animals (e.g., poultry) designated as:</p> <ul style="list-style-type: none"> •A Principal Permitted Use in Agricultural zones; new animal keeping requires a CDP w/o hearing •A Permitted Use in Resource Management and Residential zones; new animal keeping requires a CDP w/ hearing. •<u>Except horses in residential zones only</u>

BASIS FOR CDP REQUIREMENT

- Coastal Act Section 30106 definition of development:
 - Change in density or intensity of use of land
- No direct language in Coastal Act addressing why the keeping of horses as accessory to a residential use should be a Principal Permitted Use in some zones but not in others
 - Revised language represents Coastal Commission staff's interpretation of Coastal Act policy

MOD 9 SCHOOL FACILITIES NOT ALLOWED BY CUP IN AGRICULTURAL ZONES

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (11/5)
Schools allowed by CUP in Agricultural zones	Schools not allowed by CUP	<p>New schools not allowed by CUP. Existing schools may expand/reconstruct:</p> <ul style="list-style-type: none"> •Includes expansion of facilities onto adjacent lots owned by the school •Adjacent includes land separated by a road •Schools may reoccupy former facilities.

BASIS FOR NOT ALLOWING NEW SCHOOLS

- Coastal Act:
 - Section 30241 (Prime agricultural land; maintenance in agricultural production)
 - Section 30242 (Lands suitable for agricultural use; conversion)
- Coastal Act does not affirmatively prohibit schools on land suitable for agriculture
 - Prohibition of new schools on agricultural zoned property represents Coastal Commission staff's interpretation of Coastal Act policy requirements.

MOD 9/13 CDP FOR VOLUNTARY MERGERS

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (7/28)
No CDP requirement for Voluntary Mergers <ul style="list-style-type: none">•Voluntary Mergers approved by County Surveyor•not subject to planning approval	CDP with hearing required for all Voluntary Mergers <ul style="list-style-type: none">•establishes planning approval for Voluntary Mergers	No change

BASIS FOR CDP REQUIREMENT

- Coastal Act Section 30106 definition of development:
 - Change in density or intensity of use of land including, but not limited to, subdivision pursuant to the Subdivision Map Act and any other division of land, including lot splits
- Voluntary mergers are not land divisions, typically decrease the number of developable lots

MOD 10 AGRICULTURAL DWELLINGS

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (7/28)
<p>Primary agricultural dwelling allowed with a CDP w/o hearing unless constitutes appealable development (e.g., located in the Appeals Jurisdiction)</p>	<p>Appealable CDP required for all residences</p>	<p>Designated as a Principal Permitted Use if:</p> <ul style="list-style-type: none"> •occupied by operator or owner of lot •5,000 SF limit on dwelling floor area •Development area: 10,000 SF limit on lot area devoted to dwelling and all accessory structures, and landscaping associated with the dwelling <p>If does not comply with standards may still be allowed by CDP w/hearing</p>

BASIS FOR CDP REQUIREMENT

- Coastal Act Section 30603(a)(4) regarding designation of principal permitted uses
- Coastal Act does not provide any specific parameters on what residential uses are allowed on agriculturally zoned property
 - Limits on residential uses qualifying as principal permitted uses represents Coastal Commission staff's interpretation of Coastal Act policy

MOD 10 ACCESSORY USES

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (11/5)
<p>All accessory uses have the same CDP requirement</p> <ul style="list-style-type: none"> •Exception: residential second units considered appealable development; may be appealed to Coastal Commission 	<p>Very limited number of accessory uses are designated as a Principal Permitted Use; all remaining accessory uses are designated as a Permitted Use and require an appealable CDP</p>	<p>All accessory uses are designated Principal Permitted if the use:</p> <ul style="list-style-type: none"> •Is customarily incidental and secondary to the primary designated Principal Permitted use •Does not change the character of the primary PP use <p>Artist studios/guesthouses now designated as a Principal Permitted accessory use</p> <ul style="list-style-type: none"> • Residential second units remain appealable development

MOD 21 BLUFF DEVELOPMENT

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (11/5)
<p>Engineered staircases & access ways allowed on bluff face; private versus public use not specified</p>	<p>Engineered staircases & access ways permitted on bluff faces that are not available for public use are considered nonconforming structures that may not be structurally repaired</p>	<p>Engineered staircases & access ways permitted on bluff faces that are not available for public use are considered nonconforming structures</p> <ul style="list-style-type: none"> •may be structurally repaired provided any structural replacement (not including steps, handrails) limited to 50 % (cumulative) •may be rebuilt in the same location if destroyed by a natural disaster

BASIS FOR PROHIBITING NEW PRIVATE STAIRWAYS/RESTRICTING EXISTING PRIVATE STAIRWAYS

- Several Coastal Act policies that seek to:
 - protect coastal bluff habitats, geologic stability, and visual resources
 - prevent activities that lead to increased coastal erosion
 - prohibit development that creates the need for the construction of shoreline protective devices (e.g., seawalls)
- These policies would apply equally to both public and private access stairways
- Restrictions on private access stairways uses represents Coastal Commission staff's interpretation of Coastal Act policy

MOD 34 SEA LEVEL RISE

LUDC (as submitted by County)	Original CC staff proposal (3/30)	As revised by CC staff (11/5)
<p>No standards addressing potential sea level rise</p>	<p>Projects located near the shore must submit coastal hazards analysis</p> <p>Must use prescribed sea level rise scenarios based on type of project:</p> <ul style="list-style-type: none"> •minimum 4.6 feet per century for energy-related facilities, critical facilities, or infrastructure •three to six feet per century for residential and commercial development 	<p>Projects located near the shore must submit coastal hazards analysis.</p> <ul style="list-style-type: none"> •4.6 feet per century for critical facilities and infrastructure •16 inches of sea level rise by the year 2050, and 4.6 feet by 2100 <p>Sea level rise scenarios based on modification adopted by Coastal Commission in October 2010 for Samoa, California</p>

RECOMMENDATIONS

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