

 *Turenchalk Planning Services*

November 8, 2010

The Honorable Janet Wolf, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, CA 93101

Re: Suggested Modifications to County's LUDC Proposed by Coastal Commission Staff

Dear Chair Wolf and Members of the Board,

We are local land use professionals who actively participate in the County's public planning process on behalf of the projects we represent. With respect to our collective participation in the CCC amendment hearings we have dedicated many volunteer hours because we feel our training and experience contributes meaningfully to the discussion.

We would like to thank you for taking the time to conduct a series of public workshops to help inform the public on the suggested modifications. During the workshops it became clear that there are many concerns regarding how the suggested modifications will impact not only individual's use of their residential property, but also our agricultural community and our growing local food movement.

At the Coastal Commission hearing in August, one Commissioner stated, "One way to solve a problem, for a government agency, is to have more regulation. And this makes sense when the problems occur the majority of the time. But when you pile on regulation to solve what I call corner cases, that is, infrequent occurrences, you get more paperwork and unintended consequences." We could not agree with this statement more. That Commissioner went on to suggest that perhaps Coastal Commission staff should articulate the problems that they are trying to solve with these suggested modifications, so that we as a community could try to formulate appropriate policy responses to those problems. However, requests for Coastal Commission staff to attend our local workshops were ignored, and the result is that we still do not understand the problems that they are trying to address with many of the suggested modifications.

Perhaps the biggest issue we have with the suggested modifications is that they represent a shift in how local policy is made. Essentially, if we accept many of the suggested modifications, we will have a situation where policy is being set from the top down, by people that are unelected by and unaccountable to our community. This is a stark contrast from the bottom-up, engaged community planning model that we embrace in this County.

Coastal Commission staff has stated that these suggested modifications are not new policy; that they are needed to ensure consistency with the Coastal Act and to update our “outdated” LCP. However, the fact remains that our LCP was certified by the Coastal Commission in 1982 as being consistent with the Coastal Act. The fact that our certification was in 1982 should not matter, as the Coastal Act has not changed. Additionally, all of our policy documents that affect the Coastal Zone have been subsequently certified by the Coastal Commission.

We understand and value the goal of protecting sensitive coastal resources established by the Coastal Act. However, we also understand and value a local jurisdiction’s right (as granted by the Coastal Act) to have final authority on the specific language of its coastal policies. Elected officials in local jurisdictions, along with their constituents, understand the often complex balancing act that is needed to ensure that community priorities are not short-changed. And so, given that the Coastal Act does not specifically address many of the issues in the suggested modifications proposed by Coastal Commission staff, we think it is best for your Board to retain control of the issues addressed by the proposed modifications.

For example, there is no language in the Coastal Act that limits beach access stairs to those providing public access. Nor does the Coastal Act call for a CDP with a hearing for homes or residential envelopes that exceed some arbitrary size or aren’t occupied by specific inhabitants, or to farm or harvest an orchard or keep horses or chickens on residential property. A requirement that a parcel be in active agriculture to avoid a CDP with a hearing for a new house is also not included in the Coastal Act. And while the Coastal Act does include language regarding Principal Permitted Uses, a review of other jurisdiction’s certified LCPs proves that there is no requirement to have Principally Permitted Uses defined as narrowly as Coastal Commission staff has for our County. In fact, at least one other coastal community currently involved in an LCP amendment process, defines PPUs simply as those uses permitted in each zone district without a use permit, which is essentially what we have been doing in this County since the certification of our Local Coastal Plan in 1982, and with no objection from the Coastal Commission or their staff.

It may very well be the case that some of these modifications may make for good public policy for our community, but that decision should be made by our elected officials, and after a fully engaged local planning process with wide community dialogue. As a result, we continue to believe that asking the Coastal Commission to certify the LUDC as reformatted is a sound option. That will allow us to continue with our local planning processes currently underway, such as the Gaviota Community Plan, the Goleta Community Plan and the Summerland Community Plan and decide if any of these policy proposals make sense for our community.

Sincerely,
(see attached list of 42 land use professionals
from our community)

Trish Allen, AICP
Ginger Andersen, AICP
Mary Andrulaitis, AIA
Bruce Bartlett, AIA
Scott Branch, AIA
Tracy Burnell
Brian Cearnal, AIA
Anne Coates
Edward de Vicente, AIA
Suzanne Elledge
Puck Erickson
Robert T. Flowers
Steve Fort, AICP
Jennifer Foster, AICP
Jane Gray
Jeff Gorrell, AIA
Alicia Harrison, AICP
Jay Higgins, AICP
J. Michael Holliday, AIA
Heidi Jones
Jessica Kinnahan, AICP
Tamara Klug
Gelare Macom
Lloyd Malear

Ken Marshall, AICP
Dave Mendro, AIA
Kent Mixon, AIA
Susette Naylor, AIA
Andy Neumann, AIA
Don Nulty, AIA
Laurel Perez, AICP
Lisa Plowman
Katie O'Reilly Rogers
Jim Salvito
Mark Shields
Craig Shallenberger
Patsy Stadelman, AICP
Laurie Tamura, AICP
Kimberley True, ASLA
Eva Turenchalk, AICP
Jennifer Welch
Steve Welton, AICP