

**Santa Barbara County Board of Supervisors
California Coastal Commission
Recommended Modifications to the
County & Montecito Land Use & Development Codes
July 6, 2010**



Purpose of Hearing

For the Board to provide direction regarding comments on the Coastal Commission staff suggested modifications for the August 11/12th Coastal Commission hearing in San Luis Obispo

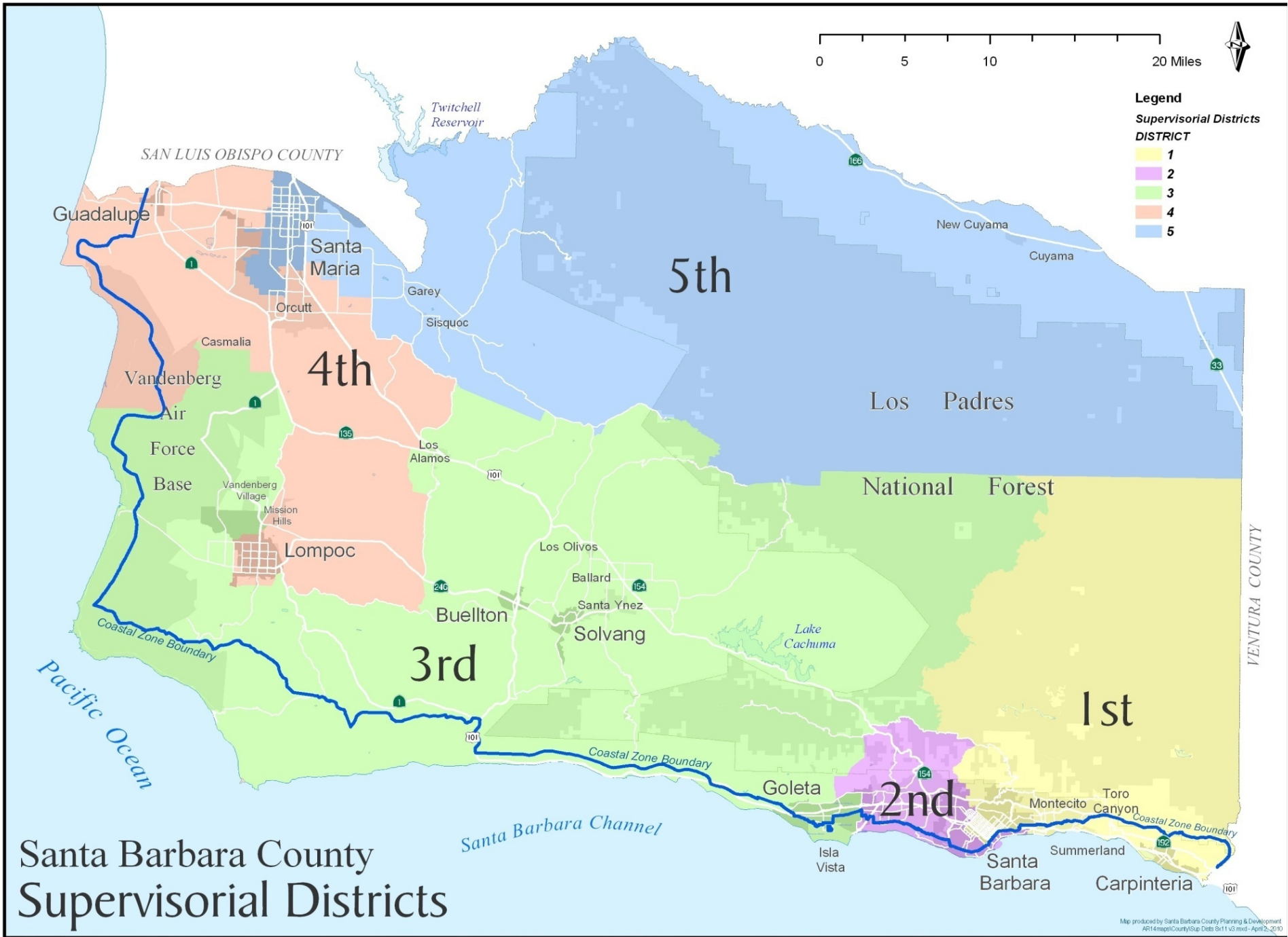
Background

12/2003 – Board approves contract to prepare reformatted zoning ordinance

12/2006 – Original LUDC submittal to the Coastal Commission for certification

10/2009 – First proposed Coastal Commission hearing

4/2010 – Second proposed Coastal Commission hearing



Santa Barbara County Supervisorial Districts

Map produced by Santa Barbara County Planning & Development
 AR14mapplCountySup Dist5 Set1 v3.mxd - April 2, 2010

Discussion/Analysis

Recommended modifications fall into four groups:

Group 1 – Modifications CC staff feel are necessary to conform the LUDCs to the County's Coastal Land Use Plan & implement the Coastal Act

Group 2 – P&D suggested revisions to modifications that the CC staff does not support

Group 3 - Minor clarifications, clean-ups and corrections

Group 4 - Beneficial modifications

Group 1 Modification 9

Allowed Land Uses & Permit Requirements Table

- Principal permitted uses vs. non-principal permitted uses
- Requirements for CDPs
- Additional changes to land use tables
- CDP requirement for subdivisions, lot line adjustments & voluntary mergers

Group 1 Modification 9

Allowed Land Uses & Permit Requirements Table

- Principal permitted uses vs. non-principal permitted uses
 - Non-principal permitted uses = “appealable development”
 - Public hearing; potential appeal to CC
 - Agricultural zones
 - Limited residential designated as a principal permitted use
 - Residential/Resource Protection zones
 - Agriculture not a principal permitted use

Group 1 Modification 9

Allowed Land Uses & Permit Requirements Table

- Requirements for CDPs
 - “Intensification” of agriculture
 - Animal keeping (confined animal facilities)

Group 1 Modification 9

Allowed Land Uses & Permit Requirements Table

- Additional changes to land use tables to:
 - Preserve long-term agriculture
 - Protect environmentally sensitive habitat areas
- Accomplish by deleting uses currently allowed by CDP or CUP felt to be incompatible with the principal use

Cemetery

Charitable Institution

Church

Fairground

Golf course/driving range

School (new)

Sports facility (polo fields)

Group 1 Modification 9

Allowed Land Uses & Permit Requirements Table

- CDP requirement for subdivisions, lot line adjustments & voluntary mergers
 - Specify that a CDP is required in all cases
 - Designate as a non-principal permitted use
 - Public hearing; potential appeal to CC
- Also included in Modifications 13 (Subdivisions) and Modification 14 (Lot Line Adjustments)

Group 1 Modification 10

Accessory Structures & Uses

- Divides accessory structures & uses into principal and non-principal uses
- Only a very limited number of accessory uses proposed to be designated as principal permitted uses
 - Residential zones
 - Garages, landscaping , pools, spas and hot tubs, storage
 - All other accessory uses (e.g. guest house, tennis courts) are designated as non-principal uses

Group 1 Modification 14

Lot Line Adjustments

- Revises finding regarding ESH areas to require that development avoids impacts in all cases
- Current finding is that development avoids or minimizes impacts where appropriate
- Adds new finding that will not diminish the long-term agricultural productivity

Group 1 Modification 21

Bluff Development

- Minor structures within bluff setbacks
 - New requirements that:
 - Structural foundations are not allowed
 - Must be located a minimum of 15 feet from bluff edge
 - Must be moved landward if threatened by erosion
- Beach access stairways
 - Revises text to restrict to engineered staircases that provide public access

Group 1 Modification 34

Sea Level Rise

- New requirement that a coastal hazards analysis be provided for all proposed near-shore projects
- Analysis must consider a range of potential sea level rise scenarios
 - 3 to 6 feet per century for commercial and residential projects
 - 4.5 feet for energy facilities, critical facilities or infrastructure
 - Greater rates must be used under certain circumstances

Group 2 Modification 3

Appeals

- Primary purpose: revise LUDCs to correctly reflect a recently certified LCP amendment updating appeal requirements
- Maintains existing (as of 3/2008) requirement that a CDP with public hearing is required with the approval of an amendment to a CUP/DP
- Coastal Commission staff did not accept proposed revision to eliminate public hearing when appropriate

Group 2 Modification 5

Noticing and Clarifications

- Primary purpose: revise LUDCs to correctly reflect a recently certified LCP amendment updating noticing requirements
- Also deletes the special noticing provisions for follow-up CDPs for CUP/DP approved prior to this amendment

Review of Recommended Modifications

- Agricultural Advisory Committee
- Building Industry Advisory Group
- County Planning Commission
- Environmental Defense Center Environmental Coalition
- Gaviota Plan Advisory Committee
- Goleta Plan Advisory Committee
- Montecito Planning Commission
- Process Improvement Oversight Committee
- Various public comment letters

Critical Issues

MODIFICATION 3 APPEALS

- Requirement for public hearing for CDPs processed with Amendments to CUP/DPs
- Language proposed by P&D accomplishes goal of providing notice to surrounding property

Critical Issues

MODIFICATION 9 LAND USE TABLES

- Increased permit requirements for agricultural operations
- Restrictions on dwellings in agricultural zones
- Increased permit requirements habitat restoration
- Elimination of existing uses allowed by CDP or CUP

Critical Issues

MODIFICATION 10 ACCESSORY USES

- Limitation on number residential accessory uses designated as principal permitted uses
- List should be expanded to include all accessory uses normally associated with a dwelling

Critical Issues

MODIFICATION 13 SUBDIVISIONS

- Increased permit requirements for voluntary mergers
- Should not apply unless merger could result in new land use potential/increased intensity of use

Critical Issues

MODIFICATON 14 LOT LINE ADJUSTMENTS

- Proposed language could prohibit reasonable development of a lot
- Existing flexibility should be maintained

Critical Issues

MODIFICATION 21 BLUFF DEVELOPMENT

- Existing private staircases are utilized by emergency responders
- Should be allowed to be structurally repaired in order to maintain use

Critical Issues

MODIFICATION 34 SEA LEVEL RISE

- Potential sea level rise scenarios need to be justified
- Terms need better definition

Critical Issues

GENERAL COMMENTS

- Potential interference with the Gaviota and Goleta Valley Plan Advisory Committee's desire to produce a plan that responds to area's specific needs
- Extends Coastal Commission jurisdiction from Appeals Jurisdiction to the whole of the Coastal Zone

Next Steps and Board Options

- August 11/12th Coastal Commission hearing in San Luis Obispo
- Board may submit written comments and/or appear in person
- Board may direct Planning & Development to present testimony to Coastal Commission

Next Steps and Board Options

- After action by Coastal Commission, Board may either accept or reject all modifications as approved by the California Coastal Commission
- If Board does not accept the approved modifications, Article II will remain as the implementation portion (zoning ordinance) of the County's LCP
 - Recent amendment to the County LUDC will have to be reprocessed as amendments to Article II
 - Eastern Goleta Valley Residential Design Guidelines
 - Isla Vista Master Plan
 - Santa Barbara Ranch
 - Process improvements
 - Time extensions due to economic hardship considerations