

**REQUESTED REVISIONS TO THE SUGGESTED MODIFICATIONS**  
**PROPOSED BY SANTA BARBARA COUNTY**  
*August 3, 2010*

1. **Modification 9: Requirement for Coastal Development Permits for all intensifications of agriculture.** Modification 9 includes revisions to the land use tables to require a Coastal Development for agricultural activities. To address this, the proposed revision to Section 35.20.040 (Exemptions from Planning Permit Requirements) in Modification 11 (Exemptions) is requested to be revised as shown below. Language requested to be deleted is shown with a strike-through; language proposed to be added is shown with a double underline.

**35.20.040 - Exemptions from Planning Permit Requirements**

**C. Exempt activities and structures, Coastal Zone.** Within the Coastal Zone, the following types of development (and only the following types) are exempt from the requirements of this Development Code to obtain a Coastal Development Permit, except as noted below.

...

**3. Agricultural activities.** As part of existing, on-going lawfully established agricultural operations, the following development and uses are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.1 above. In the Coastal Zone, new or expanded areas of agricultural activities are not exempt and require the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) unless they are in compliance with Subsection 3.d and 3.g., below.

...

**h. Grazing, historic legal use.** Grazing when located in existing grazing areas, where the use does not significantly increase the intensity of use. The including the normal rotation of livestock from one pasture to another does not qualify as increasing the intensity of use. The conversion of grazing area to cultivated agriculture, orchard, or vineyard shall be interpreted as an increase in the intensity of use. This exemption does not include confined animal facilities unless such development is otherwise exempt in compliance with this Section.

**i. Grazing, new or expanded areas.** New grazing located outside of existing grazing areas may also be exempt if the grazing:

(1) Does not occur on slopes of 30 percent or greater or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cu. yds. In this case, grading includes cut and fill but does not include tilling of the soil.

(2) Is not located within 100 feet of the top of bank of any creek, stream or watercourse.

(3) Is not located within 100 feet of environmentally sensitive habitat areas, riparian areas, or wetlands.

(4) Does not result in the removal of native or non-native protected trees. And

(5) The Director provides specific written confirmation that the proposed new or expanded agricultural operation conforms to the exemption criteria above, prior to implementing the new or expanded operation.

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2. **Modification 9: Requirement for Coastal Development Permit for keeping of animals.** Modification 9 includes revisions to the animal keeping tables to require a Coastal Development for animal keeping in most instances. To address this, the proposed revision to Section 35.20.040 (Exemptions from Planning Permit Requirements) in Modification 11 (Exemptions) is requested to be revised as shown below. Language proposed to be added is shown with a double underline.

### 35.20.040 - Exemptions from Planning Permit Requirements

**C. Exempt activities and structures, Coastal Zone.** Within the Coastal Zone, the following types of development (and only the following types) are exempt from the requirements of this Development Code to obtain a Coastal Development Permit, except as noted below.

...

**2. Improvements to a structure, other than a public works facility.** The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development Permit except as provided in Section 35.20.040.C.1 above. For purposes of this section, where there is an existing structure, other than a public works facility, (1) all fixtures and other structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:

...

**b. Animal keeping.** Animal keeping when shown as an "E" in the Animal Keeping Tables (Table 4-1 and following) in compliance with Section 35.42.060 (Animal Keeping), not including confined animal facilities unless such development is otherwise exempt in compliance with this Section. Animal keeping not shown as "E" in the Animal Keeping Table (Table 4-1 and following) may also be exempt if:

(1) The animal keeping occurs in areas where animal keeping has historically, lawfully occurred.

(2) The animal keeping is designated as either a PP or P use in the Animal Keeping Tables (Table 4-1 and following) in the applicable zone and does not require the approval of a Conditional Use Permit or Minor Conditional Use Permit.

**3. Agricultural activities.** As part of existing, on-going lawfully established agricultural operations, the following development and uses are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Section 35.20.040.C.1 above. In the Coastal Zone, new or expanded areas of agricultural activities are not exempt and require the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) unless they are in compliance with Subsection 3.d and 3.g., below.

...

**c. Animal keeping.** Animal keeping when shown as an "E" in the Animal Keeping Tables (Table 4-1 and following) in compliance with Section 35.42.060 (Animal Keeping), not including confined animal facilities unless such development is otherwise exempt in compliance with this Section. Animal keeping not shown as "E" in the Animal Keeping Table (Table 4-1 and following) may also be exempt if the animal keeping:

(1) The animal keeping occurs in areas where animal keeping has historically, lawfully occurred.

(2) The animal keeping is designated as either a PP or P use in the Animal Keeping Tables (Table 4-1 and following) in the applicable zone and does not require the approval of a Conditional Use Permit or Minor Conditional Use Permit.

**3. Modifications 9 and 13: Requirement for Coastal Development Permits for voluntary mergers of existing, separate legal lots.** Modifications 9 and 13 propose to add new language specifying that lot mergers are development requiring a Coastal Development Permit subject to a public hearing and appeal to the Coastal Commission. To address this, the proposed revision to

Section 35.20.040 (Exemptions from Planning Permit Requirements) in Modification 11 (Exemptions) is requested to be revised as shown below. Language proposed to be added is shown with a double underline.

**35.20.040 - Exemptions from Planning Permit Requirements**

**C. Exempt activities and structures, Coastal Zone.** Within the Coastal Zone, the following types of development (and only the following types) are exempt from the requirements of this Development Code to obtain a Coastal Development Permit, except as noted below.

...

**2. Improvements to a structure, other than a public works facility.** The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development Permit except as provided in Section 35.20.040.C.1 above. For purposes of this section, where there is an existing structure, other than a public works facility, (1) all fixtures and other structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:

...

**i. Mergers.** Voluntary mergers that the Director determines do not have the potential to result in an increase in the development potential of any of the lots involved in the merger.

(1) The determination of the Director that a voluntary merger is exempt from a Coastal Development Permit may be appealed in compliance with Chapter 35.102 (Appeals). Since voluntary mergers are not designated as a Principal Permitted (PP) use, the final action of the County may be appealed to the Coastal Commission.

**4. Modification 10: Restrictions on primary residences located in agricultural zones in order to qualify as a principal permitted use.** The proposed new language contained in Subsection F. (Principal permitted dwellings (Coastal Zone)) of Section 35.21.030 (Agricultural Zones Allowable Land Uses) is requested to be revised as shown below. Language requested to be deleted is shown with a strike-through; language proposed to be added is shown with a double underline.

**35.21.030 - Agricultural Zones Allowable Land Uses**

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**F. Principal permitted dwellings (Coastal Zone).**

1. In the Coastal Zone, the primary dwelling on the lot may be considered a component of the principal permitted agricultural use and permitted as a Principal Permitted Use (PP) when in compliance with the following standards:

a. There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.

b. The occupancy of the dwelling is restricted to the operator of the principal permitted primary agricultural use including the family of the operator, or the owner of the lot including the dependent family of the owner.

c. The gross floor area of the primary dwelling does not exceed 5,000 square feet.

d. The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet, that complies with the following:

- (1) For lots that are at least 10 acres in gross area but less than 20 acres in gross area, the development area shall be 10,000 square feet except that for each full gross acre of lot area in excess of 10 gross acres the development area may be increased by an additional 1,000 square feet to a maximum of 20,000 square feet.
- (2) For lots that area 20 acres or greater in gross area, the development area shall be no greater than two acres or three percent of the gross lot area, whichever is less.
2. Before issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) for a primary dwelling as a Principal Permitted Use (PP), a Notice to Property Owner prepared by the Department shall be recorded by the property owner in the County public records. The Notice to Property Owner shall specify, at a minimum, that the compliance with these standards is required is order for the primary dwelling to be occupied.
3. If compliance with these standards cannot be demonstrated then primary dwelling may be permitted as a non-principal permitted use and the decision of the review authority to approve or conditionally the application for the accessory use or structure may be appealed to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).
5. **Modification 10: Restrictions on residential accessory uses designated as principal permitted uses in the agricultural, resource management, and residential zones.** The Allowed Land Uses and Permit Requirement Tables in the Agriculture, Resource Protection and Residential Zones are requested to be revised to designate artist studios and guest houses, where allowed, as Principal Permitted (PP) uses.
6. **Modification 21: Restrictions on minor improvements located near coastal bluffs and bluff staircases and access ways.** The proposed revisions to Section 35.60.060 (Bluff Development - Coastal Zone) are requested to be revised as shown below. Language requested to be deleted is shown with a strike-through; language proposed to be added is shown with a double underline.
- 35.60.060 - Bluff Development - Coastal Zone**
- ...
- E. **Bluff face development, drainage structures.** No development shall be permitted on the bluff face, except for engineered staircases or access ways to provide public beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed 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 be drained away from the bluff face.
1. ~~Notwithstanding the other provisions of this code regarding repair and replacement of non-conforming structures, lawfully established staircases and access ways that provide beach access and are not available for use by the general public may be repaired and maintained, including structural repairs, provided that cumulatively no more than 50 percent of the structural underpinnings (including foundations, pilings, and support beams but not including individual stairs and railings) are reconstructed or replaced over the life of the structure. The reconstruction or replacement of 50 percent or more of a staircase is not repair and maintenance but instead constitutes a replacement structure.~~
- Lawful staircases and access ways that provide beach access and are not available for use by the general public that existed as of [date of certification of the LUDC] are determined to be legal, conforming structures and are not subject to the restrictions of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).