

July 27, 2010

Bonnie Neely, Chair, and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code, and Two Parcel Rezone, Montecito)

Dear Chair Neely and Members of the Commission,

The Santa Barbara County Board of Supervisors appreciates your staff's commitment to bringing our amendment to hearing at the August hearing scheduled in San Luis Obispo. The County's reformatting of the Coastal Zoning Ordinance into the Land Use and Development Code has been in process since December of 2003. The County spent several years in an extensive local preparation, public review and adoption process that culminated in the submittal of the County and Montecito Codes for certification to your Commission's staff in the fall of 2006 and 2007. During the preparation and adoption of the Codes your staff was not able to participate in the County's local process. However, your staff is taking this opportunity to suggest modifications to your Commission which would completely update the County's Local Coastal Program through the implementing ordinance to meet current standards. These suggested modifications go well beyond the original purpose of the reformatting project. Since the fall of 2009, your staff has worked diligently with County staff to try to address major substantive concerns with the suggested modifications as proposed by Commission staff. We appreciate the time and effort your staff has committed to this endeavor.

The County Board of Supervisors understands and appreciates the goals of the suggested modifications, and values the Coastal Commission as an essential partner in protecting coastal resources and access to the coast. The Board of Supervisors, after receiving the suggested modifications, directed the Planning and Development Department to conduct outreach to many constituent groups for their input. Based upon those efforts as well as recently held public Board of Supervisors hearings, we are requesting consideration of the following changes to some of the modifications proposed by Commission staff. These issues are briefly outlined below, and the County's requested language revisions to the suggested modifications are provided in the attachment to this letter.

1. Modification 9: Requirement for Coastal Development Permit for all intensifications of agriculture.

The suggested modification to the land use tables could arguably require that any agriculture that represents new development or intensification first obtain a Coastal Development Permit. Also, in zones other than agricultural zones, agriculture is not designated as a principal permitted use, and

therefore any Coastal Development Permit would be subject to a public hearing and potential appeal to the Coastal Commission.

Santa Barbara County requests that Modification 11 (Exemptions) be revised to provide that agriculture that complies with certain development standards designed to protect the environment is exempt from the Coastal Development Permit requirement in all zones.

2. Modification 9: Requirement for Coastal Development Permit for keeping of animals.

This modification to the animal keeping tables could arguably require that a Coastal Development Permit be approved in order to keep any animal in most instances. Additionally, in residential zones, the keeping of large animals (e.g., horses) is not designated as a principal permitted use, and is therefore subject to a public hearing and potential for appeal to the Coastal Commission.

Santa Barbara County requests that Modification 11 (Exemptions) be revised to specify that animal keeping is exempt from a Coastal Development Permit in all zones provided it complies with development standards designed to protect the environment.

3. Modification 9: Restrictions on school facilities allowed by Conditional Use Permit in agricultural zones.

As recommended this modification would appear to provide that only the expansion or reconstruction of existing school facilities would be allowed by Conditional Use Permit.

Santa Barbara County requests that the modification be revised to include additional language that specifies that the expansion of school facilities on a lot adjacent to the existing school that is owned by the school may also be allowed by Conditional Use Permit, and that existing, legally permitted schools are considered conforming uses.

4. Modifications 9 and 13: Requirement for Coastal Development Permits for voluntary mergers of existing, separate legal lots.

The suggested modification specifies that all voluntary mergers are required to be approved with a Coastal Development Permit, and, since they are not designated as a principal permitted use, are subject to a public hearing and potential appeal to the Coastal Commission.

Santa Barbara County requests that Modification 11 (Exemptions) be revised to provide that mergers that would not result in an increase in the development potential of the property would be exempt from the Coastal Development Permit requirement.

5. Modification 10: Restrictions on primary residences located in agricultural zones in order to qualify as a principal permitted use.

As proposed, in order for a primary residence on an agriculturally-zoned lot to qualify as a principal permitted use, (a) the occupancy of the dwelling is restricted to the operator of the primary agricultural use of the property, (b) the floor area of the primary dwelling does not exceed 3,000 square feet, and (c) the residence and all accessory structures and landscaping associated with the residence occupies a development area of no more than 10,000 square feet.

Santa Barbara County requests that this modification be revised to (a) allow the dwelling to be occupied by either the operator of the agricultural use or the owner of the lot, (b) increase the size of the residence to 5,000 square feet of floor area, and (c) increase the size of the development area depending on the size of the lot.

6. Modification 10: Restrictions on accessory uses designated as principal permitted uses in all zones.

For all of the different zones, only a very restricted list of accessory uses and structures are proposed to be designated as principal permitted uses; all others would be non-principal permitted uses, subject to a public hearing and potential appeal to the Coastal Commission.

Santa Barbara County requests that the modification be revised to state that any structure and/or use that is customarily incidental and secondary to the principal permitted use, and that does not change the character of the principal permitted use, be allowed as a principal permitted accessory use.

7. Modification 14: Elimination of flexibility in approving certain lot line adjustments.

The existing finding regarding lot line adjustments that result in lots that are substandard in size is proposed to be revised from requiring that development of a substandard size lot resulting from the adjustment shall avoid or minimize impacts to environmentally sensitive habitats including buffer areas where appropriate to instead require that that such development avoids, in all cases, impacts to environmentally sensitive habitats including buffer areas.

Santa Barbara County requests that the modification be revised to delete the proposed revision to the finding in order to retain the flexibility of the existing finding which allows the County to approve lot line adjustments that may provide for better resource protection.

8. Modification 21: Restrictions on minor improvements located near coastal bluffs and bluff staircases and access ways.

New language is proposed to be added that arguably would (a) prohibit any improvements to be located within 15 feet from the edge of the coastal bluff and (b) only allow bluff staircases and access ways if they provide public access to the beach.

Santa Barbara County requests that the suggested modification be revised to (a) allow fences required for safety purposes and public facilities (e.g., public bike paths and trails) to be located closer than 15 feet provided they are at least five feet from the bluff edge and (b) state that lawful staircases and access ways existing as of the date that the Land Use and Development Code is certified are considered to be lawful, conforming structures, thus allowing for structural repairs to occur.

9. Modification 34: Codifying potential sea level rise scenarios.

This suggested modification would add to the Land Use and Development Code specific sea level rise scenarios that the County must use in analyzing near-shore projects for potential coastal hazards. After certification these could only be changed by amending the County's Local Coastal Plan.

Santa Barbara County requests that the suggested modification be revised to allow the use of a different rate if supported by the best scientific information available at time of project review.

Given the process and substantive concerns outlined above, the Board of Supervisors requests that the Coastal Commission accept Land Use and Development Code for what it is, a reformatting project, and that the Coastal Commission implement Statewide policy changes and updates through more appropriate local processes, including the Isla Vista Master Plan, which is already submitted and pending review by your staff, and community plans and updates for Summerland, Goleta and Gaviota, which are all currently in local planning processes.

Specifically, the County requests that the Commission **[insert selected option(s) from the Board Agenda Letter]**.

Again, the Santa Barbara County Board of Supervisors wishes to thank the Coastal Commission for the tremendous amount of work required to bring this amendment to hearing.

Sincerely,

Janet Wolf, Chair
Santa Barbara County Board of Supervisors

Attachment: Requested Revisions to the Suggested Modifications Proposed by Santa Barbara County

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