

Santa Barbara County Board of Supervisors

**California Coastal Commission
Recommended Modifications to the
County & Montecito Land Use & Development Codes
July 27, 2010**



RECOMMENDATIONS

- Provide direction regarding presenting comments to the Coastal Commission at the August 12th hearing
- Authorize the Chair of the Board to sign the letter to the Coastal Commission
- Select up to two Board members to attend the August 12th hearing

POTENTIAL OPTIONS TO INCLUDE IN COASTAL COMMISSION LETTER

1. Certify the amendment without substantial suggested modifications.
2. Bifurcate the process and certify without suggested Modifications 9, 10, 13, 21 & 34.
3. Provide input on suggested Modifications 9, 10, 13, 21 & 34 to County and CC staff; direct CC staff to work with County and local community on the language of these modifications.
4. Certify the amendment with changes to suggested Modifications as shown in attachment to draft letter to CC.

MOD 9 CDP REQUIREMENT FOR AGRICULTURE

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
Exempt (E) if associated grading does not require a CDP	<p>If represents new development or intensification:</p> <p>Agricultural zones: CDP without hearing</p> <p>Non-agricultural zones: CDP with hearing</p>	<p>If represents new development or intensification:</p> <p>All zones: Exempt if complies with development standards similar to those used to determine grading permit exemption</p> <p>CC staff: Still considering proposed revised language.</p>

MOD 9 CDP REQUIREMENT FOR ANIMAL KEEPING

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
Exempt (E)	<p>If represents new development or intensification:</p> <p>Agricultural zones: CDP without hearing</p> <p>Non-agricultural zones: CDP with hearing</p>	<p>If represents new development or intensification:</p> <p>All zones: Exempt if complies with development standards:</p> <ul style="list-style-type: none"> •avoid 30 + % slopes •not located within 50 ft. top-of-bank •not located in ESH areas <p>CC staff: No real change; may change to PP in residential zones with limits on number of large animals (e.g., horses)</p>

MOD 9 SCHOOL FACILITIES ALLOWED BY CUP AGRICULTURAL ZONES

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
Schools allowed by CUP in Agricultural zones	Schools allowed by CUP restricted to the expansion or reconstruction of lawful, existing facilities	Schools allowed by CUP restricted to the expansion or reconstruction of lawful, existing facilities <ul style="list-style-type: none"> •including expansion of facilities on adjacent lots owned by the school •lawful, existing schools are considered conforming uses CC staff: Revised language is acceptable

MOD 9/13 CDP FOR VOLUNTARY MERGERS

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
<p>No CDP requirement for Voluntary Mergers</p> <ul style="list-style-type: none"> •Voluntary Mergers approved by County Surveyor •not subject to planning approval 	<p>CDP with hearing required for all Voluntary Mergers</p> <ul style="list-style-type: none"> •establishes planning approval for Voluntary Mergers 	<p>Voluntary Mergers exempt from CDP if County determines would not result in increased development potential</p> <p>CC staff: Does not accept revised language</p>

MOD 10 AGRICULTURAL DWELLINGS

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
<p>Primary agricultural dwelling allowed with a CDP</p> <p>Not subject to public hearing unless located in the Appeals Jurisdiction</p>	<p>Designated as a Principal Permitted Use only if:</p> <ul style="list-style-type: none"> occupied by operator of agricultural use of lot 	<p>Designated as a Principal Permitted Use only if:</p> <ul style="list-style-type: none"> occupied by operator of agricultural use or owner of lot (CC Staff: Agreed)
	<ul style="list-style-type: none"> 3,000 SF limit on dwelling floor area 	<ul style="list-style-type: none"> 5,000 SF limit on dwelling floor area (CC Staff: Agreed)
	<ul style="list-style-type: none"> Development area: 10,000 SF limit on lot area devoted to dwelling and all accessory structures, and landscaping associated with the dwelling 	<ul style="list-style-type: none"> Same as Agricultural Preserves Uniform Rules; depends on size of lot (CC staff: Keep at 10,000 SF)

MOD 10 ACCESSORY USES

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
<p>All accessory uses have the same permit requirement</p>	<p>Accessory uses are designated as either Principal Permitted (PP) or Permitted (P)</p> <ul style="list-style-type: none"> •P uses require public hearing; may be appealed to the Coastal Commission 	<p>All accessory uses are designated Principal Permitted (PP) if:</p> <ul style="list-style-type: none"> •customarily incidental and secondary to the primary PP use •does not change the character of the primary PP use <p>CC staff: Revised language is acceptable; however, artist studios, guest houses, & RSUs remain as a P</p>

MOD 14 LOT LINE ADJUSTMENTS

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
<p>Existing finding: Development of a substandard size lot resulting from a LLA <u>shall avoid or minimize impacts where appropriate</u> to ESH areas including buffer areas</p>	<p>Revised finding: Development of a substandard size lot resulting from a LLA <u>shall avoid impacts</u> to ESH areas including buffer areas</p>	<p>Return to language as submitted</p> <p>CC staff: Modification has been deleted</p>

MOD 21 BLUFF DEVELOPMENT

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
No specific development standards required for minor development located within bluff setback area	Adds new development standards for minor development located within bluff setback area: <ul style="list-style-type: none"> •structural foundations not allowed •minimum 15 foot setback from bluff edge •must be removed or relocated landward if threatened by erosion 	Allow fences for safety purposes and public facilities (e.g., bikeways, trails) within 15 feet provided at least 5 feet from bluff edge CC staff: Revised language is acceptable; fences must be visually compatible
Engineered staircases and accessways allowed on bluff face; private and/or public use not specified	Engineered staircases and accessways allowed on bluff face only if for public use	Lawful, existing stairways considered conforming uses, may be structurally repaired CC staff: Will replacement of materials up to 50 % of existing

MOD 34 SEA LEVEL RISE

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
No standards addressing potential sea level rise	Projects located near the shore must submit coastal hazards analysis Must use various sea level rise scenarios depending on type of project	In addition to specified sea level rise scenarios, may use best scientific information available at the time of project review CC staff: Just use best scientific information available