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30 June 2010

County of Santa Barbara
Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Subject: California Coastal Commission Staff Recommended Modifications to
County Land Use and Development Code

Chair Wolf and Supervisors,

We are writing in regard to the California Coastal Commission (CCC) staff's recommended modifications to the Santa Barbara County Land Use and Development Code (LUDC). As the owners of Por La Mar Nursery we have serious concerns about the modifications mandated by CCC staff and the potential impact upon agricultural operations. My specific comments are provided below:

Modification #9 – CCC staff is essentially re-writing the “allowed uses” section in the County’s LUDC by introducing “Principally Permitted Uses.” Actions to approve an application for a use other than Principally Permitted Use would be *appealable* to the Coastal Commission. Per the CCC modifications, in the AG-I Zone (our property is zoned AG-I), Cultivated Agriculture, Orchards, Vineyards and Grazing would no longer be exempt uses that do *not* require a Coastal Development Permit. This puts the owner of an agricultural operation in the position of having to obtain a Coastal Development Permit to change or intensify crop or grazing operations. It is unacceptable that an owner would have to submit an application and pay processing fees to undertake the most basic of agricultural practices on a property zoned for agricultural uses. The requirement for public review of these types of requests, which are currently “allowed uses,” is an outrageous prospect for ag operators who already experience over-regulation.

I am also concerned that primary dwellings on an agricultural zoned lot will only be considered a Principally Permitted Use provided the following:

- There is an existing primary agricultural use on the same lot
- Occupancy is limited to the operator of the primary of the agricultural use
- Gross floor area does not exceed 3,000 square feet
- The primary dwelling and all accessory structures and landscaping occupies an area of less than 10,000 square feet

Por La Mar Nursery

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If a dwelling does not comply, it would be required to undergo a public hearing and County approval would be appealable to the CCC. Further, though I am not currently operating under an Agricultural Preserve Contract, I am also concerned at the direction of this proposed modification which is not consistent with Williamson Act provisions that allow for two acres of development on an agricultural lot.

Modification #14 – The CCC is suggesting a clarification that the discretionary Coastal Development Permit is required for Lot Line Adjustments and may only be approved if development on reconfigured lots would not result in any additional or increased adverse impacts to Environmentally Sensitive Habitat. A Lot Line Adjustment which results in any, even insignificant, impacts to Environmentally Sensitive Habitat cannot be approved. This is especially burdensome to agricultural landowners who may wish to revise lot lines in order to lease land or obtain financing to enhance the long term viability of their operations (to list just two examples).

While we feel strongly that the modifications above are harmful to the long term viability of agriculture, we hope that the County and the CCC will move forward with modifications addressing economic hardships, as discussed below.

Modification #25 – We believe there is great benefit to agriculture to move forward separately with the economic hardship provision discussed in Modification, #25. This modification allows for time extensions, which are urgently needed by approved projects that have suffered under the recent economic recession and are unable to get financing. This is directly relevant to the viability of Por La Mar Nursery. We have an approved Conditional Use Permit for a multi-million dollar greenhouse replacement and expansion project. Unfortunately, due to the current economic downturn, we are unable to obtain financing and move forward with the project at this time. Expiration of our approval is pending. Without the possibility of additional time extensions that would be allowed by the proposed economic hardship provisions, we may be faced with abandoning the project. We would lose not only the money spent on design and obtaining the approval, but also the opportunity to enhance our nursery and its long term viability. Certainly this could prove devastating to our nursery, but also negatively impacts the community that has repeatedly expressed a strong desire to retain urban agriculture during the Goleta Community Plan update process.

I submit these comments with concern about the impacts not only on my agricultural operation but on the viability of agriculture throughout the Coastal Zone in Santa Barbara County. The challenge to local growers in operating in urban areas cannot be overstated. These proposed changes will negatively impact farmers, ranchers, and small businesses. There is far too much at stake to rush review and accept the CCC staff recommended modifications which have far reaching implications which are yet fully understood. If we expect agriculture to remain an integral part of our economy and our lifestyle, we simply cannot continue to burden operators with additional expenses and bureaucracy that have a negative impact on the long term viability of operations.

We appreciate your consideration of our comments.

Sincerely,

 (STEVEN M. FORT)

AUTHORIZED AGENT FOR -
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