

Santa Barbara County Cattlemen's Association

PO Box 303, Los Alamos, California 93440

July 1, 2010

Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, CA 93101

**Re: Proposed Amendments to the Coastal Land Use and Development Code/July 6, 2010
Board Hearing**

Dear Honorable Supervisors:

The Santa Barbara County Cattlemen's Association is deeply concerned about the California Coastal Commission (CCC) staff's proposal that the County accept, in exchange for approval of a simple consolidation of the County's zoning ordinances into a reformatted Land Use Development Code, draconian amendments to the County's Coastal Zoning Ordinances as it applies coastal agricultural lands. Our rancher members represent 45,150 acres within the Coastal Zone and 21,070 acres adjacent to the Coastal Zone that would be adversely impacted by the amendments. Thank you for the opportunity to provide to you our position regarding this proposal.

Before we present our comments, we urge the County not to even consider ceding to the Coastal Commission such an extensive array of County authority in exchange for approval of zoning amendments that make no substantive change to the existing zoning ordinance. The sacrifice is unjustified by the potential benefit. If the County amends its Coastal Zoning Ordinance, it should be through the normal orderly process for such sweeping amendments with extended public comment. Other jurisdictions have successfully resisted efforts by Coastal Commission staff to override local land use control. If even small jurisdictions have been successful in opposing inappropriate extensions of Coastal Commission authority, the County of Santa Barbara can do the same.

If your Board supports these proposed amendments, they will constitute an enormous change to the status quo and to the Coastal Zoning Ordinance applicable to our members' lands. These new regulations would so severely hamper operations' economic viability that many are likely to go out of business. Our membership comprises hardworking ranchers who already are

struggling, on razor-thin profit margins, to support their families and continue living on their land. These proposed amendments would impose crippling new constraints on their ability to run grazing operations and to farm. Please make no mistake about this -- for many of our members, farming is an integral part of, and an invaluable supplement to, livestock grazing.

The Amendments Proposed by Coastal Commission Staff Are Inconsistent with the Goals and Policies Stated in the Coastal Act, the Santa Barbara County Coastal Plan, and the Santa Barbara County Agricultural Element

Many of these proposed amendments directly conflict with the Coastal Act, the Santa Barbara County Coastal Plan, and the Santa Barbara County Agricultural Element, all of which include policies that ensure the long-term viability of agriculture. For example, Coastal Act sections 30241 through 30243 require that the maximum amount of prime agricultural land be maintained in agricultural production to assure the protection of the agricultural economy, that all lands suitable for agricultural use (not just prime lands) not be converted to non-agricultural uses unless continued or renewed agricultural use ceases to be feasible, and that the long-term productivity of our agricultural soils be protected. The Santa Barbara Coastal Plan has multiple policies prohibiting the conversion of rural agricultural land to non-agricultural uses except under severely limited circumstances (Policy 8-3), limiting land divisions to ensure that agricultural productivity won't be impaired (Policy 8-4), protecting the existing and future viability of large, non-prime agricultural operations (Policy 8-8), and even imposing requirements for agricultural conservation easements for certain land divisions (Policy 8-10). The Agricultural Element acknowledges that agriculture not only is vital to the needs of the nation and the world, but that agriculture is the largest production industry in the County. The first Goal in the Agricultural Element states that "Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged." The Policies adopted pursuant to this Goal include recognition of farmers' and ranchers' rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions (Policy I.B). The Agricultural Element policies also include the increase in agricultural productivity through encouraging land improvement programs (Policy I.C.) and encouraging sustainable agricultural practices to preserve the long-term health and viability of the soil. In short, the State and the County have a long history of favorable treatment toward agricultural operations to ensure the long-term viability of agriculture. The proposed amendments threaten agricultural viability, in the short term and the long term. Therefore, they conflict with established law and policy.

General Comments -- Inadequate Opportunity for Public Review and Input and Inadequate Compliance with the California Environmental Quality Act

We only recently became aware of the proposed changes to the Coastal Zoning Ordinance and believe that only a handful of landowners are aware of this process and its potentially serious impact on them. The Commission staff, whose members work in San Francisco and Ventura, developed these recommendations **without any public process** or input from the ranchers and others who would be impacted by the proposal. If the County proposes to adopt any of the substantive changes proposed, it will be the lead agency and must perform environmental review. On the other hand, if your Board votes to reject all substantive changes, it is a denial of the project and no CEQA compliance would be required. We support the latter action.

Potential Impacts upon Agricultural Viability

1. The Proposal Includes Unreasonable Constraints on Husbandry Practices. As noted above, the County's Agricultural Element expressly provides that the County will preserve and protect our members' freedom of choice over control and management of their agricultural operations. These amendments include the proposal that changing the agricultural use on a property from grazing to orchards, row crops or vineyards would require a Coastal Development Permit that could be appealed to the Coastal Commission, making such improvements too expensive and time consuming to even consider. As ranchers and farmers, we need flexibility to respond to market conditions and general economic climate to keep our operations viable.

2. The Proposal Unravels the Recently Approved Streamlining of Agricultural Permitting. The County's ordinance amendments that create or recognize permit exemptions for certain agricultural structures, that reduces the permitting requirements and appeal potential for certain other structures, and that adjusts the threshold for Development Plans in agriculturally zoned land just became effective today. How can the Board consider accepting burdensome new restrictions that would completely defeat the purpose of the streamlining amendments? We realize that the streamlining amendments haven't been adopted for the Coastal Zone, but the concepts included in this Coastal Commission proposal would ramp up permitting and appeals considerably at a time when the Board has made clear its intention of reducing our members' permitting load to relieve them of the expense and lost time involved in unnecessary or excessive permitting.

For example, under the guise of providing more opportunity for public input, Coastal Commission staff proposes that an applicant for a Development Plan, or even an amendment to an existing Development Plan, not just undergo one appeal process, but that the appeal opportunity be provided a second time around for the same project when the CDP implementing

the Development Plan or amendment is issued. Permitting demands already threaten agricultural viability, especially for the small farmer and cattle operator who lacks the capital to pay for permitting, let alone the cost of consultants, planners, engineers, surveyors, and attorneys. Yet these are all essential to success in the permitting process. Now we could be facing two appeals for the same project? If one of our members has the choice of spending capital to repair a leaking water storage tank essential to the operation or to spend the same capital on the permitting process, the result is obvious. The permit must be abandoned, yet the structure for which the permit is required may be equally essential to the operation. Having adequate roofed square footage to store hay, equipment, and materials isn't a luxury for our members; it's a necessity.

Even the application requirements proposed by the Coastal Commission will become so expensive that no commercial rancher can afford even to apply. Modification #7 of the proposal includes a requirement (Page 72) that every application for a permit or amendment, regardless of type, *at a minimum* include "all information and materials necessary for the review authority to make an informed decision regarding the consistency of the application with the Comprehensive Plan, the Local Coastal Program, and the regulations of the Development Code." This language is so broad and open-ended that we envision thousands of dollars just for preparation of the application. Our members cannot afford to even get inside the door!

3. The Proposal Displaces the Priority of Agricultural Uses with the Coastal Zone. Modification #8 of the proposal adds an entirely new section (Page 72), entitled "Purpose of Development Code" that incorporates language found nowhere in the present Article II Coastal Zoning Ordinance. This new language states that the purpose of the ordinance is to protect, maintain, enhance and restore the natural and manmade resources of the Coastal Zone, not its agriculture. It also requires balanced utilization and conservation of Coastal Zone resources, maximizing public access to the coast and public recreational opportunities, assuring priority for coastal-dependent and coastal-related development, but completely fails to include the enhancement and protection of agriculture found elsewhere in existing County documents (and the Coastal Act) described above. When this kind of language emphasizes maximizing public access through our members' ranches in lieu of emphasizing protecting agricultural land from the devastating results of public trespass, it sends a clear warning to us that the County is completely ignoring the need to secure our land against public access. The proposal does suggest adding one provision for protecting "the character and stability of agricultural areas," but that language is so ambiguous that we fear it will be interpreted to require that existing agricultural operations be frozen in time and not enhanced, expanded, or altered to meet the changing needs of agriculture that occur naturally over time as agricultural operators adapt to competition and evolving market demand. Modification #9 discussed below confirms that our fears are well-founded. Maintaining a competitive edge in coastal California agriculture isn't

easy when competing with imports from foreign countries and even other states where regulations of all kinds are less stringent. California ranchers are able to compete solely by

being adaptable. A regulatory scheme that impairs their adaptability in any way will destroy the future viability of agriculture in the Coastal Zone. Perhaps that is what the Coastal Commission staff seeks to accomplish over the long term. If our operations become unviable, we will be forced to sell our land either for conservation purposes or to speculators. Either way, we will be driven off our land and deprived of the agricultural traditions that we inherited from our parents, grandparents, and great-grandparents.

4. Proposed Modification #9 Places the County and the Coastal Commission Squarely in the Midst of Our Agricultural Operations.

This proposal deprives retired family ranchers from continuing to live on the ranch after they cease to be the operators and places a 3,000-square foot cap on home size, regardless of its lack of visibility from public viewing areas or the size of the ranch. It also requires us to record on our land title an agreement that we must vacate our residence if we aren't in complete compliance with the ordinance specifications (Page 84). If we want to deviate from these requirements in any way, it requires that we apply for a permit that is appealable all the way to the Coastal Commission. This proposal not only controls the number, type and manner that we keep animals, but eliminates an existing exemption from permitting for animal keeping in an ESH overlay area of the Coastal Zone (Page 81). Our members keep a wide ranch of animals who roam across vast acreage, including ESH areas, and they confine them for short and long time periods as necessary to meet the needs of their operations. They cannot be prohibited from these uses or required to apply for permits to run their livestock simply because the animals could enter an ESH, nor can they be prohibited from confining animals in a manner not expressly exempted by an ordinance drafted by people who know nothing about agriculture.

5. Modification #9 Also Adds the Concept that Intensification of Agricultural Activities Requires a Coastal Development Permit. This Is a Death Knell for Ranchers.

For the reasons stated above, ranching operations, which generally include some element of farming, would not survive if they were not free to change their type of agricultural operation to survive. New and expanded agriculture is essential to survival of the operation. If market demand ceases for one commodity, our members must nimbly switch to another commodity. Intensification of agriculture is the sole reason that agriculture continues to exist in coastal California. Old farming and ranching techniques and crops have been replaced by new practices and new and innovative crops. Nonetheless, under Modification #9 (Page 94), new or expanded areas of agricultural activities are not exempt and require a Coastal Development Permit. Furthermore, any exempt agricultural structure or activity must be part of on-going agricultural operation so if a rancher starts operating on land that previously hasn't been in active agriculture,

even if that land has agricultural zoning and land use designation, an otherwise exempt structure or activity isn't exempt.

6. The Introduction of the Principle Permitted Use and Permitted Use Classifications Increase Permitting Requirements and Result in General Confusion As to How They

Impact Established Compatible Use Policies Applied within Agricultural Preserve Lands.

The Williamson Act authorizes the County to establish its own list of compatible uses within Agricultural Preserve contracted land. The County of Santa Barbara recently underwent a major modification and restatement of its Uniform Agricultural Rules. Most of our members' lands are enrolled in the Agricultural Preserve Program and they live by these Rules. This proposal completely discards many of the uses designated as compatible under the Rules and places them into an entirely new "Permitted Use" category that requires special permitting or completely prohibits them. As a result of creating additional layers of permitting, family dwellings and many other facilities necessary to support the agricultural operations will be subjected to burdensome new permitting requirements, arbitrary application of policies in permit review, and a potentially extended approval process that ranchers can ill afford, if they are not prohibited altogether.

7. **Adding Excessive Costs.** Limiting the type of agriculture on the land and requiring a Coastal Development Permit to change or update agriculture programs, build a house or an ancillary structure, or even maintain existing operations, will cost each of our members unreasonable time and money in permit fees, consultant fees, and added oversight of their properties. These costs will make it prohibitive to undertake these improvements to our ranches.

We Urge You to Listen to the Agricultural Advisory Committee and the GavPAC.

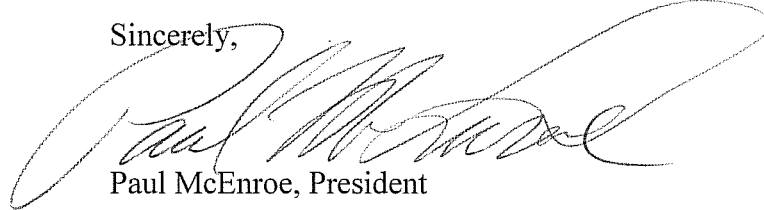
The Agricultural Advisory Committee (AAC) represents the diverse agricultural interests in the County, including our members. The AAC has provided a list of its concerns regarding this proposal and we urge you to follow their lead. In addition, the Gaviota Coast has a local collaborative process currently underway with the Gaviota Planning Advisory Committee (GavPAC) to update the Gaviota Coast Plan. The process includes local and state government (State Parks and CalTrans), landowners, ranchers, business interests, and environmentalists. The GavPAC is an open process with many public meetings, including an Environmental Impact Report with public review. This GavPac process is addressing many of the issues critical to agriculture that the Coastal Commission staff is trying to preemptively modify including: 1) Long-Term Agriculture Viability; 2) Resource Protection, and, 3) Trails and Public Recreation. We believe that, absent any meaningful public process, the Coastal Commission staff recommendations should be tabled to provide a more logical and fair approach -- let the GavPAC complete its process and the public participate in crafting the final result.

Conclusion

We urge you to communicate to the Coastal Commission an unconditional rejection of all of the proposed substantive amendments. We haven't had the time or opportunity to nit-pick the non-substantive items, but even they deserve greater public scrutiny before adopting them. A

word or phrase that may not be meaningful to your staff could be profoundly troublesome to an agricultural operator or other landowner. Avoiding unintended consequences is an important result of an open, inclusive public review process. Please also tell the Coastal Commission that no action will be taken on a broad amendment to the Coastal Zoning Ordinance or the Coastal Land Use Plan until after the GavPAC process has concluded. The Coastal Commission staff will have ample time to review their recommendations, the resulting EIR, and the amendment package recommended by your Board after full public review.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul McEnroe", written in a cursive style. The signature is positioned above the printed name.

Paul McEnroe, President

cc: Glenn Russell, Director, Planning and Development
Santa Barbara County Agricultural Advisory Committee