



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Glenn S. Russell, Ph.D., Director of Planning and Development
DATE: November 7, 2017
RE: Board of Supervisors' November 7, 2017 Agenda Item A-9

A handwritten signature in blue ink, appearing to read "Glenn S. Russell", is written over the "FROM:" line of the memorandum.

The following information is provided in response to questions regarding certain proposed modifications raised during public comment on the Board of Supervisors' November 7, 2017, Agenda Item A-9, approved by the California Coastal Commission as part of their conditional certification of the 2016 General Package Ordinance Amendment to the Article II Coastal Zoning Ordinance (Article II).

1. Suggested Modification 3: Delete the proposed new exemption from the requirement to obtain a Coastal Development Permit for replacement of an existing, permitted, and conforming structure.

The 2016 General Package Ordinance Amendment, as adopted by the Board of Supervisors, proposed to add a new exemption from the requirement to obtain a Coastal Development Permit (CDP for the replacement of an existing permitted and conforming structure, provided the reconstructed structure complies with all requirements of the applicable zone, is for the same use, is located in the same footprint, does not exceed the floor area, height, or bulk of the existing structure and, except for minor changes, the exterior design or specifications are not proposed to be revised. The purpose of this added exemption was to allow owners to replace existing structures that were damaged by dry-rot, termites, etc., without having to go through the CDP process. However, the Coastal Commission determined that construction activities related to such development could negatively impact coastal resources, and therefore is not consistent with the Coastal Act and the Coastal Commission's administrative regulations regarding exempt development.

Accepting this modification does not affect the existing exemption for the restoration or reconstruction of a conforming structure damaged or destroyed by a natural disaster, and does not remove any existing language from Article II as currently certified.

2. Suggested Modification 3: Delete the proposed new exemption from the requirement to obtain a Coastal Development Permit for signs, flags, and similar devices, provided the sign, etc., including any device that the sign would be affixed to, does not exceed 35 feet in height and is not lighted.

The 2016 General Package Ordinance Amendment also proposed to add an exemption for certain signs, flags, and similar devices.

The purpose of this added exemption was to provide a cross-reference to Section 35-138 of Article II that provides the sign regulations for the Coastal Zone so that applicant would be aware that there were additional exemptions for signs, etc. There was no intent to prohibit flags or address the permitting requirements for flags. However, the Coastal Commission determined that this proposed exemption is not consistent with the Coastal Act and the Coastal Commission's administrative regulations regarding exempt development.

The Coastal Commission left intact the proposed new language that exempts signs, etc., that are proposed to be affixed to existing, permitted structures such as buildings and flagpoles. Thus, a person could apply for a CDP for a flagpole, and following the construction of the flagpole, raise a flag without having to obtain a separate CDP.

3. Suggested Modification 8. Add findings that must be made in order to approve a permit for an agricultural employee dwelling that require that prime soils be avoided, and that site alterations required to develop the dwelling are minimized.

One of the purposes of the 2016 General Package Ordinance Amendment was to consolidate the regulations regarding agricultural employee housing in order to provide greater clarity regarding which regulations applied to different types of agricultural employee housing. In their review of the proposed amendment, the Coastal Commission added two additional findings that must be made in order to approve an application for an agricultural employee dwelling:

- The project has been sited and designed to avoid all prime agricultural soils and has been sited and designed to maintain the long-term productivity of the farm 's or ranch's agricultural resources and operations.
- The project has been clustered with existing development to the maximum extent feasible and minimizes grading, landform alteration, and the need for construction of new roads.

The Coastal Commission determined that these standards were required in order to implement Coastal Act policies that seek to preserve productive agriculture.

Typically agricultural properties do not consist solely of prime soils so that it is feasible to find a location that does not impact prime soils or interfere with the long-term productivity of the agricultural operation. However, in the event that that such a location could not be readily identified, the Planning and Development Department would work with the applicant to identify a location that would comply with intent the Coastal Act policies and these findings.

4. Sea level rise. Consideration of issues related to sea level rise was not included in the 2016 General Package Ordinance Amendment as adopted by the Board of Supervisors and was not addressed in any of the suggested modifications approved by the Coastal Commission. Sea level rise is being addressed as part of the Coastal Resiliency Project that is currently being developed by the Long Range Planning Division of the Planning and Development Department.