

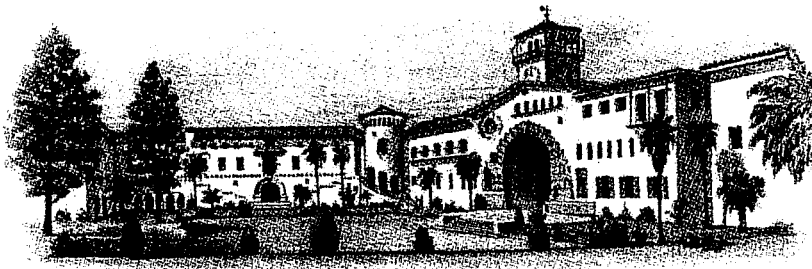
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COUNTY OF SANTA BARBARA

August 3, 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 due to significant staff resource constraints. However, your staff is recommending modifications which would update the County's Local Coastal Program through the implementing ordinance to meet current standards. Some of these suggested modifications appear to go 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, including resolving several additional issues over the past few weeks.

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 some of the public comments received at the several recent Board of Supervisors public hearings, we are requesting consideration of further revisions (briefly outlined below) to the suggested modification contained in the most recent Coastal Commission staff report dated July 28, 2010. These additional revisions are divided into two groups. The first group represents those areas that the Board is in full agreement on. The second group includes items that not all members of the Board agreed.

To that end, the County is requesting that the Coastal Commission hold its hearing on the County's Land Use and Development Codes on August 12th, provide the County and your staff with direction on the following changes to the suggested modifications, and request your staff to work with the County of Santa Barbara and its constituents through local public workshops to receive further input and

attempt to resolve the remaining issues. The County requests that this matter return to your Commission for decision at your November 2010 hearing scheduled for the Los Angeles/Orange County area, the last southern California meeting before the Commission is required to act on the Land Use and Development Codes.

GROUP 1: The County is requesting direction on the following revisions that reflect the consensus opinion of the Board of Supervisors.

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

The suggested modifications 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. The County highly values our local agricultural industry and has adopted several policies that seek to both protect existing agricultural operations as well as to promote the expansion of agriculture. Our staff has worked closely with your staff to craft a solution for permitting agricultural expansions in a manner that reflects these policies and protects important coastal resources.

Santa Barbara County requests that Modification 11 (Exemptions) be revised to:

- *Revise the exemption language for Section 35.20.040.C.3.e (Cultivated agriculture, orchards and vineyards, new or expanded areas) to delete the requirement that to be exempt from a Coastal Development Permit any grading associated with the new or expanded area be restricted to 50 cubic yards or less.*
- *Revise the exemption language for Section 35.20.040.C.3.h (Grazing, historic legal use) to (1) simply provide that grazing located in existing grazing areas, including the normal rotation of livestock from one pasture to another, is exempt from a Coastal Development Permit, and (2) delete the proposed new Section 35.20.040.C.3.i (Grazing, new or expanded areas).*

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. The first suggestion listed below seeks again to balance the County policies regarding agriculture and coastal resource protection. The second suggestion recognizes that keeping large animals on large residential lots is a common occurrence in Santa Barbara County and is considered accessory to the residential use.

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 if (1) it occurs in areas where animal keeping has historically occurred, and (2) the animal keeping tables do not specify that a conditional use permit is required (e.g., the animal keeping does not constitute a commercial livestock feed sales yard, dairy, or hog ranch).*
- *Revise the animal keeping tables for the non-agricultural zones to designate, where allowed, the keeping of large animals and other livestock as a Principal Permitted use subject to the limitation on the number of such animals included in the animal keeping*

regulations (e.g., one horse per each 20,000 square feet of lot area, up to a maximum of five).

Modification 10: Restrictions on certain accessory uses designated as principal permitted uses in the Agricultural, Resource Protection, and Residential zones.

In the Agricultural, Resource Protection, and Residential zones, artist studios, guest houses and residential second units are proposed to be designated as non-principal permitted uses, subject to a public hearing and potential appeal to the Coastal Commission. The County believes these accessory uses should be included in those uses that are customarily incidental to the principal permitted residential use as our current zoning ordinance provides. Similarly, we agree with your staff as to retaining residential second units as a non-principal permitted use appealable development consistent with our existing zoning ordinance.

Santa Barbara County requests that the modification be revised to include artist studios and guest houses as principal permitted accessory uses within the Agricultural, Resource Protection, and Residential zones.

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

New language is proposed by your staff that arguably would (1) only allow bluff staircases and access ways if they provide public access to the beach, and (2) would provide that lawfully established staircases and access ways that provide beach access and are not available for use by the general public, may be repaired and maintained, including structural repairs, provided that cumulatively no more than 50 percent of the structural underpinnings (including foundations, pilings, and support beams but not including individual stairs and railings) are reconstructed or replaced over the life of the structure.

As there are existing legally permitted private staircases in the County which property owners seek to maintain without impacting bluffs, Santa Barbara County requests that the suggested modification be revised to 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 or replacement to occur.

GROUP 2: The County Board of Supervisors has not yet reached consensus on how to resolve the following modifications.

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

This modification would appear to provide that only the expansion or reconstruction of existing lawful school facilities would be allowed by Conditional Use Permit on the same or adjacent lots owned by the school.

Santa Barbara County Board members have not reached consensus on this suggested modification. Some members request clarification of the word "adjacent", suggesting that it include lots separated by a road (other than a freeway), railroad, or public utility easement or right-of-way within the meaning of adjacent. Other Board members seek clarification of "ownership" to establish a point in time by which a school must acquire adjacent property in order to be allowed to expand onto it. Still others request that the Coastal Commission return to the original ordinance language which allowed new or expanded schools to be considered by Conditional Use Permit in agricultural zone districts.

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.

Some members of the Santa Barbara County Board of Supervisors request reconsideration of Modification 11 (Exemptions) to include the possibility an exemption to the Coastal Development Permit requirement for mergers that the Director of the Planning and Development Department determines would not result in an increase in the development potential of the property, provided, however, that this determination is subject to local appeal and, if allowable, appeal to the Coastal Commission. Other Board members were agreeable with the suggested modification as written by your staff.

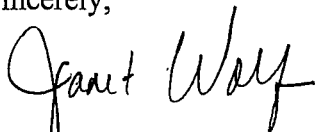
Modification 10: Restrictions on primary residences located in agricultural zones in order to qualify as a principal permitted use.

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 5,000 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.

The size of the development area is a point of contention among the Board of Supervisors. The opinions of Board members range from limiting the size of the development area for residential development as a principal permitted use to 10,000 square feet regardless of size of the lot, to increasing the development area based on parcel size consistent with the Santa Barbara County Uniform Rules for Agricultural Preserve contracts.

Again, the Santa Barbara County Board of Supervisors wishes to thank the Coastal Commission staff for the tremendous amount of work required to bring this amendment to hearing. The County respectfully requests that the Coastal Commission provide input on suggested modifications 9, 10, 13, 21, and 34 to the County and your staff, and direct your staff to work with the County and the local community on the language of the suggested modifications.

Sincerely,



Janet Wolf, Chair
Santa Barbara County Board of Supervisors