

Orella Ranch
12750 Calle Real
Goleta, California 93117

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

November 2, 2016

Mr. Peter Adam, Chair
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, California 93101



Subject: Gaviota Coast Plan – Residential Incentive Dwelling Unit (Land Use Action-5)

Dear Chair Adam and Members of the Board of Supervisors,

Our family owns and operates the Orella Ranch on the Gaviota Coast which has been in our family since 1866.

While there are a number of issues within the Gaviota Plan that we feel could be amended to improve the Plan for the landowners of the Gaviota Coast, I am writing to address a specific matter – Action Land Use-5: the Residential Incentive Second Unit.

The Gaviota Plan describes the Incentive Second Unit Program as an opportunity to provide landowners with a clear, tangible benefit in return for the public receiving a proportional benefit that is permanent and will “support and increase agricultural viability, public access, enhance habitat preservation and restoration opportunities, and preserve the rural character within the Gaviota Coast Plan area.” (Land Use: Page 5-22 Action LU-4)

Currently, the only landowner action that staff has formally written Ordinance language that would allow a landowner to receive an Incentive Second Unit is the dedication of a trail easement on the coastal trail primary route alignment on the county’s adopted Park, Recreation and Trail (PRT) map.

Realistically, there are very few properties that are located on the primary route of the PRT map and even fewer landowners on the primary route of the PRT who are able to take advantage of this “incentive”.

I would recommend that the Board of Supervisors consider broadening the proposed Ordinance language of the incentive program and the definition of the Incentive Dwelling Unit to allow an Incentive Unit when a landowner dedicates a permanent agricultural, conservation, or scenic viewshed easement on the property.

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This voluntary landowner action would provide a permanent and value-added benefit to the Gaviota Coast and can further the goals and policies of the County with respect to resource protection, habitat preservation, viewshed protection and agricultural sustainability.

I believe that this approach is more practical and would provide landowners an opportunity to apply for a second unit which could help keep their families connected to the land.

In the interest of assisting the County staff and your Board in these deliberations, I have attached proposed language to Ordinance 35-470 which would enable you to incorporate this change to the Program and provide a truly meaningful landowner incentive that has the potential to protect the Gaviota Coast for future generations.

Thank you for the opportunity to present these comments and I hope that a positive discussion on the Incentive Second Unit Program will occur during your deliberations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Tautrim".

Mark Tautrim

CC: Glenn Russell, Director Planning and Development Department

Attachment: Draft Language for Ordinance 35-470

Section 35-470 Gaviota Coast Plan area land use incentive program.

I. Gaviota Coast Plan area land use incentive program.

- A. Purpose and intent.** The purpose of the Gaviota Coast Plan area land use incentive program is to allow landowners within the Gaviota Coast Plan area on property zoned AG-II to develop residential second units (i.e., incentive dwelling units) in exchange for taking actions that provide a demonstrated public benefit such as the provision of public trails and/or the dedication of private lands into a permanent agricultural, conservation, or scenic viewshed easement on the property. The intent is to implement the policies and development standards of Gaviota Coast Plan that seek to, through voluntary landowner action, provide a greater level of protection and enhancement of natural resources, support agricultural viability, and increase public access, throughout the Plan area while preserving the existing rural character of the Gaviota Coast.
- B. Applicability.** The provisions of this Section 35-470 (Gaviota Coast Plan area land use incentive program) only apply to property zoned AG-II and located within the Gaviota Coast Plan area.
- C. Allowable density.** Accessory residential units shall not count toward the allowable density for purposes of determining consistency with the Coastal Land Use Plan and this Article.
- D. Actions and eligible incentives.** Table 18-4 (Actions and Eligible Incentives), below, describes the voluntary actions a landowner may take and the benefits that may be derived from taking those actions, i.e., the issuance of a permit(s) for an incentive dwelling unit.

Category	Land Owner Action	Eligible Incentive
1	Dedicate trail easement to County for the Coastal Trail primary route alignment shown on the Gaviota Coast Plan Parks, Recreation and Trails Map	1 attached or detached incentive dwelling unit & 1 attached incentive dwelling unit
2	Dedicate trail easement to County for trails shown on the Gaviota Coast Plan Parks, Recreation and Trails Map other than the Coastal Trail primary route alignment	1 attached or detached incentive dwelling unit
3	<u>Dedicate a permanent agricultural, conservation, or scenic viewshed easement on private property</u>	<u>1 attached or detached incentive dwelling unit & 1 attached or detached incentive dwelling unit</u>

1. Dedication of trail easements shall comply with the following:
 - a. The easement shall be for the entire length of the trail that is located on the premises on which the accessory residential unit is proposed to be located.
 - b. An irrevocable offer of dedication shall be recorded by the landowner prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) for an incentive dwelling unit that may be allowed based on the dedication of a trail easement.
 - 1) Said offer shall include, at a minimum, a description of the purpose of the easement and a legal description of the proposed easement.
 - 2) Said offer shall be subject to review and approval by the Department and the County Counsel.

2. Dedication of conservation easements shall comply with the following:
 - a. The easement shall be permanent, irrevocable and shall encompass the entire property and run with the ownership of the premises.
 - b. The permanent easement may be an agricultural, conservation, or scenic viewshed easement.
 - c. An easement shall be recorded by the landowner prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 for a Residential Second Unit that may be allowed based on the dedication of an agricultural conservation or scenic viewshed easement.
 - 1) Said offer shall include, at a minimum, a description of the purpose of the easement and a legal description of the proposed easement.
 - 2) Said offer shall be subject to review and approval by the Department and the County Counsel.

E. Requirements and development standards for incentive dwelling units. All incentive dwelling units allowed in compliance with this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program) shall comply with the following requirements and development standards. Where there are conflicts between the standards of this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4. Zoning Districts), the provisions of this Section shall prevail unless indicated otherwise. The review authority may add other conditions, consistent with general law and applicable State and County standards as necessary to preserve the health, safety, welfare, and character of the agricultural area.

1. **Accessory to the principal dwelling.** The lot shall contain an existing one-family dwelling at the time an application for an incentive dwelling unit is submitted, or the application for the incentive dwelling unit shall be submitted in conjunction with the application for the principal dwelling. The incentive dwelling unit shall not be occupied before occupation of the principal dwelling.

2. **Amenities.** An incentive dwelling unit shall have a separate entrance and shall include permanent provisions for cooking, eating, living, sanitation and sleeping.
3. **Application requirements.** A permit application for an incentive dwelling unit shall include the following information in addition to that information required within Section 35-57A (Application Preparation and Filing):
 - a. A floor plan drawn to scale of the principal dwelling and the incentive dwelling unit(s).
 - b. Documentation verifying the principal dwelling is owner-occupied.
 - c. The proposed method of water supply and sewage disposal for the incentive dwelling unit(s).
4. **Conversion of existing structures.** An existing, legal agricultural employee dwelling or guesthouse that was constructed prior to [*effective date of this ordinance*] may be converted to an incentive dwelling unit.
 - a. An existing, legal agricultural employee dwelling that is converted to an incentive dwelling unit may be replaced with a new agricultural employee dwelling in compliance with Section 35-144R (Agricultural Employee Dwellings).
 - b. An existing, legal guest house that is converted to an incentive dwelling unit may be replaced with a new guest house in compliance with Section 35-120 (Guesthouses, Artist Studios, or Pool House/Cabaña) provided that there is no more than one guesthouse located on the premises.
 - c. If the existing, legal agricultural employee dwelling or guest house that is proposed to be converted to an incentive dwelling unit is subject to a recorded Notice to Property Owner, then following the effective date of the required planning permit and prior to the use of the agricultural employee dwelling or guest house as an incentive dwelling unit the Department shall prepare and the property owner shall record a Notice to Property Owner that documents specific conditions and/or restrictions, if any, that apply to use of the structure as an incentive dwelling unit and supersedes the specific conditions and/or restrictions included in the previous Notice to Property Owner.
 - d. A detached incentive dwelling unit that results from the conversion of an existing, legal agricultural employee dwelling may exceed the applicable maximum gross floor area limit provided no building additions or alterations shall be allowed that results in an increase in the gross floor area in excess of that which existed prior to [*effective date of this ordinance*].
5. **Height limit.**
 - a. **Attached incentive dwelling units.** An attached incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the incentive dwelling unit. An exception to this height limit may be granted when the portion of

a proposed incentive dwelling unit that would exceed this height limit is wholly contained within an existing structure.

b. Detached incentive dwelling units. A detached incentive dwelling unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached incentive dwelling unit connected to a detached accessory structure may be permitted provided:

- 1) The height of the incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the incentive dwelling unit, and
- 2) The height of the entire structure does not exceed 25 feet.

c. Locations within the CVC Overlay. If the incentive dwelling unit is proposed to be located on a lot zoned with the CVC (Critical Viewshed Corridor) overlay district and located south of Highway 101, then the height of the incentive dwelling unit shall not exceed 15 feet as measured in compliance with Subsections E.5.a. and b., above, unless an increase in height that complies with Subsections E.5.a. and b., above, is approved by the Board of Architectural Review in compliance with Section 35-102G (CVC - Critical Viewshed Overlay District).

6. Location of detached incentive dwelling unit. A detached incentive dwelling unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone. Additionally, except for the conversion of agricultural employee dwellings and guest houses allowed in compliance with Subsection E.4 (Conversion of existing structures), above, that existed prior to [*effective date of this ordinance*], detached incentive dwelling units ~~shall~~ may be clustered with the principal dwelling unit or sited remotely, based on the request of the property owner and warranted by particular physical conditions of the property and the specific allowance of the Planning Commission.

- a. For the purposes of this Subsection E.6., clustered means the principal dwelling unit and the detached incentive dwelling unit, including all structures accessory thereto, shall be located within a single continuous building envelope.
- b. The clustered building envelope shall minimize "barbell," "finger," and "peninsula" type configurations to ensure, to the maximum extent feasible, that the development minimizes intrusion into agricultural areas and maximizes clustering of residential and accessory structures in order to preserve productive agricultural lands.
- c. A remote building envelope would require an existing access road to provide ingress and egress.

7. Maximum and minimum gross floor area requirements.

a. Maximum gross floor area.

- 1) **Attached incentive dwelling units.** The maximum gross floor area of attached incentive dwelling units shall not exceed 1,200 square feet.
- 2) **Detached incentive dwelling units.** Unless allowed in compliance with Subsection I.1.e.(4)(d), above, the maximum gross floor area of a detached incentive dwelling unit shall not exceed the standards for the specified gross lot area shown in Table 18-5 (Maximum Gross Floor Area Gaviota Coast Plan Area) below.

Lot Area (gross)	Maximum Floor Area (gross)
Less than 40 acres	1,200 square feet
40 acres to less than 100 acres	1,600 square feet
100 acres and above	2,000 square feet

- b. **Minimum gross floor area.** The minimum gross floor area of an incentive dwelling unit shall be 300 square feet.
- c. **Measurement of gross floor area.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the incentive dwelling unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the incentive dwelling unit.

8. Maximum number of incentive dwelling units.

- a. A maximum of two incentive dwelling units consisting of one attached incentive dwelling unit and one attached or detached incentive dwelling unit may be allowed on a premises that qualifies under Category 1 in Table 18-4 (Actions and Eligible Incentives), above.
- b. A maximum of one attached incentive dwelling unit or one detached incentive dwelling unit may be allowed on a premises that qualifies under Category 2 in Table 18-4 (Actions and Eligible Incentives), above.
- c. A maximum of two incentive dwelling units consisting of one attached incentive dwelling unit or detached incentive dwelling unit and one attached or detached incentive dwelling unit may be allowed on a premises that qualifies under Category 3 in Table 18-4 (Actions and Eligible Incentives), above.

9. **Parking requirements.** In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the

incentive dwelling unit is located on for each sleeping room in the incentive dwelling unit. The additional parking shall be provided as specified in the base zone and in Division 9 (Parking Regulations).

10. Notification of occupants. The owner shall provide notification to the occupants of an incentive dwelling unit that the residence is located on and adjacent to property zoned and used for agriculture and that inconvenience or discomfort from properly conducted agricultural operations, including noise, dust, odors, and chemicals, shall not be deemed a nuisance.

11. Private and public services.

a. Where public water service is available, an incentive dwelling unit shall be required to be served by the appropriate district.

1) If the principal dwelling is currently served by a public water district or mutual water company, not subject to moratorium for new connections, then an incentive dwelling unit shall also be served by the appropriate public water district or mutual water company.

2) If the principal dwelling is currently served by a water district or mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and if the property is not located in an over drafted water basin, then an incentive dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.

b. Where public sewer service is available, an incentive dwelling unit shall be required to be served by the appropriate district.

1) For the purposes of this Subsection E.11.a, public sewer service may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. (California Plumbing Code Section 713.4)

c. An incentive dwelling unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the principal dwelling is served by or is proposed to be served by an onsite wastewater treatment system.

12. Residency of lot owner.

a. The owner of the lot (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner) shall reside on said lot, in either the principal dwelling or in an incentive dwelling unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance of a Coastal

Development Permit in compliance Section 35-169 (Coastal Development Permits), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.

- b. Upon transfer of ownership of the property, the new owner shall reside on the property or the use of a structure or portion thereof as an incentive dwelling unit shall be discontinued and the structure shall be:
 - 1. If attached to the principal dwelling, converted into a portion of the principal dwelling; or,
 - 2. If it is a detached structure, removed or converted into a legal accessory structure.

13. Sale and subdivision.

- a. An incentive dwelling unit shall not be financed, sold or transferred separately from the principal dwelling.
- b. Upon approval of an incentive dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:
 - 1. The Coastal Land Use Plan including the Gaviota Coast Plan designation.
 - 2. This Article including Division 4 (Zoning Districts).
 - 3. Subsection E.11.c., above, if an incentive dwelling unit is proposed to be served by an onsite wastewater treatment system following the subdivision.

F. Additional findings. In addition to the findings required in compliance with Section 35-169 (Coastal Development Permits), before the approval of a permit for a detached incentive dwelling unit the Director shall make all of the following findings:

- 1. The incentive dwelling unit is incidental and subordinate to the primary agricultural use of the lot.
- 2. The incentive dwelling unit does not adversely affect the onsite or adjacent agricultural operations.
- 3. The incentive dwelling unit is compatible with and does not substantially alter the rural, agricultural character of the area.

Section 35-420 Definitions

Incentive dwelling unit. A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons that may be allowed in addition to the principal dwelling on the same lot in exchange for implementing landowner actions consistent with the Gaviota Coast Land Use Incentive Program. The incentive dwelling unit may either be an attached incentive dwelling unit, or a detached incentive dwelling unit or a remote incentive dwelling unit.

1. Attached Incentive Dwelling Unit. An incentive dwelling unit that shares a common wall with the principal dwelling.

2. Detached Incentive Dwelling Unit. An incentive dwelling unit not attached to the principal dwelling by a common wall.

3. Remote Incentive Dwelling Unit. An incentive dwelling unit not attached to the principal dwelling by a common wall that is deemed compatible with and does not substantially alter the rural, agricultural character of the area and an existing access road to provide ingress and egress is in place.