



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: October 6, 2009
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, PhD. (805.568.2085)
Contact Info: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Status of Coastal Commission review of the County and Montecito Land Use and Development Codes

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors receive and file this report by the Planning and Development Department regarding the status of the review by the Coastal Commission of the County and Montecito Land Use and Development Codes (LUDCs).

Summary Text:

On September 21, 2009, after consulting with the staff of the Coastal Commission, the Director of the Planning and Development Department transmitted a letter to the Coastal Commission formally withdrawing and resubmitting the LUDCs for certification as an amendment to the County's Local Coastal Program as allowed by Section 13535 of the Coastal Commission Administrative Regulations. This action was also taken with the commitment by the Coastal Commission staff that the resubmitted amendments would be heard by the Coastal Commission no later than at their hearing in January 2010. This additional time will provide the opportunity for the staff of the Coastal Commission and the Planning and Development Department to work together to resolve outstanding issues in advance of the Coastal Commission hearing on the matter.

Background:

In November, 2007, the Board of Supervisors adopted the County and Montecito LUDCs that replaced the former zoning regulations contained in Articles I through V of the County Code. This represented the culmination of the County's Zoning Ordinance Reformatting Project (ZORP) that began in late 2003 as part of the County's land use process improvement efforts. The goals of ZORP were to improve the quality and usability of the County's zoning regulations, streamline processing procedures and provide better customer service by arranging existing regulations into a format that is easier to read and search by (1) eliminating duplicated information/procedures, (2) using "plain English" and (3) grouping related information.

The County then submitted the LUDCs to the California Coastal Commission for certification as an amendment to the implementation portion of the County's Local Coastal Program the following month in December 2007. In September 2008, the Coastal Commission staff determined that the December 2007 submittal was complete for processing and initiated their review of the LUDCs. In October of the same year the Coastal Commission approved a one year time extension to extend their processing deadline to November, 2009.

On August 31, 2009, the respective staffs of the Coastal Commission and the Planning and Development Department met to discuss the status of the review of the Development Codes. At this meeting, the Coastal Commission staff confirmed that the LUDCs would be considered by the Coastal Commission at their October hearing; however, they also brought up for the first time substantial modifications the staff intended to recommend to the Coastal Commission which would limit local control over land use decisionmaking.

The October 8, 2009 Coastal Commission meeting was the last opportunity for the Coastal Commission to act on the LUDCs and the staff of the Coastal Commission did not expect to have their staff report containing all the suggested modifications available until at least September 23rd. This would not give County staff sufficient time to review all the modifications and provide your Board with a comprehensive analysis for consideration at the October 6th Board of Supervisors hearing which would be only two days prior the Coastal Commission's scheduled hearing. County staff believed that this compressed timeframe would not provide for a reasonable review process, including giving interested members of the public adequate time to review the proposed modifications, and therefore acted to formally withdrew and resubmit the LUDCs for certification by the Coastal Commission.

Next Steps:

Planning and Development staff plans to work with the Coastal Commission staff through October to address their concerns regarding the LUDC. Once the Coastal Commission staff finalizes their staff report, P&D staff will analyze the recommendation and any suggested modifications, and provide the Board with a report prior to the Coastal Commission hearing. Following action on the LUDCs by the Coastal Commission, staff will provide your Board with a recommendation regarding the Coastal Commission's action and whether to accept or reject the modifications approved by the Coastal Commission. Board action on any suggested modifications must occur within six months of the date of them Coastal Commission action. If your Board decides not to accept the modifications, then the LUDCs will not be certified and will not take effect in the Coastal Zone such that the Article II Coastal Zoning Ordinance will remain in effect.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-300 of the adopted Planning and Development Department's budget for fiscal year 2009-2010. There are no facilities impacts.

Staffing Impact(s):

Legal Positions:	FTEs:
0	0

Special Instructions: None.

Authored by:

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