



Turenchalk Planning Services

November 9, 2010

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

The Honorable Janet Wolf, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, CA 93101

Re: Suggested Modifications to County's LUDC Proposed by Coastal Commission Staff

Dear Chair Wolf and Members of the Board,

Yesterday I submitted letters from almost seventy community members and groups interested in sustainable agriculture and habitat restoration activities and over forty land use professionals in our community. These letters expressed concern with how the suggested modifications will affect many areas of our community. Today I wish to provide the results of some research I conducted and summarize how it may be applicable as you deliberate the suggested modifications and decide on how best to move forward.

A few months ago, CCC staff provided a list of several jurisdictions that they felt exemplified how the notion of Principal Permitted Use was being handled successfully, and similarly to the suggested modifications we were being asked to adopt. Some of the jurisdictions were not directly applicable (i.e. the LCP Amendment was for a specific property or a new zone district, or the County didn't have an LCP so all permits were processed by LCP staff). But as I reviewed each County's LCP/Zoning ordinance, I found some interesting details.

Obviously I didn't fully digest each of these jurisdiction's zoning ordinances, but here's a quick summary of what I learned about the jurisdictions that CCC staff specifically called out as being similar to what was being proposed in SB County:

- 1) None of the jurisdictions has a house size or development envelope sizes or ownership requirements for a residential uses in agricultural zones that would result in a house not considered PPU as is being proposed in SB County
- 2) In two of the jurisdictions (San Mateo and Sonoma Counties) "Principal Permitted Use" was defined simply as uses that didn't require a use permit in each zone district, similar to the way we've been operating since our LCP was certified. Further – the extent of allowed uses that didn't require a use permit was very wide including things like home occupations, day cares, bed and breakfast uses (when it didn't affect the ag use), craft sales and community events. Two interesting notes about this:
 - a. It is unclear when Sonoma County's LCP was last certified/amended, however they were included in CCC staff's table with the note, "Principal Permitted Uses in the Sonoma County LCP are similar to suggested modification in LCPA 1-09 requiring single category of use." Given that CCC staff included this as an example

for us, it is reasonable to assume that they are ok with Sonoma's LCP, or at least their treatment of PPUs.

b. San Mateo County's LCP was last certified in 1999 and they are currently undergoing an LCP Amendment, and fighting many of the CCC suggested mods. However, none of those mods deal with their rather broad definition of PPU. Their CCC staff has not called that out as an issue that needs to be fixed in their current LCP Amendment.

3) In Del Norte County, which, in their list of examples, CCC noted, "Strict adherence to the single category of use requirement throughout all zones." There were still a number of uses allowed in the ag and residential zone districts. Most notably, private stables less than an acre in size were allowed in residential districts and commercial agriculture was allowed in the rural residential zone district.

4) Interestingly, I noted that in Sonoma, they have an exemption from CDPs for Lot Line Adjustments "not resulting in an increase in the number of lots or allowable residential units." (Sec. 26C-340.1(a)(4)). The "or allowable residential units" language in that exemption is key, would address EDC's concerns, and would make sense for us to ask for with regard to both Lot Line Adjustments and Voluntary mergers.

5) Sonoma County includes the following language as part of the PPU for all agricultural zones, "Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where the uses are incidental to the primary use." It seems if they can have this language, which could easily include habitat restoration, it should be possible for us to have language that allows habitat restoration projects as a PPU as well (without the hunting and fishing).

Given that some of the biggest issues we are having (private staircases aside) are with how narrowly PPUs are being defined by CCC staff, it is interesting to see other jurisdictions that have such a wide variety of Principal Permitted Uses, particularly when they are jurisdictions that were specifically called out by the Coastal Commission as being good examples of how PPUs are treated and/or are currently undergoing an LCP amendment that has not called out their use of PPUs as inappropriate.

Your Board may want to consider asking the CCC to Certify the LUDC essentially as reformatted AND to include in the many definitions that were added, a definition for principal permitted use that mirrors the ones in Sonoma and San Mateo Counties, which essentially codifies how we have been doing things, without objection, since the certification of our LCP. This also resolves the contention that if we don't adopt their PPU language, all land uses will be appealable since we don't call out PPUs in any zone district.

Additionally, given the PPU language included by Sonoma County regarding watershed and fish and wildlife habitats, and given the support in this community to streamline habitat restoration projects, it would seem appropriate to include language in your letter to the CCC expressing a desire to include sustainable agriculture, habitat restoration, and cultivated agriculture as part of the PPU in ag and residential zone districts.

Lastly, you may wish to include a request to have an exemption similar to the one in Sonoma, and to have it apply to both LLAs and Voluntary Mergers that neither increase the number of lots or the number of allowed residential units.

Other key things to consider:

- While much attention has been given to the time and cost differential between a CDP and a CDP-H, in the many parts of the Coastal Zone included within the existing appeal's jurisdiction (including large parts of Gaviota, Hope Ranch, South Patterson Ag Block and most of Carpinteria) we are not just talking about the difference between a CDP and an appealable CDP with a hearing. For several of the suggested mods (new or expanded agriculture in ag zones and horse and chicken keeping and cultivated ag uses in residential zones, including rural ranchette) the difference will be between an exemption (current requirement) and an appealable CDP with a hearing, since that is the only permit option in those zones (because they are located in the appeals jurisdiction).
- Lastly, this is such an important issue to me that I need to address it head on. The statement that the proposed modifications do not affect habitat restoration is simply incorrect. The fact is that there are restoration activities that take place in upland habitat that are not included in the appeals jurisdiction and are currently not subject to a CDP-H. They may be few and far between, but that doesn't change the fact that these modifications would catch them all in a requirement for a CDP-H which seems contrary to the direction we want to be moving in. More importantly, this sends a huge message to the restoration community (and granting community) that the CCC has no interest in streamlining the process for restoration projects and will surely affect existing and future funding for both the streamlining effort, and habitat restoration projects in general, which so many in our community support.

I want to end by saying that I truly believe that we all have similar goals in the protection of our coastline and resources, we are just using different means to get there. There are instances when all-emcompassing regulation may be appropriate, for example, when a severe problem has been identified and needs immediate attention. In general, however, I believe strongly that community based planning and policy making can and should adequately address the concerns for our coastline, balanced with the specific goals and priorities of our community.

I thank you all for your thoughtful consideration on this issue.

Sincerely,



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Land Use Planner/LEED® Accredited Professional