

11 April 2008

Chairman Salud Carbajal
& Honorable Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101



Subject: Board Meeting of April 15, 2008
08ORD-00000-00002
Montecito RMZ Development Plan Requirement Ordinance Amendment

Dear Chairman Carbajal & Honorable Board of Supervisors:

Our office has represented several hundred projects over our fourteen years in business and many of these have been in the Montecito area. We have also dedicated many dozens of hours to the Process Improvement Team effort and have participated in a variety of other committees over the years sharing the County's continued desire to improve the efficiency and efficacy of the permit process. We understand the desire to have as much consistency as possible in the various zoning ordinances in the County and we also understand the need to ensure careful oversight of development in areas where sensitive environmental resources and constraints are present.

We believe it is in the community's interest to marry the goals of resource protection and a reasonable permit process. We therefore strongly urge the Board to revise the proposed ordinance amendment such that it includes exceptions to the Development Plan requirements in circumstances where such exceptions are warranted.

There are two categories of projects that should not be subject to the Development Plan requirements. These projects should only be required to obtain land use permits:

1. Projects proposed on parcels that were created by approved and recorded parcel or tract maps and were the subject of environmental review.
2. Minor improvements (i.e. small accessory structures, minor additions or interior remodel) to parcels that are already improved with permitted residential structures.

To illustrate, please consider the following:

Recorded Subdivisions with Environmental Review

The Oak Creek Canyon Tract Map was originally processed by the County in the late 80s and early 90s. The project was the subject of an EIR (93-EIR-03) which was certified by the Board of Supervisors when they approved the 10 lot subdivision on July 21, 1993. When the project's initial application was submitted, its County zoning was 3-E-1 and by the time the project was approved, the Montecito Community Plan had been adopted which resulted in a companion rezone of the property to RMZ. However, it was clear at the time of approval and later in subsequent County decisions on the property that each of the parcels in this subdivision would be built out with single family residences and accessory uses. There are specific conditions of approval regulating all such uses and the project's EIR assumed such build-out in its analysis of the project. Furthermore, each undeveloped parcel within the subdivision has a designated development envelope within which all improvements are to be located.

For parcels such as those within the Oak Creek Canyon subdivision, there would be no additional benefit gained or purpose served by requiring these property owners to prepare Development Plans when proceeding with their improvements. The cost of filing a Development Plan at a Planning Commission level decision is \$14,433 whereas a Land Use Permit application is \$1,500. The land use permit process will ensure that each parcel is built out in accordance with what was anticipated with the previous environmental analysis and project conditions of approval. To require a Development Plan in these instances is unreasonable and is a retreat from the advances you have made in facilitating an improved permit process.

Minor Improvements

The staff report indicates that there are 50 *developed*, privately owned parcels in the RMZ. Assuming that these are primarily parcels improved with permitted single family residences, it seems very likely that any number of these may propose minor improvements, renovations/additions in the future. If proposed in previously disturbed areas or areas where sensitive resources or notable site constraints do not exist, these types of projects should also be exempt from Development Plan requirements.

There are potentially many situations where anything more than an administrative approval would be onerous and unnecessary. For example, imagine requiring an owner of a permitted residence who wants to add 200 square feet to their kitchen (into an existing landscaped area) to embark on a discretionary process including a \$14,433 application fee, an as-built plan of all their existing, permitted improvements and months of County review. We can think of many other examples where proposed minor improvements do not warrant Development Plan level review and are adequately

Chairman Salud Carbajal
& Honorable Board of Supervisors
11 April 2008
Page 3 of 3


assessed within the current land use permit process. When a land use permit is processed, the planner must ensure that all zoning regulations and applicable planning policies are met. Furthermore, in instances where there is public interest in taking the project to a discretionary level, the opportunity to appeal an administrative decision is already provided.

It is prudent to declare an interest and commitment to resource protection, as this is a common goal we believe is shared by all. However, without a revision to provide for appropriate exceptions to the Development Plan requirements, the proposed amendment will result in unintended consequences of costly and unnecessary regulation in certain instances. Appropriate resource protection is currently upheld in the land use permit process for projects such as those cited above. We urge you to ensure that in adopting this ordinance amendment, you also protect the interest of a sensible permit process.

Sincerely,

SUZANNE ELLEDGE

PLANNING & PERMITTING SERVICES, INC.



Suzanne Elledge
Principal Planner

cc: Dianne Black
Noel Langle