

Santa Barbara County Board of Supervisors

**California Coastal Commission
Suggested Modifications to the
County & Montecito Land Use & Development Codes
August 3, 2010**



RECOMMENDATIONS

- Provide direction regarding presenting comments to the Coastal Commission at the August 12th hearing
- Authorize the Chair of the Board to sign the letter to the Coastal Commission
- Select up to two Board members to attend the August 12th hearing

POTENTIAL OPTIONS TO INCLUDE IN COASTAL COMMISSION LETTER

1. Certify the amendment without substantial suggested modifications.
2. Bifurcate the process and certify without suggested Modifications 9, 10, 13 & 21.
3. Provide input on suggested Modifications 9, 10, 13 & 21 to County and CC staff; direct CC staff to work with County and local community on the language of these modifications.
4. Certify the amendment with changes to suggested Modifications as shown in attachment to draft letter to CC.

MOD 9 CDP REQUIREMENT FOR AGRICULTURE

New & expanded cultivated agriculture

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
Exempt if associated grading does not require a CDP	Exempt if complies with development standards regarding: <ul style="list-style-type: none"> •Slopes/cut & fill height & quantities •Minimum distance from the top of bank of any creek, stream or watercourse •Minimum distance from ESH areas •Does not remove native or non-native protected trees •County issues exemption 	No further revisions

MOD 9 CDP REQUIREMENT FOR AGRICULTURE

New & expanded areas of grazing

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
Exempt	<p>Exempt if:</p> <ul style="list-style-type: none"> •located in existing grazing areas (including normal rotation of livestock between pastures) & does not significantly increase the intensity of use •complies with same development standards as for new & expanded cultivated agriculture 	<p>Exempt if:</p> <ul style="list-style-type: none"> •located in existing grazing areas (including normal rotation of livestock between pastures); delete reference to does not significantly increase the intensity of use •delete exemption for compliance with development standards

MOD 9 CDP REQUIREMENT FOR ANIMAL KEEPING

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
Exempt	Exempt if: <ul style="list-style-type: none"> •designated exempt in the Animal Keeping Tables (e.g., household pets, small, non-hoofed animals, wildlife care rehabilitation) 	Exempt if: <ul style="list-style-type: none"> •designated exempt in the Animal Keeping Tables (e.g., household pets, small, non-hoofed animals, wildlife care rehabilitation) •located in existing animal-keeping areas & does not otherwise require a conditional use permit (e.g., dairy, feed yard, hog ranch) Designate large animals and other livestock as a Principal Permitted Use in non-agricultural zones if limited to 2 animals

MOD 9 SCHOOL FACILITIES ALLOWED BY CUP AGRICULTURAL ZONES

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
<p>Schools allowed by CUP in Agricultural zones</p>	<p>Schools allowed by CUP restricted to the expansion or reconstruction of lawful, existing facilities</p> <ul style="list-style-type: none"> •including expansion of facilities on adjacent lots owned by the school •lawful, existing schools are considered conforming uses 	<p>No further revisions</p>

MOD 9/13 CDP FOR VOLUNTARY MERGERS

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
<p>No CDP requirement for Voluntary Mergers</p> <ul style="list-style-type: none"> •Voluntary Mergers approved by County Surveyor •not subject to planning approval 	<p>CDP with hearing required for all Voluntary Mergers</p> <ul style="list-style-type: none"> •establishes planning approval for Voluntary Mergers <p>(No change from previous suggested modification)</p>	<p>Voluntary Mergers exempt from CDP if County determines would not result in increased development potential</p> <ul style="list-style-type: none"> •Determination subject to local appeal and appeal to Coastal Commission

APPEAL PROCESS

Appealable Development		Non-appealable Development
Aggrieved Party	Coastal Commission	
<ul style="list-style-type: none"> • Zoning Administrator • Planning Commission • Board of Supervisors • Coastal Commission 	<ul style="list-style-type: none"> • Zoning Administrator • Two Coastal Commission members may appeal directly to the Coastal Commission 	<ul style="list-style-type: none"> • Staff (under Director's authority) • Planning Commission • Board of Supervisors

MOD 10 AGRICULTURAL DWELLINGS

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
<p>Primary agricultural dwelling allowed with a CDP</p> <p>Not subject to public hearing unless located in the Appeals Jurisdiction</p>	<p>Designated as a Principal Permitted Use if:</p>	<p>Designated as a Principal Permitted Use if:</p>
	<ul style="list-style-type: none"> occupied by operator of agricultural use or owner of lot 	<ul style="list-style-type: none"> occupied by operator of agricultural use or owner of lot
	<ul style="list-style-type: none"> 5,000 SF limit on dwelling floor area 	<ul style="list-style-type: none"> 5,000 SF limit on dwelling floor area
	<ul style="list-style-type: none"> Development area: 10,000 SF limit on lot area devoted to dwelling and all accessory structures, and landscaping associated with the dwelling 	<ul style="list-style-type: none"> Same as Agricultural Preserves Uniform Rules; depends on size of lot

MOD 10 ACCESSORY USES

LUDC (as submitted by County)	LUDC (as revised by CC staff)	LUDC (proposed P&D revision)
<p>All accessory uses have the same permit requirement</p> <ul style="list-style-type: none"> •Exception: residential second units considered appealable development; may be appealed to Coastal Commission 	<p>All accessory uses are designated Principal Permitted (PP) if:</p> <ul style="list-style-type: none"> •customarily incidental and secondary to the primary PP use •does not change the character of the primary PP use •Exceptions: artist studios, guest houses & residential second units 	<p>All accessory uses are designated Principal Permitted (PP) if:</p> <ul style="list-style-type: none"> •customarily incidental and secondary to the primary PP use •does not change the character of the primary PP use •Exception: residential second units

MOD 14 LOT LINE ADJUSTMENTS

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
Existing finding: Development of a substandard size lot resulting from a LLA <u>shall avoid or minimize impacts where appropriate</u> to ESH areas including buffer areas	Return to language as submitted	No further revisions

MOD 21 BLUFF DEVELOPMENT

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
<p>No specific development standards required for minor development located within bluff setback area</p>	<p>Allow fences for safety purposes and public facilities (e.g., public trails) within 15 feet provided at least 5 feet from bluff edge</p> <ul style="list-style-type: none"> • fences must be permeable & visually compatible • existing bikeways may be maintained & structurally repaired 	<p>No further revisions</p>
<p>Engineered staircases & access ways allowed on bluff face; private and/or public use not specified</p>	<p>Lawful, existing private staircases & access ways considered nonconforming:</p> <ul style="list-style-type: none"> • may be structurally repaired • structural replacement limited to 50 % 	<p>Lawful, existing private staircases & access ways considered conforming uses:</p> <ul style="list-style-type: none"> • may be structurally repaired without limit

MOD 34 SEA LEVEL RISE

LUDC (as submitted by County)	LUDC (as revised by CC staff 7/28)	LUDC (proposed P&D revision)
No standards addressing potential sea level rise	Coastal hazardous analysis may include previously developed range of sea level rise: •basis for selected scenario must be justified Specified sea level rise scenarios deleted	No further revisions

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