

ATTACHMENT 1

May 15, 2018

Ms. Dayna Bochco, Chair, and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Santa Barbara County Local Coastal Program LCP Amendment No. LCP-4-STB-16-0067-3 (Gaviota Coast Plan)

Dear Chair Bochco and Members of the Commission:

On May 15, 2018, the Santa Barbara County Board of Supervisors discussed the Coastal Commission staff's suggested modifications to the Gaviota Coast Plan (LCP Amendment No. LCP-4-STB-16-0067-3).

The Santa Barbara County Board of Supervisors greatly appreciates the time and effort your staff has committed to working with County staff to address the substantive concerns with the suggested modifications as proposed by Coastal Commission staff. Our staffs were able to address many of the County's concerns regarding some of the modifications. However, we continue to have significant concerns regarding several modifications, and feel these modifications are not necessary to ensure compliance with Coastal Act goals and policies. We request your Commission's consideration of the following:

1. Permitting Requirements for Agricultural Cultivation and Grazing (Suggested Modification No. 13, Sections 35-430.D.2 and 35-430.D.4).

The Board of Supervisors requests that the Coastal Commission revise its modifications and allow new agricultural cultivation and grazing to be exempt from the issuance of a Coastal Development Permit (CDP) if it complies with the four specific standards listed below. These same standards were previously approved by the Coastal Commission in 2010 when the Commission adopted the County's Land Use and Development Code reformat of Article II. New agricultural cultivation and grazing would be exempt if it:

- Does not occur on slopes of 30% or greater, or require any cut or fill that exceeds three feet in vertical distance or require grading over 50 cubic yards.

- Is not located within 100 feet of the top of bank of any creek, stream, or watercourse.
- Is not located within 100 feet of ESH areas (e.g., riparian corridors and wetlands).
- Does not result in the removal of protected trees.

Under the suggested modifications to Article II for the Gaviota Coast Plan, Coastal Commission staff suggests a modification to the permitting requirements that would allow agricultural cultivation and grazing on lands designated Agriculture without the issuance of a CDP within an area that has been subject to cultivation or grazing within the previous 10-year period, but would require issuance of a CDP for new cultivation and grazing everywhere else. The County appreciates the recognition that ongoing agricultural uses should be exempt from permits. However, historically, the County has not required the issuance of a CDP for agricultural cultivation or grazing on lands designated for Agriculture, regardless of whether the area proposed to be cultivated or grazed had been used as such within the previous 10-year period. Considering the County's historic practice of exempting agriculture, the County would prefer no CDP requirement for agriculture. Since this is not considered to be consistent with the Coastal Act, the County requests that a CDP not be required for new agricultural cultivation and grazing if it complies with the above listed standards.

The Board of Supervisors also requests that the Coastal Commission revise the Article II amendments to clarify the distinction between historic and new agricultural cultivation and grazing, including the changes requested above, because, as currently drafted, there are inconsistencies between the requirements of Sections 35-430.D.2 and 35-430.D.4.

2. Permitting Requirements for Certain Residential Accessory Structures (Suggested Modification No. 13, Section 35-430.E, Table 18-2).

The Board of Supervisors requests that the Coastal Commission revise its modification to identify residential accessory structures as "principal permitted uses." The Board of Supervisors appreciates the Coastal Commission staff's work with County staff to appropriately categorize uses as "principal permitted uses" and "non-principal permitted uses," which is a new permitting concept for the County. The designation of a one-family dwelling in the AG-II zone as a "principal permitted use" is especially appreciated. However, the Board of Supervisors is concerned that certain residential accessory structures and uses (e.g., guest house, home occupation, or pool house/cabana) would be considered non-principal permitted uses, and thus, require a hearing and be appealable to the Coastal Commission. The County does not agree with this approach. Accessory uses to a principal permitted use should be classified as principal permitted. To do otherwise would subject most residential development (as most includes accessory structures) to a local hearing and a potential appeal to the Coastal Commission.

3. Gaviota Coast Plan Natural Resources Stewardship Policy NS-4: Environmentally Sensitive Habitat (ESH) Criteria and Habitat Types (Suggested Modification No. 2).

The Board of Supervisors requests that the Coastal Commission restore "Rare" to Policy NS-4 to clarify that the protections afforded to ESH only apply to "rare" native chaparral.

Suggested Modification No. 2 modifies Policy NS-4, in part, to remove the term “Rare,” which would have the effect of treating all native chaparral – regardless of its rarity – as ESH and, consequently, subject to the protections afforded to ESH. This would be a departure from how the County historically has treated native chaparral whereby only rare native chaparral qualified as ESH. This modification would greatly expand ESH and potentially limit new agricultural activities.

4. Gaviota Coast Plan Land Use Policy LU-13: Bluff-Top Development (Suggested Modification No. 8).

The Board requests that the Coastal Commission delete a portion of Policy LU-13 that requires development on coastal bluff-top property to be designed and located “...considering 100 years of bluff erosion that factors in the long-term effects of climate change and sea-level rise based on best available science,” and allow the County’s Coastal Resiliency Project to address this issue in the Coastal Zone countywide, not just for the Gaviota Coast Plan area.

As part of the Coastal Resiliency Project, County staff is recommending that the analysis be based on a minimum 75-year timeframe, thereby allowing – but not requiring – consideration of a 100-year timeframe, and after factoring in site-specific characteristics. This would be consistent with published Coastal Commission guidance that states development on bluff-top property should be designed and located considering 75 to 100 years of bluff erosion, and defers to the local jurisdiction to select the appropriate timeframe for the analysis (California Coastal Commission. *Residential Adaptation Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs*. March 2018. Revised Draft.). The County anticipates submitting the Coastal Resiliency Project LCP Amendment to the Coastal Commission later this year.

The Board of Supervisors understands that the goal of the suggested modifications is to implement the policies of the Coastal Act that seek to protect sensitive coastal resources, including access to the coast. The County shares this goal but feels that these suggested modifications are not required to ensure compliance with the Coastal Act and impose unnecessary increased costs and requirements on coastal landowners.

We thank you again for the work of the Coastal Commission staff to coordinate with the County staff and consider the County’s concerns. We look forward to reaching a mutually satisfactory resolution regarding these issues.

Sincerely,

Das Williams, First District Supervisor
Chair, Santa Barbara County Board of Supervisors

cc: Santa Barbara County Board of Supervisors
Dianne M. Black, Director, Planning and Development Department