

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800

**ADDENDUM****Th6b&c**

DATE: November 17, 2010
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Items 6b&c, Thursday, November 18, 2010, County of Santa Barbara Major Amendment 1-09 (Land Use and Development Codes & Rezone)

The purpose of this addendum is to: (1) clarify that if a property has legally established facilities for animals (including horses), no CDP is necessary for the addition of animals or the replacement of animals, provided that the total number of animals does not exceed the maximum allowed in that zone district; (2) make minor modifications to Suggested Modification 11 to provide consistency with the Commission's regulations Section 13250-13253; (3) attach letter from the Santa Barbara County Board of Supervisors, dated November 15, 2010 (Page 5 of 76) and (4) attach correspondence in support (Page 8 of 76) and opposition (Page 32 of 76) of the staff recommendation, received as of November 16, 2010.

Note: ~~Double strikethrough~~ indicates text deleted from the November 2, 2010 staff report pursuant to this addendum and double underline indicates text added to the November 2, 2010 staff report pursuant to this addendum.

1. Suggested Modification 9 on page 99 of the November 2, 2010 staff report shall be modified as follows:

9. Allowed Land Uses and Permit Requirements Tables

35.42.060.B - Animal Keeping - shall be modified as follows:

- B. Applicability.** This Section applies to any keeping of animals as either an accessory and incidental use or principal use, except for pet stores, animal clinics, animal hospitals and veterinarian offices. This Section shall not apply to animals that are less than six months in age.
- C. In general.**
1. Animal keeping uses shall comply with the standards in Subsection F. (Specific animal keeping standards) below, and other applicable standards and requirements of this Development Code.
 2. Animal keeping activities are subject to the requirements of this Section regardless of whether a permit is required.
 3. Additional permits may be required by other provisions of this Development Code for structures used to enclose or house animals.
 - a. Coastal Zone.** Within the Coastal Zone, confined animal facilities require a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) unless otherwise exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements).
 - (1) Confined animal facilities that are incidental, appropriate and subordinate to animal

keeping designated as a Principal Permitted Use are also considered a Principal Permitted Use.

4. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.

D. Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping. Table 4-1 through Table 4-8 identify the type of animal or animal keeping activity allowed in each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table (Additional Regulations) includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity.

1. **Coastal Zone.** Zone symbols in the "Permit Required by Zone" columns that include "CZ" after the zone symbol only apply within the Coastal Zone unless indicated otherwise. In cases where confined animal facilities have been legally established for a given animal-keeping activity, a Coastal Development Permit is not required for replacement of animals or the addition of animals provided that the total amount of animals does not exceed the maximum number allowed on the lot on which the animal keeping occurs in compliance with Table 4-1 through Table 4-8. The establishment of new or additional confined animal facilities requires a Coastal Development Permit.
2. **Inland area.** Zone symbols in the "Permit Required by Zone" columns that do not include "CZ" after the zone symbol only apply outside the Coastal Zone within the Inland area unless indicated otherwise.

...

2. The following shall be added as the first full paragraph on Page 261 of the staff report:

With regard to animal-keeping, the primary intent of the relevant Suggested Modification 9 changes is to ensure that facilities that are established to house or confine the animals receive a Coastal Development Permit. There has been speculation that the Modifications require a CDP, for example, in cases where a horse is replaced or where a new foal is born. This is simply not the case. Suggested Modification 9 makes it abundantly clear that if a property has legally established facilities for the animals, a CDP is not necessary for the addition of animals or the replacement of animals, provided that the total number of animals does not exceed the maximum allowed in that zone district. However, if the addition of animals requires new facilities, including stables, barns, corrals, then a CDP is required for the facilities and horses that would be accommodated by those facilities.

3. Suggested Modification 11 on page 107 of the November 2, 2010 staff report shall be modified as follows:

11. Exemptions

35.20.040 - *Exemptions from Planning Permit Requirements - shall be modified as follows:*

C. Exempt activities and structures, Coastal Zone. Within the Coastal Zone, the following types of development (and only the following types) are exempt from the requirements of this Development Code to obtain a Coastal Development Permit, except as noted below.

1. The exemptions described in Subsections C.2 and C.3 below shall not apply, and a Coastal Development Permit shall be required in addition to any other required planning permit, where:

- a. The development or the structure being improved is located within or adjacent to a wetland, stream, lake, beach, environmentally sensitive habitat area, on or within 50 feet of the edge of a coastal bluff, or within areas designated in the LUP as highly scenic.
 - b. Any significant alteration of land forms, including removal or placement of vegetation, occurs on a beach, wetland, stream, or sand dune, or within ~~400~~ 50 feet of the edge of a coastal bluff, in environmentally sensitive habitat areas, or within areas designated as highly scenic.
 - c. The development or structure has the potential to adversely impact public access to the beach or public hiking and equestrian trails, including existing informal trails within the Coastal Zone.
 - d. On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in designated significant scenic resources areas, a development results in:
 - (1) An increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to the exemption in sub-section C.2, below, or the analogous exemption in Coastal Act (PRC § 30610(a) or (b)), which would result in a total increase in floor area of 10 percent or more, and/or
 - (2) An increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as a garage.
 - e. The improvement is to a non-residential structure and changes the intensity of use of the structure.
 - f. The improvement is to a structure where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or County indicated that any future improvements would require a Coastal Development Permit.
 - g. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified water-using development not essential to residential use including swimming pools, or the construction or extension of any landscaping irrigation system.
 - h. The expansion or construction of water wells or septic systems.
4. The following shall be added as the second full paragraph on Page 270 of the staff report:

Section 35.20.040.C appears in the suggested modifications as all new text, but much of the text comes from the existing LCP. The entire section appears as new because the text is being placed in a new location with a new structure. As indicated above, Subsections C.1 and C.2 attempt to preserve as much of the existing LCP as possible while ensuring that the restructured regulation is consistent with sections 13250 and 13253 of the Commission's regulations. In order to achieve the first of those goals, the Commission has held back from adding some language, such as not requiring that all of the examples at the end of section 13250(b)(4) be included in Section 35.20.040.C.1.d.(2) or that 13253(b)(8) be added as a

separate paragraph within 35.20.040.C.1. Any resulting discrepancies are not intended to, and should not be interpreted as, indicating a different standard. Similarly, the limited editing in the context of the restructuring may result in some redundancy, such as in section 35.20.040.C.2.c, e, h, j, and l's references to development that is necessarily directly attached to the base structure and therefore already qualifies as an improvement pursuant to 35.20.040.C.2

DOREEN FARR
Third District Supervisor



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COUNTY OF SANTA BARBARA

November 15, 2010

Bonnie Neely, Chair, and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code, and Two Parcel Rezone, Montecito)

Dear Chair Neely and Members of the Commission,

On November 9, 2010 the Santa Barbara County Board of Supervisors directed that I be the Board's representative at the Coastal Commission meeting this Thursday, November 18th. Shown below are the items of concern that I will address in person at the November 18th meeting.

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 remaining substantive concerns with the suggested modifications as proposed by Commission staff. Our staffs were able to address the County's concerns regarding designating artist studios and guesthouses as accessory uses to principal permitted residential uses.

However, the Santa Barbara County Board of Supervisors remains very seriously concerned about several of the suggested modifications that would delete several uses currently allowed by the County's certified coastal zoning ordinance. In addition, a number of current uses would become subject to new or additional permitting requirements resulting in a much longer and more expensive permit process. We feel these modifications are not necessary to ensure compliance with Coastal Act goals and policies and that our current process in these areas both meets the need of protecting precious coastal resources as well as meeting the needs of Santa Barbara County residents. These modifications include:

- Increasing the permit requirements for agricultural operations. The Board of Supervisors remains extremely concerned with the suggested modifications that would require the expansion of existing or new agricultural operations, including open field agriculture, orchards, vineyards, and grazing, to obtain a Coastal Development Permit (and an appealable CDP for those operations located in the appeals jurisdiction) and requests that these activities remain exempt from a CDP.

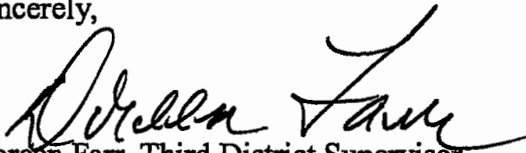
- Increasing the permit requirements from an exemption to a Coastal Development Permit for the keeping of animals associated with agricultural operations and the keeping of large animals as accessory to residential uses. The Board of Supervisors requests that the keeping of animals in both situations remain exempt from a CDP requirement.
- Increasing the permit requirements for residences on agriculturally zoned lands. The Board is equally concerned with the suggested modification proposing to limit the size, occupancy and development area of residences on agricultural parcels and requiring those that exceed the standards be reviewed under an appealable CDP. It appears that this requirement has not been applied to residential uses on agriculturally zoned parcels anywhere else in the State. The Board requests that the Coastal Commission allow residential uses consistent with the development area requirements contained in the Williamson Act and the County's Uniform Rules for agricultural preserve contracts. Applying these same standards provides both flexibility and consistency for our farming and ranching families in the coastal zone as well as continuing to protect valuable agricultural land from conversion to other uses through the use of clustering of structural development in limited sized development envelopes.
- Limiting repairs of and prohibiting new staircases serving private access on a coastal bluff. The policies cited by your staff to justify the distinction between staircases on bluff faces that serve public and private access apply equally to both. These policies speak to the careful consideration of bluff stairways, whether or not they serve public or private access. The County has successfully balanced the requests for access stairways with the policies protecting bluffs, evidenced by the fact that not one bluff stairway, public or private, has been appealed to the Coastal Commission. The Board of Supervisors requests that the Coastal Commission delete the suggested modification prohibiting private stairways and rely on the appeal process to address situations where the Commission or the community do not feel the County appropriately protected the bluffs.
- Requiring an appealable Coastal Development Permit for voluntary mergers and lot line adjustments. The County requests that the Coastal Commission treat Santa Barbara County as it has treated Sonoma County and exempt Lot Line Adjustments and Voluntary Mergers which do not result in an increase in the number of lots or allowable residential units from a CDP requirement.

The County 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.

The Board of Supervisors has received a large volume of emails and heard testimony from dozens of individuals and community organizations at our community meetings and Board of Supervisor hearings on these proposed modifications. All speakers, except for three or four, were vehemently opposed to these changes. They feel that our current process in the above areas has worked quite well in the past and that these are not problem areas in our County that need to be "solved" by the suggested modifications.

Given how strongly our residents feel about the above modifications, I believe that the Board of Supervisors will find it extremely difficult to accept certification of the Montecito and County Land Use Development Codes, and may choose to retain our current Coastal Zoning Ordinance if we cannot come to an agreement with the Coastal Commission on these critical issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Doreen Farr". The signature is written in a cursive, flowing style.

Doreen Farr, Third District Supervisor
Santa Barbara County Board of Supervisors

LAW OFFICE OF MARC CHYTILO

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BR

ENVIRONMENTAL LAW

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

November 15, 2010

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

By email to 

RE: Thursday November 18th, 2010, Agenda Items 6 (b) and (c); Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code)

Dear Chair Neely and Honorable Members of the Commission,

This letter is submitted on behalf of the Gaviota Coast Conservancy and on behalf of the Naples Coalition, a Santa Barbara County based association of local non-profit groups including the Los Padres Chapter of the Sierra Club, Santa Barbara Chapter of the Surfrider Foundation, Santa Barbara Chapter of the Audubon Society, Citizens Planning Association of Santa Barbara County, The League of Women Voters of Santa Barbara County, the Gaviota Coast Conservancy, and the Santa Barbara County Action Network. The Gaviota Coast Conservancy and the Naples Coalition are dedicated to the long-term protection of Santa Barbara County's coastal resources, and in particular the Gaviota Coast and the property known as "Naples" located thereon.

We urge the Commission to certify Santa Barbara County's LCP Amendment in order to enhance resource protection and public access in Santa Barbara County, and bring the existing LCP into conformity with the Coastal Act. We support the bulk of Commission Staff's recommended modifications, and appreciate Commission Staff's receptivity to many of the concerns raised by the County and local residents. Below are several important points regarding the suggested modifications that we feel merit special attention.

Viable coastal agriculture is critical in assuring the long-term protection of the Gaviota Coast in its rural and predominantly undeveloped state. We are concerned that some of the suggested modifications to the Santa Barbara County LCP Amendment may have the unintended consequence of undermining the viability of coastal farms, which in turn could lead to increased economic pressures for residential development. Suggested Modification #9 which clarifies that a CDP is required for areas of new or expanded cultivation and grazing is particularly concerning, even with the exemption proposed in Suggested Modification #11. Because it is largely unknown at this time how these and other modifications may impact the viability of coastal agricultural operations, we urge the Commission to revisit these modifications once sufficient time has passed to evaluate their impact. The Commission's consideration of the Gaviota Coast Plan will present an opportunity to revisit the modifications affecting agriculturally zoned land, and may indicate that changes are necessary on the Gaviota Coast and potentially County-wide.

LAW OFFICE OF MARC CHYTILO
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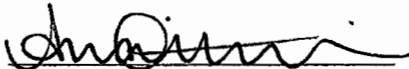
We support having a size threshold for principally permitted dwellings on agriculturally zoned lands (Suggested Modification #10), however feel strongly that the threshold should be 3,000 sq. ft. as originally recommended by Commission Staff, as opposed to the 5,000 sq. ft. threshold arrived at following discussions between Commission and County Staff. The 3,000 sq. ft. threshold is slightly larger than the average Gaviota Coast residence as determined by a Gaviota Coast Conservancy study, and ensures that very large residences are subject to public review and a discretionary process. Because landowners could still pursue larger homes with an appealable permit, we feel the 3,000 sq. ft. threshold is reasonable.

We strongly support the CDP requirement for subdivisions, lot line adjustments (LLA), and voluntary merger (Suggested Modifications #9, #13 and #14) to ensure that changes in lot density do not adversely impact coastal resources. Voluntary merger, along with subdivision and LLA, can be used to facilitate coastal development, as evidenced by the current and pending projects on the Gaviota Coast. In the context of the Santa Barbara Ranch Project proposed at Naples, the merger of multiple substandard, non-conforming and unbuildable lots enabled the developer to fashion a potentially viable development project for the property that included large homes with large building envelopes. Merger of these substandard lots also enabled the transfer of development potential to valuable agricultural lands and lands with high biological value. Additionally, in dense small-lot communities such as Summerland the merger of multiple small lots could be used to accommodate large structures that are aesthetically incompatible with the surrounding area. We do not support the County's proposal to narrow the CDP requirement to only those mergers that increase development potential because it would be difficult to apply in practice.

In sum, we urge the Commission to certify Santa Barbara County's LCP Amendment, but remain open to reconsidering changes to permitting requirements for agriculture as part of the Gaviota Coast Plan. In addition we urge the Commission to adopt a 3,000 as opposed to 5,000 sq. ft. threshold for principally permitted dwellings on agriculturally zoned lands, and ensure that appealable CDPs are required for subdivision, LLA and voluntary merger, which open the door to new and larger development and shape the future landscape of our coast.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Ana Citrin

For the Gaviota Coast Conservancy and Naples Coalition

CC: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
Shana Gray, Planning and Regulation Supervisor

**ENVIRONMENTAL DEFENSE CENTER * GAVIOTA COAST CONSERVANCY
NAPLES COALITION * SANTA BARBARA CHANNELKEEPER
SANTA BARBARA COUNTY ACTION NETWORK
SANTA BARBARA GROUP OF THE LOS PADRES SIERRA CLUB
SANTA BARBARA LEAGUE OF CONSERVATION VOTERS
CARPINTERIA VALLEY ASSOCIATION * CITIZENS FOR GOLETA VALLEY
CONCEPTION COAST PROJECT * FRIENDS OF THE ELLWOOD COAST
MONARCHS UNLIMITED * SANTA BARBARA URBAN CREEKS COUNCIL
THE TREE AMIGOS OF ORCUTT * CALIFORNIA FISHERIES AND WATER
UNLIMITED**

November 16, 2010

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

**Re: Santa Barbara County Land Use and Development Code -
SUPPORT**

Dear Honorable Commissioners:

This letter is submitted by the undersigned organizations, regarding the certification of Santa Barbara County's proposed Land Use and Development Code (LUDC) as an amendment to the County's Local Coastal Program (LCP). Our organizations collectively represent tens of thousands of residents throughout the County, and have decades of experience with coastal land use and planning issues.

The proposed Suggested Modifications are necessary to ensure that the Santa Barbara County LUDC complies with the California Coastal Act. We believe that your staff has achieved a delicate balance of ensuring legal conformity with the law, while addressing concerns raised by the County and local residents. We urge you to approve these recommendations for the following reasons:

- Updating the County's LCP will ensure that local land use decisions in the coastal zone are made in compliance with the Coastal Act. This will better protect our coast. Without the Coastal Act, places like Ellwood, Naples and Gaviota would likely be far more developed than they are today.
- The Suggested Modifications increase opportunities for public participation in matters of importance to the coast and land use decision-making.

- The Suggested Modifications have been long-anticipated. The Commission notified the County more than a decade ago that its LCP was one of three in the state in most need of update to comply with the Coastal Act. (Coastal Commission May 4, 2001 memo.)
- The Suggested Modifications will ensure the LCP addresses emerging issues such as climate change and sea level rise.

Thank you for your consideration of this matter, and for your role in protecting our precious coastal resources. Please approve the Suggested Modifications proposed for the Santa Barbara County LUDC.

California Fisheries and Water Unlimited

Carpinteria Valley Association

Citizens for Goleta Valley

Conception Coast Project

Environmental Defense Center

Friends of the Ellwood Coast

Gaviota Coast Conservancy

Monarchs Unlimited

Naples Coalition

Santa Barbara Channelkeeper

Santa Barbara County Action Network

Santa Barbara Group of the Los Padres Sierra Club

Santa Barbara League of Conservation Voters

Santa Barbara Urban Creeks Council

The Tree Amigos of Orcutt



November 15, 2010

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Santa Barbara County Land Use and Development Code

Dear Honorable Commissioners:

The Environmental Defense Center (EDC) submits this letter in support of the proposed Suggested Modifications to the Santa Barbara County Land Use Development Code (LUDC). The EDC is a public interest law firm that represents community organizations throughout the County and protects and enhances the local environment through education, advocacy and legal action. On behalf of our more than 2,000 members, we urge the Commission to certify the LUDC subject to the staff's proposed modifications, with a few changes discussed below (see "**Recommendations**," page 4).

As noted in the staff report, the Suggested Modifications are necessary to ensure that the LUDC complies with the California Coastal Act. Approving these modifications will enable the CCC to certify the County's newly reformatted LUDC as consistent with the Coastal Act, and will protect the County's unique and irreplaceable coastline from permanent pollution, erosion, habitat loss, loss of agricultural lands and visual degradation.

Most Of The County's Concerns Have Been Resolved

We commend your staff for working with the County to address many concerns that have been raised by the Board of Supervisors and local residents. Due to the diligent efforts of your staff, the following concerns have been addressed:

- Accessory uses in agricultural, residential and resource protection zone districts have been expanded to include guest houses and artist studios.
- Keeping of horses in residential zone districts will be considered an accessory use and allowed with a non-appealable CDP.

- The exemption for principal residences in agricultural zone districts has been increased to allow homes up to 5,000 square feet without a permit.
- Several exemptions have been added for new, expanded, or intensified agricultural activities.
- Existing private bluff staircases (which constitute nonconforming structures) can be replaced, maintained or repaired if: (1) on bluffs less than 10 feet in height, (2) steps or rails become damaged or destroyed, or (3) less than 50% of structural underpinnings are damaged, or 100% of structural underpinnings are destroyed by an act of nature.
- Schools in agricultural zones will not be treated as nonconforming uses and will be allowed to expand onto adjacent parcels owned by the school, even if divided by a road. In addition, former school sites on agriculture lands can be returned to school use, even if the old school site is not currently operated as a school. This modification should facilitate future plans for all three affected schools in Santa Barbara County's coastal zone.

Remaining Concerns Are Unfounded And Based On Misunderstandings Of Law and Fact

Although we acknowledge the existence of persistent concerns, we believe that most objections are based on fundamental misunderstandings of the law or the effect of the modifications. For example:

- Probably the most significant concern that has been expressed is that the Suggested Modifications would impose new permit requirements, including appealable permits, for activities in the coastal zone. In reality, as explained in the staff report, the Suggested Modifications actually *decrease* the scope of appealable permits required under the Coastal Act by encouraging the County to designate Principal Permitted Uses (PPU). Designation of PPUs will render many coastal development permits (CDPs) non-appealable.¹ Thus, while the Modifications may increase the permitting requirements compared to the County's current administrative practices and execution of the existing certified LCP, such practices are not in compliance with the Coastal Act and are vulnerable to challenge. In addition, the Suggested Modifications *decrease* the scope of CDPs required under the Coastal Act by providing exemptions that do not currently exist, such as for agricultural expansion or intensification.
- Another general concern is that Santa Barbara County is being treated differently from other coastal counties, and is being held to a higher standard (e.g., by requiring designation of a single PPU for each zone district). Not only does the

¹ Pub.Res.Code §30603(a)(4).

Coastal Act *require* such designation,² but in the last decade virtually every other County in the coastal zone has been directed to follow the same standard.

- Members of the public have complained that the Suggested Modifications will render habitat restoration projects more difficult. In fact, as explained in the staff report, such projects already require appealable CDPs pursuant to the Coastal Act (because they do not constitute the PPU in any zone district); therefore, clarifying this fact in the County's LCP does not generate a new legal permit requirement. We have also pointed out that to the extent such restoration projects are legitimate and do not harm coastal resources, they will not likely be appealed.
- Similarly, the concern has been raised that the Suggested Modifications increase the permit requirements for agricultural operations. As pointed out in the staff report, such operations *already* require permits (that are non-appealable) under the Coastal Act, and the Suggested Modifications actually provide *new exemptions* that do not currently exist. Similar to the PPU issue, the fact that the County may not currently require permits for agricultural activities that meet the definition of "development" under the Coastal Act does not mean that such permits are not legally required, or that the County's practice is not vulnerable to challenge.
- Some members of the public are concerned that they cannot maintain or repair their existing private stairs. As stated above, most existing private staircases can be maintained, repaired and replaced.
- The County has complained that the LUDC was only intended to be a "procedural" document, and should not be subject to a comprehensive review by the Coastal Commission. In fact, the LUDC contains several substantive changes (e.g. IV Master Plan, Montecito Zoning Ordinance, Santa Barbara Ranch project). In any event, the LUDC represents an overhaul of the entire County Coastal Zoning Ordinance and, similar to any such update, must comply with all policies and requirements of the Coastal Act. The County has known since at least 2001 that its LCP was deficient and in need of updating to ensure consistency with state law.³
- The County also objects to the requirement that voluntary lot mergers are subject to CDPs. As pointed out in the staff report, this requirement is not new; in fact, the County's Notice of Final Action for the Santa Barbara Ranch project has been found incomplete for the past two years because the County failed to issue CDPs for the lot mergers. The reason for this requirement is because lot mergers represent a change in land use and may be used (as in the case of the Santa Barbara Ranch project) to combine undevelopable lots for the purpose of creating developable lots.

² *Id.*

³ See attached *Review of LCP Review Priorities and Selection of the Next Periodic LCP Review*, California Coastal Commission, May 4, 2001.

- Finally, concerns have been raised regarding the proposed standards for determining sea level rise. These standards are intended to provide state-wide consistency, and to provide a minimum “starting point” for analysis that is based on the current best available science. To the extent the science develops over time, the Suggested Modification allows the County to use such updated science.

Recommendations

In sum, we believe that most of the objections and concerns raised before the County are based on misinformation and confusion. Notwithstanding this observation, we believe that there are a few areas where further flexibility is allowed, and where the Commission could address some of the County’s remaining concerns. Therefore, we recommend that the Commission make the following changes to the staff’s Suggested Modifications:

- **Agricultural Exemptions:** the Suggested Modifications provide some new exemptions for new, expanded or intensified agricultural activities. We support such exemptions and further recommend that the Commission either delete the permit trigger for grading, or increase the trigger from 50 cubic yards to 100 cubic yards for cultivated agriculture. Due to difficulties with implementation and enforcement, we also recommend adjusting or deleting the exemption triggers for new or expanded grazing.
- **Large Animal Keeping in Residential Zone Districts:** the Suggested Modifications allow horse keeping as an accessory use in residential zone districts, subject to certain criteria. Although allowed, such activity would still require a non-appealable CDP. We support this accommodation and further recommend that the Commission provide an exemption for horse keeping in residential zone districts, subject to the caps in Suggested Modification #9, and provided the horses are maintained at least 100 feet from waterways.
- **Existing Private Bluff Staircases:** although the Suggested Modifications allow for repair, maintenance and replacement of most existing private bluff staircases, to resolve any remaining concerns, we recommend that the Commission consider treating all such staircases similar to the staff’s proposal for dealing with existing schools in agricultural zone districts, such that they would be grandfathered in and not treated as nonconforming structures. We believe that this change will foster continued maintenance and alleviate any safety concerns.

Conclusion

We applaud your staff for providing a comprehensive review of the County’s LUDC, and for identifying Suggested Modifications that will bring the County’s LCP into compliance with the Coastal Act. We appreciate the extensive effort by your staff to

address the concerns raised by the County and the public. As noted in the staff report, most of the issues raised by the County have been resolved. With a few additional changes and clarifications, we believe that the Commission can approve a set of Suggested Modifications that the County can accept.

As you provide your recommendation to the County, **we ask that you also remind the County that if the LUDC is not certified by the Commission, the County's Coastal Zoning Ordinance will lack designation of PPU's and thus every development activity in the County's coastal zone will require an appealable permit.** Such a result is not favorable to the County, to the public and landowners, and to the Commission itself.

Thank you for your time and consideration. Please approve the Suggested Modifications with the changes recommended in this letter.

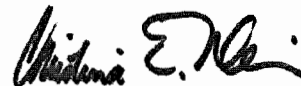
Sincerely,



Linda Krop,
Chief Counsel



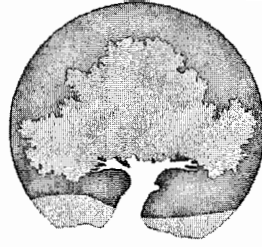
Brian Trautwein,
Environmental Analyst



Christina McGinnis,
Director, EDC's OPEN Program

atts: *Review of LCP Review Priorities and Selection of the Next Periodic LCP Review, California Coastal Commission, May 4, 2001*

cc: County of Santa Barbara



environmental
DEFENSE CENTER

November 8, 2010

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

**Re: California Coastal Commission Suggested Modifications to County
Land Use Development Code**

Dear Honorable Chair Wolf and Supervisors:

The Environmental Defense Center (EDC) is a non-profit public interest environmental law firm which protects and enhances the environment through education, advocacy and legal action. EDC and Urban Creeks Council urge the Board to accept the California Coastal Commission's (CCC) suggested modifications to the County's Land Use Development Code (LUDC). Accepting the modifications will enable to CCC to certify the County's newly reformatted LUDC as consistent with the Coastal Act and will protect the County's unique and irreplaceable coastline from permanent pollution, erosion, habitat loss, loss of ag lands and visual damage. The November 9 Board meeting should be used to clarify the implications of the proposed LUDC changes for the public, since there has been a large degree of misinformation among various interested parties. This will be a critical step towards moving the LUDC closer to acceptance. It is entirely appropriate that your Board not make any specific recommendations to the CCC for acceptance or denial of the modifications until such time the CCC completes their deliberations and final recommendations on the LUDC package. However, introducing certain requests to clarify and address concerns expressed by the public on the suggested modifications is appropriate. The CCC was clearly receptive to receiving public input from the Santa Barbara County Community (as expressed during the August 2010 hearing), and has compromised on many important points to try to reach common ground with the County while still upholding the Coastal Act. The November 18 CCC hearing will provide the community and the CCC with an opportunity to further consider the implications and requested clarifications on certain modifications as put forth by the County. The suggested modifications as described in this letter are briefly summarized and explained below:

906 Garden Street Santa Barbara, CA 93101 Phone (805) 963-1622 FAX (805) 962-3152

11/17/10

www.edcnet.org
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- New or expanded agricultural operations may require permits in certain situations, but **there is nothing in the Suggested Modifications that creates any new appealable CDPs**. In fact, if the grading trigger is removed, the Suggested Modification provides more exemptions than the existing County LCP.
- House size permit triggers on Agriculturally-zoned land are proposed for an increase from 3,000 sq ft to 5,000 sq ft, per the new Suggested Modifications.
- Animal keeping in Residential Zone Districts would now be allowed with a non-appealable CDP.
- Private bluff staircases can be repaired and maintained. Stairs and rails can be repaired, maintained and replaced for the life of the structure. Structural underpinnings can be replaced up to 50% of the structure, and up to 100% if they are damaged by a natural disaster.
- The CCC has compromised on accessory uses and has agreed to include guest houses and artist studios as part of the PPU in residential, resource protection and ag zones.
- The Suggested Modifications do not increase permitting requirements for lot mergers or habitat restoration projects. The Coastal Act already requires permits for such projects; to the extent such projects are beneficial in nature, they will not likely be appealed.
- The Montecito Zoning Ordinance (ZO) is part of the LCP Amendment; thus, if the LUDC is not certified, the Montecito ZO will also not be certified.
- The proposed standards for determining sea level rise represent a starting point for analysis, and will provide more state-wide consistency, better planning, and scientific support for project review. The standards do not inhibit the County's ability to adopt new standards as science develops.
- In a new compromise, the CCC has agreed that school expansions in ag zones will be allowed onto adjacent parcels owned by the school, even if divided by a road, and even if the old school site is not currently operated as a school.
- Perhaps most important, **if the LUDC is not certified and the County opts to revert to its existing zoning ordinance, all CDPs will be appealable**. This requirement will apply because the County's existing LCP does not include PPUs.

In an effort to help clarify some of the misconceptions regarding the proposed modifications, we have prepared a table that clearly outlines the legal basis and level of discretion the County has in accepting or suggesting changes to these modifications

(Exhibit 1).¹ Part of the opposition to the suggested modifications stems from a misunderstanding of the Coastal Act's requirements and of the implications of the suggested modifications. Most of the suggested modifications still under discussion are simply required by the Coastal Act as described in the appended table. If the County desires to implement the LUDC, it must accept these modifications. Other modifications may be negotiable as described in EDC's appended table.

Background

Santa Barbara County's Local Coastal Plan (LCP) has long been outdated. In 2000, the CCC analyzed LCPs throughout the state to determine which LCPs needed updating to comply with the Coastal Act and to minimize unnecessary appeals. The CCC's analysis determined that Santa Barbara County's LCP was one of three most outdated coastal plans in the state.

In response to Process Improvement Team (PIT) recommendations in 2003, the County decided to reformat its ordinances to be more user-friendly. The Zoning Ordinance Reformatting Project (ZORP) resulted in the County combining its various ordinances into the LUDC.

Before the LUDC can take effect in the coastal zone, the CCC must certify that it complies with the County's LCP and the Coastal Act. The LUDC was first submitted to the CCC for certification in October 2006. Commission staff undertook a lengthy review process that entailed County withdrawal and resubmission of the LUDC amendment packet. The CCC staff then identified "suggested modifications" to the LUDC which it believes are necessary to ensure LUDC compliance with the LCP and Coastal Act. County and CCC staff agreed to a majority of suggested modifications before release of the CCC staff report in April 2010.

Between April and August 2010, the County Planning Commission, Montecito Planning Commission, Board of Supervisors and various advisory committees held several public hearings on the suggested modifications. EDC and eighteen other community groups sent a letter to the Board generally supporting the CCC's suggested modifications as necessary to protect the coast and comply with the Coastal Act.

At its fourth hearing on the subject on August 3, the Board voted to send a letter to the CCC identifying remaining issues of concern to the County. The Board also voted to send Supervisors Wolf and Farr to the CCC hearing on August 12, 2010.

Four public workshops were held in various areas by County staff on the LUDC modifications since the August CCC hearing, and further input was received. However, a substantial amount of misinformation regarding the suggested modifications remains. The following selected items are provided to assist the BOS in further negotiating and

¹ The attached table was prepared on October 15, 2010, and updated on November 8, 2010 in response to the CCC's most recent version of the Suggested Modifications.

explaining some of the remaining modifications to the public to help reach an acceptable compromise. County staff has made considerable progress in consulting with the CCC on various modifications to address public concerns, and this should be clearly relayed to the public.

1. Ag Intensification and Expansion (Mod 9)

In order to ensure compliance with the Coastal Act (PRC §30106), the CCC suggested modifications require CDPs for some new, expanded or intensified agricultural activities. These permits are non-appealable, however, because they represent a Principal Permitted Use in ag zones (unless they are otherwise already appealable). Moreover, the suggested modifications also increase the number and scope of exemptions for such permits. The only exception is for new or expanded agricultural activities that require grading (cut and fill) of more than 50 cubic yards. We recommend that the County request an increase in this permit trigger to 100 cubic yards, particularly if such grading is located a minimum of 100 feet away from watercourses, and would not otherwise cause a significant environmental effect. This increase in grading would make the new LUDC more permissive (i.e., require fewer permits) than the existing LCP, which contains a 50 cubic yard threshold trigger for a CDP.

2. Ag Land House and Development Envelope Size Thresholds for Permitting (Mod 9)

To protect ag land and uses, CCC staff originally suggested that any new home proposed on ag-zoned land would require an appealable CDP. Issues addressed by this Suggested Modification include:

- Loss of Ag Land: Larger homes and development envelopes can directly displace agricultural lands.
- Loss of Farming: Estate development on agricultural lands can diminish agriculture because home and room rental income can supplant agricultural income. In addition, facilitating large estates can attract buyers who do not have an interest in farming or ranching, such as the Ballentyne residence, which was recently approved on the Gaviota coast.
- Lack of Public Process: There is no public process for homes and development that may impact agriculture unless an appealable CDP is required.

In response to local concerns, the CCC staff compromised and instead recommended that only homes over 3,000 square feet, and development envelopes over 10,000 square feet, on ag zoned properties should trigger appealable CDPs. Many in the community misunderstood this issue and believed the square footage thresholds prohibited homes over 3,000 sq. ft., when in fact they only constituted thresholds for triggering permits. The County consulted with CCC staff to increase the size of homes to 5,000 square feet before triggering an appealable CDP, and the CCC staff compromised again and yielded to this request. While the County also requested that development

envelopes should be as large as two acres on larger parcels before triggering appealable CDPs, the CCC has retained the limitation of the development envelope size to 10,000 square feet.

EDC supports the 10,000 square foot envelope size threshold, but believes 5,000 square foot homes are larger than needed to support agricultural uses. We support the requirement for an appealable CDP for homes larger than 3,000 square feet on ag-zoned properties.

3. Animal Keeping in Agricultural and Residential Zones (Mod 9)

One important issue for the public has been potential restrictions on animal keeping in residential zone districts. The County and CCC staff have negotiated this issue and reached an acceptable compromise. Previously, animal keeping in residential zone districts would have required an appealable CDP, according to the proposed modifications. However, the County has now reached a compromise with CCC staff to permit by *non-appealable* CDP the new keeping of horses (up to 2 horses per acre, with a maximum of 5) on residential lots over 20,000 sq ft. This concession on behalf of the CCC staff addresses public concerns with regard to this issue. However, the County is now requesting this allowance in all zone districts, including resource protection zones. If this request is considered, certain criteria should be applied, such as requiring a minimum distance away from ESHA areas and waterways, requiring an animal waste management plan, and providing for a cap such as in residential zone districts.

4. Stairways and Coastal Bluff access points (Mod 21)

There has been much public concern regarding the ability of property owners to repair existing private bluff staircases. As noted in the attached table, the Suggested Modification does allow repairs for up to 50% of the underlying structural components of these staircases (which can be replaced up to 100% if damaged by a natural disaster). Stairs and rails can be fully repaired, maintained and replaced for the life of the structure. This issue has been largely misunderstood by the public and should be further clarified during the BOS hearing.

EDC supports the idea that existing bluff staircases could be treated similarly to existing school facilities in ag zones, whereby the CCC staff has proposed exempting these school facilities from the provisions of 35.101, Nonconforming Uses and Structures, such that they would not have to be phased out over time (unless the use is abandoned). If existing private bluff staircases could potentially receive similar treatment by the CCC, and existing structures could be exempted from becoming a non-conforming use, this change would alleviate the landowners' concerns.

5. Accessory Uses to PPU's (Mod 10)

The Coastal Act requires coastal counties to designate one principal permitted use (PPU) per zone district. As noted previously by the CCC, the County's current LCP does

not designate a principal permitted use for each zone district. If PPUs are not designated as part of the LUDC update, the Coastal Act would render all projects in the Coastal Zone potentially appealable to the CCC [Pub.Res.Code §30603(a)(4)].

Currently, all accessory uses are designated Principal Permitted if they:

- Are customarily incidental and secondary to the primary Principal Permitted use
- Do not change the character of the primary Principal Permitted use.

CCC staff has negotiated with County staff and agreed to allow artist studios and guest houses to be considered as accessory uses in residential, resource protection and ag zones; this change is consistent with the existing LCP requirements.

6. Habitat Restoration

As stated above, the Coastal Act only allows one PPU per zone district. Habitat restoration is not a PPU in any zone district. Therefore habitat restoration projects which rise to the level of “development” (e.g. entailing grading) *already* trigger appealable CDPs, under the County’s current LCP. Based on conversations with CCC staff, eradication of non-native weeds and revegetation with native plants would not likely be considered “development” and therefore would not likely require any permit.

It should also be noted that currently, the County already requires appealable CDPs for restoration projects meeting the definition of development if located in the appeals jurisdiction (which includes all creeks, wetlands and buffers and much of the coastal zone). Because habitat restoration projects often (1) do not rise to the level of “development” and thus do not require any permits, and (2) are typically located in creeks, wetlands and other habitats in the appeals jurisdiction, it appears unlikely that the clarification set forth in the Suggested Modification will increase the permitting requirements for restoration projects in the coastal zone.

Therefore, as your Planning Director correctly summarized at the Goleta LUDC Workshop on October 12, the Suggested Modification does not really make habitat restoration projects any more difficult.

In addition, EDC continues to recommend that the County incentivize habitat restoration in the following ways:

1. Give priority processing to expedite genuine habitat restoration project permits;
2. Assign an in-house restoration planner (much like the ag planner) to process restoration project permits;
3. Actively work with groups and landowners to apply for permits to undertake habitat restoration; and when resources permit
4. Waive permit fees to apply for habitat restoration permits.

7. Montecito Zoning Code (Mod 37)

Suggested Modification #37 is specific to the Montecito ZO, and only applies if the LUDC is certified by the CCC. Thus, if the LUDC is not certified, the Montecito ZO will not be certified, and will have no force or effect in the coastal zone.

8. Sea Level Rise (Mod 34)

In an effort to address the projected impacts of Sea Level Rise when considering proposed development projects in the Coastal Zone, the CCC Suggested Modification #34 requires new development to be reviewed in accordance with the most recent scientific data. The benchmarks recommended by CCC staff (16 inches of sea level rise by 2050 and 55 inches by 2100) are the *minimum* scenarios used to provide a scientifically based, consistent standard, and may be updated as warranted by new scientific information. These standards are intended to create a consistent measure of how new developments are reviewed in the Coastal Zone and can be amended as necessary to reflect new scientific standards.

Implications of Rejecting the LUDC Suggested Modifications

If the County rejects the CCC's suggested modifications, the LUDC will not be certified and will have no effect in the coastal zone. The County would be forced to go back to Article II and all CDPs would be appealable to the CCC. Recently approved amendments to the LUDC that would affect the coastal zone would have to be reprocessed in the Article II format and resubmitted to the CCC for certification, further delaying implementation. If this were the case, the County would lose the Montecito Zoning Ordinance, updates to the IV Master Plan, Eastern Goleta Valley Residential Design Guidelines, Santa Barbara Ranch, process improvements regarding permit applications for sign plans, road naming, septic systems within Special Problems Areas, Solar Energy Systems, Special Care Facilities, and time extensions (for economic hardship). The County may also fall out of compliance with state housing mandates (RHNA) numbers. The level of effort and financial costs the County has expended on these programs would be largely wasted and new, costly, time-consuming public processes would have to be redone, diverting County staff attention and funding from other important programs.

Conclusion and Recommendations

EDC recommends that the Board accept the suggested modifications to ensure LUDC compliance with the Coastal Act. While there is much to be said for local control - especially when local decision-makers are concerned about protecting the coast - the Coastal Act provides guidance and a necessary check and balance system, and provides for sound coastal planning throughout the state. In the past we have seen local governments propose and approve projects that would violate the Coastal Act, destroy sensitive habitats, and farmland, and pollute coastal waters. Only the Coastal Act has


prevented destruction of places including Carpinteria Bluffs, Douglas Preserve, Ellwood Mesa, the Devereux Slough, and Gaviota Creek.

The County has agreed to the majority of the CCC suggested modifications, and the CCC has yielded on many of the outstanding issues based on negotiations with County staff, as noted above. The Board should continue to work with stakeholders and the CCC regarding the items that could benefit from further clarification. Taking such action will facilitate final certification of the LUDC by the CCC in November 2010, and allow the County to move forward with programs and projects in the coastal zone.

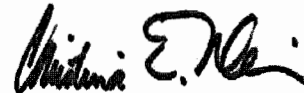
Sincerely,



Linda Krop,
Chief Counsel

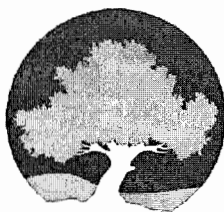


Brian Trautwein,
Er



Christina McGinnis,
Director, EDC's OPEN Program

cc: California Coastal Commission
Glenn Russell
Dianne Black
Noel Langle



environmental
DEFENSE CENTER

November 8, 2010

**SANTA BARBARA COUNTY LUDC:
COASTAL COMMISSION SUGGESTED MODIFICATIONS**

LUDC ISSUE	CCC SUGGESTED MODIFICATION	LEGAL BASIS	SBC DISCRETION	NOTES
<i>Permitted uses per zone district</i>	County must designate one principal permitted use (PPU) per zone district.	Pub.Res.Code §30603(a)(4): for coastal counties, any development that is not designated as the principal permitted use under the zoning ordinance requires an appealable coastal development permit (CDP). This requirement does not apply to development that is accessory, incidental, appropriate and subordinate to the PPU (see "Notes").	N/A.	Accessory development that is specifically identified in the LUDC as exempt and that meets certain structural/operational standards as set forth in Suggested Modification #11 does not require a permit. Other development may be allowed with a non-appealable CDP if it is incidental, appropriate, and subordinate to the PPU. If County rejects, all CDPs become appealable.
<i>Lot Mergers</i>	County must issue an appealable CDP for lot mergers.	Pub.Res.Code §30106: Definition of "development" (which requires a CDP) includes any "change in the density or intensity of use of land" and any "division of land".	N/A.	Lot mergers, such as in the case of Naples, can actually increase development potential. The County's suggestion that the Director of Planning & Development

				could make a determination regarding the potential for a lot merger to increase development potential, and that this determination could be appealable to the Coastal, is not viable because there is no legal mechanism under the Coastal Act to appeal such a determination.
<i>Ag intensification</i>	Ag intensification may require a CDP if it meets the definition of "development," but the CDP is only appealable to the Coastal Commission if other factors already provide for an appeal.	Pub.Res.Code §30106: Definition of "development" includes uses that cause a change in the density or intensity of use of land, alter landforms, require grading, and/or change the intensity of use of water.	N/A for intensification that meets the definition of "development." SBC and CCC are negotiating triggers to determine which activities meet this definition and thus require a CDP; thus practices that do not meet the trigger would fall outside the definition of "intensification" and would not require a CDP.	SBC can identify thresholds that do not require a CDP. Requiring a CDP for activities that exceed the thresholds will ensure that ag intensification activities are consistent with LCP and Coastal Act policies protecting important coastal resources.
<i>Restoration projects</i>	County must issue an appealable CDP for restoration projects which involve "development."	Pub.Res.Code §30106: restoration projects may constitute development (e.g., if they involve grading, alter landforms, etc.) If they do not constitute	N/A.	Requiring a CDP will provide oversight to ensure that projects use appropriate materials and actually restore, protect or enhance sensitive habitat. It is very unlikely that a genuine restoration

		<p>“development,” no permit is required.</p> <p>Pub.Res.Code §30603(a)(4): restoration projects are not a principal permitted use and are not normally considered incidental, appropriate, and subordinate to agriculture, residential or commercial PPU.</p>		<p>project permit would be appealed. No CDP for a restoration project has ever been appealed in this area. Under the Coastal Act Section 30603(a)(4), habitat restoration projects entailing development already require appealable CDPs because they are not a PPU.</p>
<p><i>Repairing existing private bluff staircases</i></p>	<p>Limitations on repairing/replacing damaged private staircases which are legal nonconforming structures (i.e., legal at the time of construction, but no longer allowed under the County’s LCP and Coastal Act). Rails and steps can be repaired, replaced and maintained for the life of the structure. Also, a total of 50% of the structural underpinnings may be repaired or replaced over the life of the structure. However, 100% of the structural underpinnings can be repaired or replaced if</p>	<p>CCC interprets SBC LCP Policy 3-7 as limiting development of bluff staircases to those that provide public beach access, therefore other staircases are nonconforming structures. In addition, other LCP and Coastal Act policies protect visual resources, geological stability, and coastal bluff habitat, and prevent activities that contribute to coastal erosion. Most specific is Pub.Res.Code §30253, which prohibits development that creates or contributes to</p>	<p>N/A. The law applicable to legal nonconforming structures is very clear. An exception to the prohibition against rebuilding nonconforming structures applies if necessary to protect the public health, safety or welfare; however, because this provision applies only to private staircases, this exception generally does not apply. If existing private bluff staircases can be treated as the CCC proposes to treat existing public schools in ag zone districts, they would not have to be treated</p>	<p>Rails and steps can be repaired, replaced, and maintained for the life of the staircase. If a landowner properly maintains the structural underpinnings of her/his staircase, it will not exceed the cumulative 50% threshold. Also, if a natural disaster such as a storm damages the staircase, it can be fully rebuilt.</p>

	damaged by a natural disaster.	erosion, geologic stability, or in any way requires construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.	as nonconforming uses and could be maintained as legal structures.	
<i>Residential development in Ag zones</i>	An appealable CDP is required for development that exceeds a certain size and scale, in order to maintain the primary use of the land as agriculture.	Pub.Res.Code §30603(a)(4): because residential development is not the principal permitted use in the ag zone district, a permit is required unless the development is an accessory to the existing primary ag use.	The County can work with the CCC to define the triggers which require an appealable CDP. The current disputes relate to the threshold size to trigger an appealable CDP for an individual structure (Coastal Commission recommends 3,000 sq. ft, but may be willing to go higher; County recommends 5,000 sq. ft.) and development envelope (Commission recommends 10,000 sq. ft.; County recommends up to 2 acres, depending upon the size of the parcel).	Some people have interpreted these size restrictions as prohibitions on development, when in fact they are simply thresholds that trigger whether the development is appealable to the Coastal Commission. Initially the CCC intended that all homes on ag lands would trigger CDPs but has since compromised. The Commission staff have also agreed to increase the trigger to 5,000 sq. ft. for a principal residence. This requirement is necessary to ensure that large-scale residential development does not detract from the primary use of the land, which is for agriculture.
<i>Schools in ag zones</i>	The expansion of an existing school onto an adjacent lot	Pub.Res.Code §30603(a)(4): schools are not the	CCC appears willing to consider some limited	Schools that are constructed next to ag land create land

	<p>that is owned by the school and zoned ag, even if located across a street (but not a highway or freeway) may be allowed with a conditional use permit and appealable CDP. Re-utilization of former schools sites (i.e. Vista del Mar) would also be allowed with an appealable CDP.</p>	<p>principal permitted use in ag zones. School expansion or construction would also convert ag-zoned land in violation of Pub.Res.Code §§30241 and 30242, which require protection of ag lands in the coastal zone.</p>	<p>exceptions which would allow a school to expand onto adjacent school district-owned parcel(s) – even if located across a street (but not a highway or freeway) - in areas that will not impact adjacent ag operations (e.g. Vista Del Mar School, Cate School). The CCC also pointed out that a school district can apply to rezone land from ag to a designation that would be compatible with school use.</p>	<p>use conflicts and potential nuisances that may jeopardize the health of students and teachers and the ability to continue ag operations (e.g., pesticide use, noise, odors).</p>
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Shana Gray

From: John Ainsworth
Sent: Monday, November 15, 2010 4:01 PM
To: Shana Gray
Subject: FW: LUDC

From: John Brookes [REDACTED]
Sent: Monday, November 15, 2010 3:49 PM
To: John Ainsworth
Subject: LUDC

I strongly urge you to maintain the LUDC subject to modifications. Please do not allow in roads to become legally possible to this bill which strives to keep our small area unpolluted and unexploited by developers whose overriding purpose is money not environmental health. There are not many healthy habitable places left and we need them and the wild life they support for a balanced ecological survival. We were born of this planetary environment over eons of evolution; we need this life to compliment our own species. Don't sell us out!

S. La Pointe Brookes

Shana Gray

From: John Ainsworth
Sent: Tuesday, November 16, 2010 8:22 AM
To: Shana Gray
Subject: FW: SantaBarbara County LUDC

From: Arthur Kennedy [REDACTED]
Sent: Monday, November 15, 2010 10:08 PM
To: John Ainsworth
Subject: SantaBarbara County LUDC

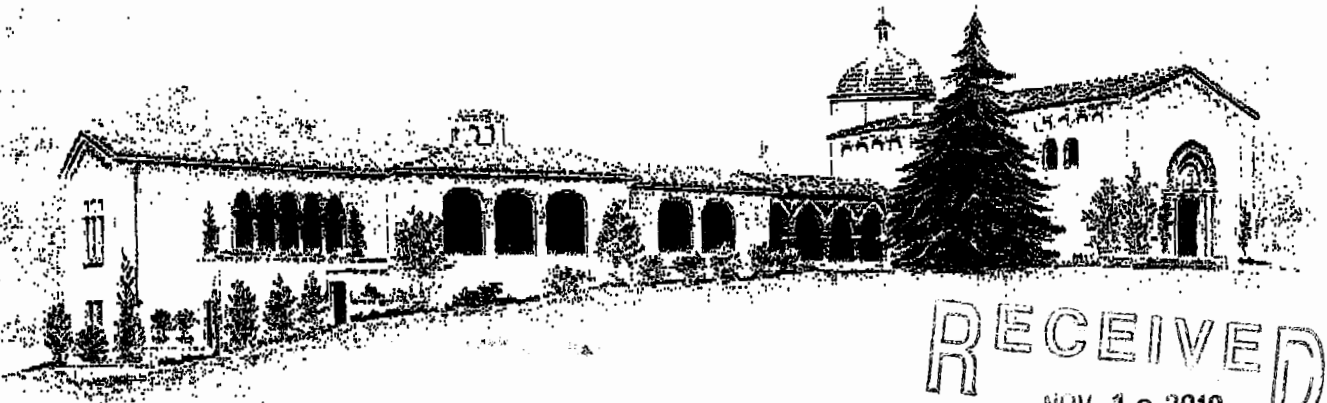
1. Without certification of the LUDC, all coastal development permits in Santa Barbara County will be appealable to the Coastal Commission.

1. Commission staff has achieved a delicate balance of legal conformity with the law, while addressing concerns raised by the public and local residents.

2. dang that is an impressive achievement. Please uphold it.

thank you,
Arthur Kennedy
6768 Sueno road Unit B
Isla Vista, CA 931174904

well within the coastal zone



SANTA BARBARA CEMETERY ASSOCIATION
CHAPEL - MAUSOLEUM - COLUMBARIUM
901 CHANNEL DRIVE
SANTA BARBARA, CALIFORNIA
93108-2828

RANDAL D. THWING
MANAGER

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

TELEPHONE (805) 969-3331
FACSIMILE (805) 965-5691

November 12, 2010

Jack Ainsworth, Deputy Director
California Coastal Commission, South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

Re: Item 6.b and c. – County of Santa Barbara LCP Amendment No. MAJ-1-09 A and B
Meeting Date Thursday November 18, 2010

Dear Coastal Commission:

We want to voice our concerns, that the Santa Barbara Cemetery concurs with the Board of Supervisors concerns and urge the Coastal Commission to accept the deletions proposed by the County of Santa Barbara.

The Santa Barbara Cemetery was established in 1867 and continues to serve families of all faiths and backgrounds, not only to the people of Santa Barbara, but from around the world.

Thank you for taking into account our concerns.

Sincerely,

Randy Thwing
Santa Barbara Cemetery Association



November 12, 2010

Bonnie Neely, Chair, and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09 (Land Use and Development Code, Montecito Land Use and Development Code, and Two Parcel Rezone, Montecito)

Dear Chair Neely and Members of the Commission,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,100 REALTORS® and our mission includes promoting home ownership as well as protecting private property rights. We fully support the letter submitted by Santa Barbara County Supervisor Doreen Farr and we request that the California Coastal Commission accept the proposed Santa Barbara County LCP Amendment No. MAJ-1-09 **without** the Coastal Commission staff modifications.

The proposed Santa Barbara County LCP Amendment No. MAJ-1-09 reflects a County that respects the Coastal Zone as well as the constituents who live and work within it. Some of the modifications presented by Coastal Commission staff are not necessary to ensure compliance with Coastal Act goals and policies since the current process in the County meets the needs of protecting the coastal resources. We reiterate the concerns presented to you in the letter submitted by Santa Barbara County Supervisor Doreen Farr regarding the following modifications:

- Limiting repairs of and prohibiting new staircases serving private access on a coastal bluff.
- Increasing the permit requirements from an exemption to a Coastal Development Permit for the keeping of animals associated with agricultural operations and the keeping of large animals as accessory to residential uses.
- Requiring an appealable Coastal Development Permit for voluntary mergers and lot line adjustments.
- Increasing the permit requirements for residences on agriculturally zoned lands.
- Increasing the permit requirements for agricultural operations.

SBAOR strongly urges you to listen to the constituents and the elected representatives from the County of Santa Barbara and accept the proposed Santa Barbara County LCP Amendment No. MAJ-1-09 **without** the Coastal Commission staff modifications. Thank you for your consideration.

Sincerely,

Elaine Abercrombie
President

Santa Barbara Association of REALTORS® | 1415 Chapala Street | Santa Barbara, CA 93101
(805) 963-3787 | (805) 966-9664 FAX | www.sbaor.com



REALTOR® is a registered trademark that identifies a professional in real estate who subscribes to a strict code of ethics as a member of the National Association of REALTORS®

Th 6a&b



CALIFORNIA FARM BUREAU FEDERATION
NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5655 • FAX (916) 561-5691

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November 16, 2010

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

Via US Mail & Facsimile
 (805) 641-1732

California Coastal Commission
 89 South California Street, Suite 200
 Ventura, CA 93001-2801

**Re: *Agenda Item Th6 b & c: November 18, 2010 Meeting;
 Santa Barbara County Local Coastal Program (LCP) Amendment No. MAJ-1-09-A
 (Countywide Land Use and Development Code) and LCP Amendment MAJ-1-09-B
 (Montecito Land Use and Development Code and Montecito Commercial Zone
 Change).***

Dear Commissioners:

On behalf of the Santa Barbara County Farm Bureau, the California Farm Bureau Federation ("Farm Bureau") appreciates the opportunity to offer the following comments on the California Coastal Commission's proposed modifications to Santa Barbara County's Land Use Development Code ("LUDC"). Farm Bureau has been closely following developments before the Commission in regards to the County's LUDC, and previously commented to the Commission by letter of August 19, 2010 under my signature.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 81,000 members in 56 counties, and represents approximately 1,400 members through the Santa Barbara County Farm Bureau in Santa Barbara County itself. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

As the Commission is aware, Farm Bureau has a strong coastal membership, and has been consistently monitoring land use planning processes in the coastal zone. Farm Bureau recognizes the importance of California's coastal resources, and believes that a viable agricultural industry within the coastal zone is a critical resource for California's future. Generally speaking, Farm Bureau believes that public policy with respect to coastal resources is best formulated and executed at the local level, and that collaborative and voluntary efforts are most likely to yield lasting success in the management of those resources.

Page 2 of 3
November 16, 2010
California Coastal Commission
Santa Barbara Co. LCP Amendments MAJ-1-09-A and AJ-1-09-B

With respect to the Commission's proposed modifications to the County's LUDC, Farm Bureau believes that the Commission generally fails to recognize the primary nature of agriculture within the coastal zone, and would negatively impact agriculture through burdensome regulation and unnecessary oversight. The Commission also fails to give due deference to the County's own planning processes, and the County's unique position and history with the local agricultural industry, both of which are well equipped to reconcile meaningful protection of coastal resources with the needs of a vibrant farm and ranch economy. More particularly, Farm Bureau provides the following suggestions with respect to the LUDC:

1. Mod 9 CDP Requirements for Agriculture – Cultivated agriculture, orchards, vineyards.

Farm Bureau supports the exemption for historic agricultural use. For new and expanded agricultural uses, Farm Bureau supports deletion of a development standard which places a 50 cubic yard maximum on an exemption, but does not object to Commission staff-recommended development standards as to distance from creeks and watercourses, distance from ESH areas, or the removal of native trees. Farm Bureau does not believe that a development standard in relation to non-native trees is appropriate.

2. Mod 9 CDP Requirements for Agriculture – Grazing.

Farm Bureau supports the exemption for historic use in existing grazing areas, but believes it should be broadened to allow for grazing in all circumstances.

3. Mod 9 CDP Requirements for Agriculture – Animal keeping.

Farm Bureau supports the County staff's suggested modification to allow exemptions for livestock in existing animal-keeping areas not otherwise subject to a conditional use permit. Farm Bureau believes that livestock should also be exempt in agricultural zones where their keeping is a principal permitted use.

4. Mod 10 CDP Dwellings in Agricultural Zones.

Farm Bureau does not feel it is appropriate, or reasonably and rationally related to the Commission's statutory purposes and authority with respect to coastal resources, to restrict agricultural dwellings to designation as a principal permitted use only if they are owner- or operator-occupied. Farm Bureau also feels it is inappropriate to restrict dwelling size to 5,000 s.f. or development area to 10,000 s.f. without a coastal development permit, as existing structures in need of renovation or remodeling may be constrained.

Page 3 of 3

November 16, 2010

California Coastal Commission

Santa Barbara Co. LCP Amendments MAJ-1-09-A and AJ-1-09-B**5. Mod 9/13 CDP for Subdivisions, Lot Line Adjustments, and Voluntary Mergers.**

Farm Bureau believes it is inappropriate and not rationally related to Commission purposes to require a coastal development permit for lot line adjustments and voluntary mergers of parcels, as these parcel actions do not by themselves necessarily involve an intensification of land use.

6. Mod 21 Bluff Development.

Farm Bureau recognizes that private staircases and access ways may be declared non-conforming uses, but objects to a restriction on structural replacement to 50%, and believes that such a restriction may constitute a taking of private property for a public purpose.

Thank you for consideration of our concerns. If Farm Bureau can provide any further information or clarification, please do not hesitate to contact us. We look forward to addressing with you in the future our other concerns regarding agricultural land uses within the coastal zone of Santa Barbara County.

Very truly yours,



Christian C. Scheuring
Associate Counsel

CCS\mmm

cc: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
South Central Coast Area
CALIFORNIA COASTAL COMMISSION
89 South California St., Suite 200
Ventura, Ca 93001

Santa Barbara County Board of Supervisors
County Administration Building
Board Hearing Room, Fourth Floor
105 East Anapamu Street
Santa Barbara, CA 93101

Liz Fuchs, AICP
Manager, Statewide Planning
CALIFORNIA COASTAL COMMISSION
45 Fremont Street, Suite 2000
Santa Barbara, CA 93101

Santa Barbara County Farm Bureau
180 Industrial Way
Buellton, CA 93427

COALITION FOR SUSTAINABLE AGRICULTURE AND RESTORATION



**To: California Coastal Commission
Santa Barbara County Board of Supervisors**

From: COALITION FOR SUSTAINABLE AGRICULTURE AND RESTORATION

Re: LUDC update for County of Santa Barbara

November 8th, 2010

Honorable Commissioners and Supervisors,

We are writing in regard to the proposed Land Use Development Code update taking place in Santa Barbara County.

Let us first start by noting our strong support of the intent and value of California's Coastal Act. The Act continues to play a critical role in the protection of our precious coastal resources. During the last ten years there have been significant changes taking place in agriculture in response to not only the failings of past agricultural models, but additional factors such as globalization, energy price increases, rising real estate prices and new demand for organic, local products. In short, agriculture has been forced to re-examine its modus operandi. Further, with a widely recognized need for all land use patterns to be re-examined in the face of global climate change, relocalization of agriculture is playing a critical role in not only reducing the carbon footprint of our food systems, but creating land use practices that improve carbon sequestration and, increase natural habitats while continuing to provide healthy food to our local communities.

We urge you to take note of the tremendous potential in these changes to benefit our Coastal communities and resources.

A New Era in Farming: While we are awash in stories of family farms failing due to economic pressure, stifling regulation or lack of interest, many farmers are bringing new ideas to the agricultural community under the banner of 'sustainable/organic agriculture.'

Organic Agriculture: The organic industry continues to explode, as consumers increasingly demand all things more holistically produced food and products. The reduction or elimination of pesticides and inorganic fertilizers is an important part of the future of agriculture and a healthier coastal environment.

Land Stewardship: There are powerful innovations in land stewardship techniques that focus on natural methods of improving soil health and biology. Efficient rain water utilization, water

run off systems, carbon sequestration, harvesting the power of the sun, improving habitat and holistic rangeland management are but a few of the ways this innovation is taking place.

Re-localization: The cascading benefits of re-localizing and strengthening our local food systems are innumerable: healthier food, stronger and more resilient economies, better food security, the building of community relationships, reduction of food's carbon footprint and more accountability over the health of our natural environment.

Habitat Restoration: Restoration has proven to be critical to almost ANY agriculturalist focused on long term, stewardship of their land. Regenerating and restoring our landscapes is a far better option than "sustaining" an already damaged environment.

The proposed changes to the LUDC:

While the intention of the LUDC update is honorable, we believe that some of the modifications being proposed by the coastal commission staff stifle innovation in agriculture and habitat restoration when it is needed most. We believe that the Coastal Commission and Coastal Counties should be encouraging and facilitating sustainable agriculture, not adding new burdensome, and often, unrealistic requirements for agriculturalists and restoration projects.

At a time when we should be catalyzing fundamental changes in our food and land use systems to encourage sustainability and increase the visibility of sustainable actions, the proposed modifications will drive restoration and sustainable agriculture further underground as farmers and property owners try to avoid expensive and burdensome regulations.

It has been stated that one of the benefits of the suggested modifications is to improve public participation. While we agree that public participation in the permit process is a benefit, we feel strongly that we must balance the desire for oversight with our desire for habitat restoration and our need for farmers and agricultural operators to be able to make decisions on a day-to-day basis. The increased time and cost of processing agriculture and restoration permits as a result of the proposed modifications is directly counter to the direction we should be moving towards, and threatens to undermine restoration activities and sustainable agriculture. The result will be the creation of an uneven playing field where only major agricultural operations and corporations can participate in permitting processes, ignoring the larger fundamental threats to our environment including climate change, food insecurity, and agricultural chemical dependencies, to name a few.

The suggested modifications, to a large extent, reflect a dated approach to environmental protection based on regulation and lengthy processing instead of profiling, promoting and facilitating innovations in sustainable land use practices critical to the protection of our coastal resources and beyond.

We are aware of and share the Commission's concerns about misuse of regulatory flexibilities done in the name 'restoration' or 'stewardship.' However, the Commission's response to these concerns must be measured so as to allow for and support resource-beneficial activities that enhance Coastal resources.

We are requesting that the Coastal Commission consider the following principles in their policy making process for the current LUDC updates and ALL future policy making:

- **Soil fertility and health:** Promote the land stewardship practices that naturally increase soil fertility and health including compost, mulch, compost tea, cover cropping.
- **Water conservation:** Promote practices that increase the capture of rain water and recharge aquifers including keyline plans, water catchments in upland environments and the general practice of "slow it spread it sink it" over and above channelization, focusing and removal of water off the site.
- **Holistic rangeland management:** facilitate cattle grazing practices that increase soil health, help restore grasslands and mimic the natural relationship between grazers and grasslands.
- **Habitat Restoration:** Genuine habitat restoration can be an important land management technique in ALL zone districts. Land use technology, science and practice should facilitate improvements to natural habitats and soil health and decrease loss of top soil.
- **Reduction and/or elimination of synthetic chemicals in agriculture:** Although terms like 'organic' or 'natural' are becoming loaded words, most reasonable people agree that reducing agriculture's dependency on chemicals is an imperative. Such a change not only improves agriculture's relationship to the natural resources of the land, such as protecting clean water and the food web, but also generates healthier food and decreases health risks for farmers and their workers.

We encourage the Coastal Commission to analyze the potential unintended consequences of the proposed modifications to our LUDC, and to examine a new way of enacting the values of the Coastal Act. For years, public policy has focused on creating more laws and regulations with the "bad apple" mindset. Practically, this means that people hold up one example project that has had terrible consequences. Policies are then created around this 'bad apple' that often unintentionally eliminates numerous beneficial/good projects.

Given the immense challenges facing our coastline and state, this 'bad apple' form of policy making is proving antiquated and stifling to the critical evolution of sustainable land use practices in the coastal zone. We hope this discussion and examination creates a new and exciting opportunity for the Coastal Commission to facilitate deep and lasting sustainable land use changes in the Coastal Zone instead of just stopping bad projects at the cost of so many good projects.

We encourage the Coastal Commission to do the following:

- Certify the reformatted LUDC without the agricultural and restoration related modifications, allowing further analysis of these important issues.
- Remove the suggested modifications related to agriculture and restoration from the LUDC certification process
- Commission a white paper on sustainable agriculture and land use practices in the Coastal Zone.

- Analyze policy options that facilitate and promote sustainable agricultural and restoration practices in the coastal zone.
- Encourage local jurisdictions to include those policies in future LCP Amendments as part of their local planning processes with those policy options in mind, in an effort to incentivize and increase sustainable agriculture and restoration in the Coastal Zone.

We appreciate your consideration of our request.

Sincerely,
Coalition of Sustainable Agriculture and Restoration

/s

Andrea Adams-Morden, Land Steward
 Susanne D. Barrymore, Biologist, Naturalist
 Kit & Beverly Boise-Cossart, HR Organic Macadamia Nut Co.
 Phil Boise, Urban Ag Ecology
 Mario Botti, Local Food Supporter
 Matt Buckmaster, Island Seed & Feed
 Grace Bueti, Sustainable Rancher
 Margie Bushman, Santa Barbara Permaculture Network
 Linda Buzzell, Permaculture Guild of SB
 Oscar Carmona, Healing Grounds Nursery
 Lee Chiacos, Landscape Designer
 Yvon and Malinda Chouinard, Founders, Patagonia, Inc.
 Dr. David Cleveland, Professor of Environmental Studies, UCSB
 Anne Coates, Land Use and Conservation Consultant
 Shelly Cobb, Local Food Activist
 Mark & Laurie Constable, Avalon Farms
 Barbara J.D. Davies, International Horticultural Consultant and Educator
 Donald Davis, Owner/Grower, Certified Organic Avocados
 Owen Dell, Landscape Architect & Educator
 Hannah Apricot Eckberg, Spreading Solutions
 Mimi Elder, Local Food Supporter
 Johanna Finley, Finley Farms
 David Fortson, Orella Stewardship Institute
 Gerri French, Registered Dietitian at Sansum Clinic
 Kevin Gleason, Teacher and Organic Gardener
 Mauricio Gomez, South Coast Habitat and Restoration
 Mike Gonella - Ecologist, Ethnobotanist
 Jane Gray, Restoration Consultant
 Susan Green, Local and Organic Food Activist
 Bob Hamber, Local Food Supporter
 Krista Harris, Editor/Publisher of Edible Santa Barbara
 Bob and Debbie Hart, Ranchito Corazon
 David Hill, Coastal Ranches Conservancy
 Isla Vista Food Co-op
 Stephen C. Kono, President, Kono & Sons, Inc.
 Tamara Klug, Restoration Biologist
 Elizabeth LaCaze, Local Food and Restoration Supporter

Sandy Lejeune, Santa Barbara Worm Farm
Chris Lima, Fisheries Biologist
Chris & Carla Malloy, Sustainable Ranchers
Dan Malloy, Sustainable Rancher
Sharyne Merritt, Carpinteria Owner/Grower
Joe Morris, Founder, Central Coast Rangeland Coalition/Owner, Morris Grassfed Beef
Jeff Nighman, Santa Barbara Natives, Inc.
Ken Owen, Channel Islands Restoration
Kevin Peterson, Irrigation Consultant
Wes Roe co-founder, Santa Barbara Permaculture Network
Jim Roehrig, Founder, Backyard Bounty
Daphne Romani, Permaculture Designer, aspiring young farmer
Carla Rosin, Santa Rosa Hills CSA
Michel Saint-Sulpice, Architect / Permaculturist
Lawrence Saltzman, Permaculture Guild of SB
Judy Sims, Garden Educator
Bill & Barbara Spencer, Windrose Farm
Rebecca Stebbins, Carpinteria Owner/Grower
Guner Tautrim, Orella Stewardship Institute
Mark & Susie Tautrim, Orella Ranch
Eva Turenchalk, Sustainable Food and Habitat Restoration Advocate
Kim True, Landscape Designer
Mike Vergeer, Garden Educator
Stephnie Wald, Watershed Projects Manager, Central Coast Salmon Enhancement
Leonadi Ward, Owner/Grower
John Warner, Santa Barbara Natives, Inc.
Meg West, ASLA
George Work, Work Ranch



Turenchalk Planning Services

November 15, 2010

Bonnie Neely, Chair, and Commissioners
California Coastal Commission
45 Freemong Street, Suite 2000
San Francisco, CA 94105

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

Dear Chair Neely and Members of the Commission,

We are local land use professionals who actively participate in the County's public planning process on behalf of the projects we represent. With respect to our collective participation in the LUDC Amendment, we have dedicated many volunteer hours because we feel our training and experience contributes meaningfully to the discussion.

We would like to thank you for allowing a continuance of the August hearing to allow our community to conduct a series of public workshops to help inform the public on the suggested modifications. During the workshops it became clear that there are many concerns regarding how the suggested modifications will impact not only individual's use of their residential property, but also our agricultural community and our growing local food movement.

At the Coastal Commission hearing in August, one Commissioner stated, "One way to solve a problem, for a government agency, is to have more regulation. And this makes sense when the problems occur the majority of the time. But when you pile on regulation to solve what I call corner cases, that is, infrequent occurrences, you get more paperwork and unintended consequences." We could not agree with this statement more. That Commissioner went on to suggest that perhaps Coastal Commission staff should articulate the problems that they are trying to solve with these suggested modifications, so that we as a community could try to formulate appropriate policy responses to those problems. To date, that has not occurred, and the result is that we still do not understand the problems that they are trying to address with many of the suggested modifications.

Perhaps the biggest issue we have with the suggested modifications is that they represent a shift in how local policy is made. Essentially, if we accept many of the suggested modifications, we will have a situation where policy is being set from the top down, by people that are unelected by and unaccountable to our community. This is a stark contrast from the bottom-up, engaged community planning model that we embrace in Santa Barbara County.

Coastal Commission staff has stated that these suggested modifications are not new policy; that they are needed to ensure consistency with the Coastal Act and to update our "outdated" LCP. However, the fact remains that our LCP was certified by the Coastal Commission in 1982 as being consistent with the Coastal Act. The fact that our certification was in 1982 should not matter, as the Coastal Act has not changed. Additionally, all of our policy documents that affect the Coastal Zone have been subsequently certified by the Coastal Commission. So, what we have in these modifications is not a matter of inconsistency with the Coastal Act, rather a change in the way the Coastal Act is being interpreted, and a translation of that interpretation into local policies.

We understand and value the goal of protecting sensitive coastal resources established by the Coastal Act. However, we also understand and value a local jurisdiction's right (as granted by the Coastal Act) to have final authority on the specific language of its coastal policies. Elected officials in local jurisdictions, along with their constituents, understand the often complex balancing act that is needed to ensure that community priorities are not short-changed. And so, given that the Coastal Act does not specifically address many of the issues in the suggested modifications proposed by your staff, we respectfully submit that the appropriate way for these issues to be addressed is by our elected officials.

For example, there is no language in the Coastal Act that limits beach access stairs to those providing public access. Nor does the Coastal Act call for a CDP with a hearing for homes or residential envelopes that exceed some arbitrary size or aren't occupied by specific inhabitants, or to farm or harvest an orchard or keep horses or chickens on residential property. A requirement that a parcel be in active agriculture to avoid a CDP with a hearing for a new house is also not required by the Coastal Act. And while the Coastal Act does include language regarding Principal Permitted Uses, a review of other jurisdiction's certified LCPs proves that there is no requirement to have Principally Permitted Uses defined as narrowly as Coastal Commission staff has for our County. In fact, at least two other coastal communities, including one currently involved in an LCP amendment process, defines PPU's simply as those uses permitted in each zone district without a use permit, which is essentially what we have been doing in Santa Barbara County since the certification of our Local Coastal Plan in 1982, and with no objection from your Commission or your staff.

It may very well be the case that some of these modifications may make for good public policy for our community, but that decision should be made by our elected officials, and after a fully engaged local planning process with wide community dialogue. And so, we support the letter from our Board of Supervisors and respectfully request that your Commission certify the LUDC as reformatted. That will allow us to continue with our local planning processes currently underway, such as the Gaviota Community Plan, the Goleta Community Plan and the Summerland Community Plan and decide if any of these policy proposals make sense for our community.

Sincerely,
(see attached list of 47 land use professionals
from our community)

Trish Allen, AICP
Ginger Andersen, AICP
Joe Andrulaitis, AIA
Mary Andrulaitis, AIA
Bruce Bartlett, AIA
Lisa Bodrogi
Scott Branch, AIA
Tracy Burnell
Brian Cearnal, AIA
Anne Coates
Edward de Vicente, AIA
Suzanne Elledge
Puck Erickson
Robert T. Flowers
Steve Fort, AICP
Jennifer Foster, AICP
Jane Gray
Jeff Gorrell, AIA
Alicia Harrison, AICP
Jay Higgins, AICP
J. Michael Holliday, AIA
Heidi Jones
Jessica Kinnahan, AICP
Tamara Klug
Gelare Macon
Lloyd Malear
Teri Malinowski
Sam Maphis
Ken Marshall, AICP
Dave Mendro, AIA
Kent Mixon, AIA
Susette Naylor, AIA
Andy Neumann, AIA
Don Nulty, AIA
Mike Osborn
Laurel Perez, AICP
Lisa Plowman
Katie O'Reilly Rogers
Jim Salvito
Mark Shields
Craig Shallenberger
Patsy Stadelman, AICP
Laurie Tamura, AICP
Kimberley True, ASLA
Eva Turenchalk, AICP
Jennifer Welch
Steve Welton, AICP

Shana Gray

From: John Ainsworth
Sent: Monday, November 15, 2010 5:22 PM
To: Shana Gray
Subject: FW: California Coastal Commission - Item 6.b. and c. - County of Santa Barbara LCP Amendment No. MAJ-1-09 A and B

From: Steve Fort [REDACTED]
Sent: Monday, November 15, 2010 4:43 PM
To: John Ainsworth
Subject: California Coastal Commission - Item 6.b. and c. - County of Santa Barbara LCP Amendment No. MAJ-1-09 A and B

California Coastal Commission
c/o Jack Ainsworth, Deputy Director, California Coastal Commission, South Central Coast District Office
Item 6.b. and c. - County of Santa Barbara LCP Amendment No. MAJ-1-09 A and B
Meeting Date Thursday November 18, 2010

Dear Mr. Ainsworth,

I am emailing on behalf of the owner of Por La Mar Nursery, Mr. Ron Caird, who lives and runs his business in the Coastal Zone in Santa Barbara County. Por La Mar Nursery is located at 600 Patterson Avenue and the Caird's reside on More Ranch Road.

In summary, we concur with the letter submitted to the Coastal Commission by Santa Barbara County Supervisor Doreen Farr dated November 15, 2010.

As touched on in Supervisor Farr's letter, at least one message was very clear at the public forum County Planning and Development staff hosted on this topic in Goleta on October 12, 2010. Constituents actively engaged in agriculture are extremely concerned about increased costs associated with additional permit and hearing requirements that will result from the proposed modifications being suggested by Coastal Commission staff. People do not perceive that there is a problem that needs to be addressed. These modifications will have a negative impact on agricultural operations and on the viability of agriculture throughout the Coastal Zone in Santa Barbara County. Local efforts such as the Goleta Valley Community Plan Update are striving to retain agriculture and keep it viable. The suggested modifications seem to be acting in the opposite direction. The costs associated with these modifications will be passed on to agricultural operators who are already significantly burdened with local, state and federal regulations.

With regard to private beach access stairways, we emphatically concur with Supervisor Farr's letter. The County's LCP states that "no development shall be permitted on the bluff face except for engineered staircases or access ways to provide beach access..." This section has been consistently interpreted by County staff in the manner that was agreed upon with the citizens of the County since adoption in 1982 (and subsequent certification by the Coastal Commission). We do not believe the Coastal Act prohibits private stairways.

We appreciate the consideration of our very serious concerns and trust you will transmit this correspondence to the Coastal Commission.

Thank you.

11/17/10

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11/15/2010

Steve Fort, AICP

Senior Planner

Suzanne Elledge Planning & Permitting Services

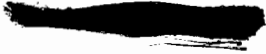
800 Santa Barbara Street

Santa Barbara, CA 93101

office: (805) 966-2758 x21

cell: (805) 455-4988

fax: (805) 966-2759





**Neighborhood
Defense League
of California**

(formerly Homeowners Defense Fund)

1482 East Valley Road, Suite 252
Santa Barbara, CA 93108
fax: 805-969-0297

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NOV 16 2010

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

*Accommodating growth
while preserving the character
of our neighborhoods*

November 15, 2010

RE: Nov. 18, 2010 CCC hearing

Board of Directors

Judith Ishkanian
President
Sally Jordan
Vice President
James Westby
Secretary
Wendy Coggins
Treasurer
Robert Collector
Doug Herthel
Morris Jurkowitz
Richard Thielscher

California Coastal Commission
South Central Coast Area
89 So. California Street, Suite 200
Ventura CA 93001

Dear Sirs:

The Board of Directors Neighborhood Defense League of Santa Barbara wishes to express its concern over the Santa Barbara County LUDC modifications proposed by the Coastal Commission staff.

Please recognize the County responsibility for implementation of its land use codes and work within that framework for suggested changes proposed by CCC staff.

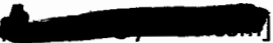
Gary Earle, Emeritus
Roy Gaskin, Emeritus
Rob Lowe, Emeritus
We appreciate all efforts directed at the preservation of our cherished coastal zone, and do ask that all agencies work together to preserve optimum local control. We feel that Santa Barbara County is a leader in coastal land use policy.

Sincerely yours,

Judith M. Ishkanian, President
For the Board of Directors
Neighborhood Defense League of California

Shana Gray

From: John Ainsworth
Sent: Monday, November 15, 2010 4:01 PM
To: Shana Gray
Subject: FW: Not in support of Mods to CC

From: Page Roos [mailto:
Sent: Monday, November 15, 2010 3:46 PM
To: John Ainsworth
Subject: Not in support of Mods to CC

This is an attempt by government to take property away from private citizens.

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NOV 04 2010

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Bonnie Freeman

5200 Austin Road, Santa Barbara CA 93111

805/683-1878 bonniegoleta@cox.net

October 31, 2010

Commissioner Khatchik Achadjian
Board of Supervisors
1055 Monterey Street, Room D-430
San Luis Obispo, CA 93408

RE: CCC Modifications to SBCounty LUDC

Dear Commissioner Achadjian,

Firstly I would like to thank you and your fellow Commissioners for extending the voting period so those of us in the Santa Barbara County would be able to attend the recent informational sessions to learn about these new recommendations. I was able to attend the one in Montecito and also galvanized a number of More Mesa Shores homeowners and nearby Ag owners to attend the Goleta session. It was very important and provided more understanding to those in attendance, if not more alarm as well. I also listened in via Comcast to the SLO hearing and appreciated that our Supervisors Janet Wolf and Doreen Farr were in attendance speaking on our community's behalf.

As a homeowner in More Mesa Shores, District 2, (disclose that I'm also a member of the GVPAC) I am writing to ask for additional consideration regarding these comprehensive modifications to our land use accreditation. Please accept that I am speaking plainly, as a homeowner. I hope all the Commissioners will take to heart that those of us who work and live in the County, who have taken the time to read and discuss these suggested modifications amongst ourselves, are quite outraged by many of these revisions, not to mention the manner in which they were released, seemingly to avoid as much public scrutiny as possible.

In our community of 100 homes we have held group discussions, individual discussions and talk on the street to bring the community up to date and knowledgeable on these complex suggested Modifications. Obviously, Modification 21 Bluff Development is at the top of every homeowner's list and I am enclosing copies of letters some have written along with a petition that we walked door-to-door this past weekend to gather signatures. We made sure that everyone who didn't know what was going on were brought up on the topic. We didn't have one exception on this issue and I'm enclosing 93 signatures. We are informed and prepared to fight over this over-reaching modification (in our opinion) to the point that we will back our Supervisors to turn down all of these reforms and go back to Article II, if no concessions are made. Please read our Arguments in the enclosed letters.

On the other modifications that I personally think are unjust, I hope to speak at the upcoming Supervisors meeting on Nov. 9th and at the CCC Hearings in Santa Monica. A number of us plan to come down for that. But near the top of the undesirable list are the proposed Agricultural Zones Land Use Tables Revisions requiring a CDP with a hearing in revised designated uses, and all the uses that are not allowable that were before. What is a Principal Permitted Use and what is not has changed dramatically without any benefit of dialogue with the agricultural community along the coastal zone. Why would the EDC be involved in these discussions but not our own agricultural community?

So while Modification 21 is the main concern for our community, we also live next door to coastal agriculture and they are our neighbors and we share many of their concerns. In some cases, these new regulations could jeopardize the ability to remain in operations or even allow family members or outsiders to think about a future in agriculture. While there's a lot of talk about "let's save our small farms" very few actually know what's involved in doing that. The Coastal Commission staff seems to have taken a "one size fits all" approach. Maybe large agriculture can accommodate some changes but it's at the expense of the small farmer.

It's my hope, and many of my neighbors, that our Board of Supervisors will have the courage to SAY NO to these Recommended Modifications if indeed the CCC insists on an ALL OR NOTHING approach. We're hoping the Commissioners will listen to those of us who actually have to live with their recommendations and take a more accepting approach to the original revised LUDC language submitted by County. We believe our county knows best how to manage our lands, that we are independent to other counties, and have respect for the stewards of these lands.

Thank you for hearing us out, it's been very traumatic for us and extremely difficult to examine and comprehend all the language and changes in such a short amount of time. We know that projects may be held up if our County does not accept down the line, but we cannot give away our property rights or our County's future to overly regulated ordinances and codes that take away so many personal and civic choices.

I invite any commissioner to contact me and I will personally take you around our coastal community to show you why we are so very concerned about the new restrictions for beach access and the small farmers next to us, I think you would be surprised and enlightened.

Sincerely

Bonnie Freeman

- c. All Voting Commissioners of the CCC, and Ventura Staff
- c. Santa Barbara County Supervisors

Enc. Copies of letters from More Mesa Shores community and 93 signatures on Petition

CCC Staff
RECEIVED
NOV 04 2010

Petition Attach.
Photos

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Bonnie Freeman

5200 Austin Road, Santa Barbara CA 93111

805/683-1878 bonniegoleta@cox.net

November 1, 2010

Supervisor Janet Wolf, Chair
S.B. County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

RE: CCC Modifications to SBCounty LUDC

Dear Chair Wolf and fellow Supervisors,

Thank you for setting up the recent informational sessions re the above. I was able to attend the one in Montecito and also galvanized a number of More Mesa Shores homeowners and nearby Ag owners to attend the Goleta session. It was very important and provided more understanding to those in attendance, if not more alarm as well. I also listened in via Comcast to the SLO hearing and appreciate both you and Doreen Farr attending and speaking on our community's behalf.

As a homeowner in More Mesa Shores, District 2, (disclose that I'm also a member of the GVPAC) I am writing to ask for additional tough representation on our behalf. Please accept that I am speaking plainly, as a homeowner. I hope all the Supervisors will take to heart that those of us who work and live in the County, who have taken the time to read and discuss these suggested modifications amongst ourselves, are quite outraged by many of these revisions, not to mention the manner in which they were released, seemingly to avoid as much public scrutiny as possible.

In our community of 100 homes we have held group discussions, individual discussions and talk on the street to bring the community up to date and knowledgeable on these suggested Modifications. Obviously, Modification 21 is at the top of every homeowner's list and I am enclosing copies of letters some have written (sending to all Supervisors as some may not have sent copies) along with a petition that we walked door-to-door this past weekend to gather signatures. We made sure that everyone who didn't know what was going on were brought up on the topic. We didn't have one exception on this issue and I'm enclosing 93 signatures. I already wrote my feelings earlier so I'll let others speak for themselves. We are informed and prepared to fight over this over-reaching modification (in our opinion) to the point that we will back you and others to turn down all of these reforms and go back to Article II.

On the other modifications that I personally think are unjust, I hope to speak to those at your Board Session and at the CCC Hearings in Santa Monica. A number of us plan to come down for that. But at the top of the undesirable list are the

proposed Agricultural Zones Land Use Tables Revisions requiring a CDP with a hearing in revised designated uses, and all the uses that are not allowable that were before. What is a Principal Permitted Use and what is not has changed dramatically without any benefit of dialogue with the agricultural community along the coastal zone. Why would the EDC be involved in these discussions but not the agricultural community?

So while Modification 21 is the main concern for our community, we also live next door to coastal agriculture and they are our neighbors and we share many of their concerns. In some cases, these new regulations could jeopardize the ability to remain in operations or even allow family members or outsiders to think about a future in agriculture. While there's a lot of talk about "let's save our small farms" very few actually know what's involved with doing that. The Coastal Commission staff seems to have taken a "one size fits all" approach. Maybe large agriculture can accommodate some changes but it's at the expense of the small farmer.

It's my hope, and many of my neighbors, that our Board of Supervisors will have the courage to SAY NO to these Recommended Modifications if indeed the CCC insists on an ALL OR NOTHING approach. We're hoping the Commissioners will listen to those of us who actually have to live with their recommendations and take a more accepting approach to the original revised LUDC language submitted by County. We believe our county knows best how to manage our lands, that we are independent to other counties, and have respect for the stewards of these lands.

Thank you for having the COURAGE in these very tough economic times. We know what projects may be held up if you end up not accepting down the line, but we cannot give away our property rights or our County's future to overly regulated ordinances and codes that take away so many personal and civic lifestyle choices.

Sincerely,



Bonnie Freeman

- c. Supervisors Salud Carbajal, Doreen Farr, Joni Gray, Joe Centeno
 - c. All Voting Commissioners of the CCC, and Ventura Staff
- Enc. Copies of letters from More Mesa Shores community and 93 signatures on Petition

MORE MESA SHORES
PO Box 61731, Santa Barbara, CA 93160

RE: Coastal Commission Recommended Modification 21 Bluff Development
to the Santa Barbara County Land Use & Development Codes

We, the undersigned, are totally opposed to this modification as it is currently written. It would put our community in danger in the event of a disaster (see separate letter from our Board) and put at risk emergency operations that are commonly conducted via our private stairway for beach and ocean rescues. Our community of approximately 100 homes has relied on this private access for more than 50 years and must be allowed to continue structural and safety repairs, engineered as needed, with a proper ("conforming") permit, not based on cumulative structural replacement standards.

Name(s) Address

Norman E Harsley	5156 Via Valverde Santa Barbara, CA
Norman E Harsley	5211 Via Valverde SANTA BARBARA, CA
Joseph A. Hill	5215 Via Valverde
Donna Rosales	5187 Via Valverde
Rubén Jiménez	5185 Via Valverde
Federick Duncan	5170 Via Valverde
Ribera + Steve Sweeney	5165 Via Valverde
Janice W. Duncan	5170 Via Valverde
Dawn Zalok	5163 Via Valverde
Paul Johnson	5162 Via Valverde
Paul Johnson	5162 Via Valverde

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<u>Name(s)</u>	<u>Address</u>
Molly & Joel Rothman	5100 Camino Floral SB 93111
LEE & Lavinia Holder	5136 Camino Floral SB 93111
Dan Fuller	5160 Camino Floral SB 93111
UTTMAN RAY, JR	5180 CAMINO FLORAL SB 93111
Mike Foley	1140 GRITTO DR SANTA BARBARA, CA 93111
John & Cheryl Vampola	1260 Orchid Dr, Santa Barbara, CA 93111
Clara Brown	5155 Camino Floral, Santa Barbara, CA 93111
Carol Bion	5155 Camino Floral, Santa Barbara, CA 93111
JANEANNE RINALDI	5135 CAMINO FLORAL SB 93111
Phillip Mitteldorf	5115 Camino Floral SB CA 93111
Adam Rothman	5100 Camino Floral, SB, CA, 93111
John & Janeanne Rinaldi	5135 Camino Floral, SB CA 93111

MORE MESA SHORES
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Name(s) _____ Address _____

Jonathan Mills 5245 James Rd. S.B. 93111
 Marlene Mills 5265 James Rd. S.B. 93111
 Joan H. Cook 5266 James Rd S.B. 93111
 [Signature] 5245 James Rd 93111
 [Signature] 5245 James Rd 93111
 Betsy Doherty 5255 JAMES RD. - SANTA BARBARA CA 93111
 Stanley Glenn 5246 JAMES RD SB, CA 93111
 Edith Glenn 6246 James Rd SB. CA 93111
 Anthony Contreras 5220 James Rd SB. CA 93111
 Helen Contreras 5220 James Rd SB CA 93111
 Nancy Wolf 5225 James Rd S. B. 93111
 Herman Wolf 5225 James Rd. SB. 93111
 Dorothy Stein 5230 James Rd SB 93111
 [Signature] 5230 James Rd SB 93111
 Paul Kelly 5236 JAMES RD, SB 93111
 [Signature] 5236 James Rd SB 93111
 Alice Ruiz 1125 Orchid Dr
 Joseph A. Hubel 1125 Orchid Drive 93111

MORE MESA SHORES
PO Box 61731, Santa Barbara, CA 93160

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Name(s) _____ Address _____

~~Joe & Mary Graham~~ 5203 Barwick Rd
~~Barbara~~ Santa Barbara CA 93111
Mary P. Hechter
Janda Salini 5205 Barwick Rd CA 93111
Loree Solia SP "
Jim & Ottavio Ouellette 5209 Barwick Rd 93111
Fernando & Laura Calderon 5212 BARWICK ROAD 93111
STEPHEN & Norma Lee 5210 BARWICK Rd. SB 93111
Dolma Crawford, 1201 Orchid Drive SB 93111

MORE MESA SHORES
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Name(s) _____ Address _____

Margie and George Adini 5235 Austin Rd Sta B, 93111
~~Quinn~~ 5292 Austin Rd. SB CA 93111
 Jean & Jennifer D'Neil 5210 Austin Rd. SB CA 93111
 Elizabeth & Gregory Koss 5225 Austin Rd. SB CA 93111
 Cynthia Lyman & ^{George} Lyman 5264 Austin Rd. SB CA 93111-2935
 Sam Howland 5230 Austin Rd, SB, CA, 93111
 Gordon & Patrice Feyoel 5242 AUSTIN Rd SB CA 93111
 Christa Hoh 5205 Austin Rd SB CA 93111
 Luis Ballo 5205 Austin Rd SB CA 93111
 Tom Scoble 5256 Austin Rd SB CA 93111
 Michelle Reculca 5257 Austin Rd. 93111
 Loretta Trumbull 5288 Austin Rd. 93111
 Rene Trumbull 5288 Austin Rd. 93111
 Wally B. B. 5298 Louisiana Pl 93111
 Ed R. 5275 Louisiana Pl 93111
 Dan F. Weston (Dan Weston) 5292 Louisiana Pl. 93111
 Amanda Weston 5292 Louisiana Pl. 93111
 Kevin & Myra Edberg 5278 Louisiana Pl. 93111
 Jim & Debra Peters 5215 Louisiana Pl 93111
 J. Jan Myers 1344 Orchid Drive 93111

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Name(s) _____ Address _____

Christopher Tuccelli 5248 AUSTIN ROAD SB 93111
M. A. 5248 Austin Road SB 93111
~~Jeff Proctor~~ JEFF PROCTOR 5265 LOUISIANA PL. SB 93111
Bari Burman 5297 AUSTIN RD, SB 93111
Thomas J. Burman 5297 AUSTIN RD, SB 93111
James A. Coro Tagoni 5272 Austin Rd, SB 93111
Pearl R. Steinfeld 5280 Austin S.B. 93111
Benny Yee 5240 Austin Rd, SB 93111
Jeff 5240 Austin Rd, SB 93111

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PO Box 61731, Santa Barbara, CA 93160

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Name(s) _____ Address _____

Aylene R Trapp 5140 Louisiana Pl. Santa Barbara 93111
Aylene R Trapp 5140 Louisiana Pl SB CA 93111
Kent Trapp 5140 ✓ ✓ ✓
TRACY PRIDDY 5160 LOUISIANA PL SBCA 93111
DALTON PRIDDY 5160 Louisiana Pl. SB. CA. 93111
Carol Hildebrand 5145 LOUISIANA PL SB 93111
Amy Blessing 5125 Louisiana PL SB 93111
Eve Blin 5125 Louisiana Pl.
Alice Trapp 1250 Orchid Dr. SB 93111

MORE MESA SHORES
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Name(s) _____ Address _____

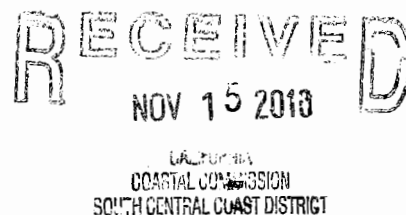
Dolores H. Coranpa 1249 Orchid Dr. 93111
Cheryl Condon 1257⁰ orchid Dr 93111
SMITH, MARK M. P.O. Box 71 GOLETA CA,
Phyllise 1251 Orchid Dr. SB 93111 93116
Shirley Ann 1239 ORCHID DR SB 93111

000

m

or Ar

KATHLEEN M. WEINHEIMER
ATTORNEY AT LAW
420 ALAMEDA PADRE SERRA
SANTA BARBARA, CALIFORNIA 93103
TELEPHONE (805) 965-2777
FAX (805) 965-6388
EMAIL: kathleenweinheimer@cox.net



November 11, 2010

Via Facsimile and U.S. Mail

Chairwoman Bonnie Neely and Members
of the Coastal Commission
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

Re: Santa Barbara County Local Coastal Program Amendment MAJ-1-09-A;
Public Hearing November 18, 2010, Item Th6b&c

Dear Chairwoman Neely and Members of the Commission:

I represent the Hope Ranch Park Homes Association (the "Association"), a residential development of 770 properties along the coast of Santa Barbara County. The Board of Directors and members of the Association have been active participants in the County's review of the Coastal Commission staff's proposed modifications to the County's Local Coastal Program Amendment. The Association is greatly troubled by the nature and extent of the proposed revisions, and believes that the Commission staff has far exceeded its authority under the Coastal Act. We offer but a few examples for your consideration.

Voluntary Merger

Throughout the Coastal Commission staff report are numerous claims that certain changes are required to comply with state law. In one instance, the Commission staff argues that because the Coastal Act defines development as "a change in the density or intensity of use of land, including but not limited to subdivisions pursuant to the Subdivision Map Act (citation omitted) and any other *division* of land including lot splits" (emphasis added), that voluntary mergers require an appealable CDP. To begin with, a lot merger is not a division of land, and therefore on its face should remain exempt. Moreover, the only "change" in intensity or density which results from a lot merger is a *decrease*, which arguably was understood by the authors of the legislation and the reason why the language regarding changes in density or intensity was included. Clearly, the only situation which could result in a possible negative impact on coastal

resources is when there is a potential *increase* in density or intensity of use through a lot split or subdivision. If the authors of the law intended all changes to require permits, the descriptive language would have been unnecessary and the permit requirements would have simply applied to all changes in property boundaries. The Commission staff lacks the authority to demand an amendment to the County's LCP to meet their own mistaken interpretation of the law.

Principally Permitted Uses

A similar Commission staff misinterpretation is their conclusion that the County's longstanding practice of identifying as principally permitted uses those uses listed as permitted in a specific zone was contrary to the law. Apart from the fact that the language regarding principally permitted uses has existed in the law since its inception, and that the County's interpretation has been upheld in its certified LCP since 1982, the Commission staff's attempt to circumscribe the allowed uses far exceeds the language of state law. Section 30512.2 of the Public Resources Code specifically restricts the authority of the Commission, stating that "[T]he Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan" and goes on to state that "[T]he Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5" An example of this intrusion into local authority is the Commission staff's mandate that horses are allowed as accessory to a principally permitted residential use in certain zone designations but not in others. These kinds of overreaching "modifications" are entirely contrary to both the language and intent of the Coastal Act and cannot be required for certification of the County's LCP.

Turning to the specifics, we would ask the Commission to consider the following:

1. Private Beach Access

Quite simply, there is no basis in the law for denying new private stairways to the beach. For many years, the County has permitted these stairways, finding them consistent with county and coastal plan policies. Yet now the Commission staff has concluded that this longstanding practice is a "misinterpretation" of the law, with the staff arguing that bluffs are inherently unstable and that private stairway construction will accelerate bluff erosion. However, there is nothing in the record to support the Commission staff's conclusion that properly engineered and sited private stairways are any more damaging to the bluff than public stairs.

The proposed language permitting partial repair of existing private stairs is equally without foundation and largely unenforceable. The end result will be unsafe stairways remaining in use and blighting the coastline. Moreover, by denying property owners the right to construct or replace stairways, the Commission's restrictions will have the unintended effect of increasing bluff erosion, as blufftop property owners will take whatever measures are necessary to access the beach.

The Commission staff's proposed regulations eliminating the possibility of constructing a private stairway to access the beach completely overlooks the fact that, in many cases, at least a portion of the beach is part of the individual owner's property. This is a substantive property right which is being taken without due process or compensation and without any showing that the "reinterpretation" is required by the Coastal Act. I can think of no better example of a "takings" claim than to preclude an individual owner's access to a portion of his or her land, but allow the public use of that private property.

Bluff stairways are, and will remain, appealable to the Coastal Commission, which should give the Commission more than enough oversight authority to assure that, in those situations where the bluff would be irreparably damaged by the construction, the applications are denied, without the need to adopt a wholesale prohibition. The County experience in regulating this matter over the last 30 years should also amply demonstrate that the bluff faces will not be haphazardly littered with stairways. Private stairways assure that one of the fundamental goals of the Coastal Act, namely beach access, remains available both to property owners and emergency personnel who often use these stairs as their only means of access for rescue operations. This outright ban is neither required by, or in furtherance of the Coastal Act and must be eliminated.

2. Horses

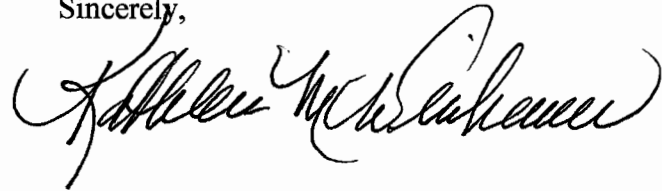
Traditionally, the keeping of horses in a residential zone was exempt from the permitting requirements and restricted only by the size of the lot. Under the Commission staff's most recent proposal, however, the keeping of horses in a residential zone now requires a CDP, which places an unnecessary burden on both the owners and the County staff. Once again, there has been no showing that the current rules are ineffective or in conflict with the Coastal Act apart from a claim that the keeping of horses can degrade riparian areas or sensitive habitats. While that may be the case in certain instances, such a rule should apply only to the keeping of horses in such designated area, not to the vast majority of equestrian properties which are in neither riparian or sensitive habitat zones.

Chairwoman Bonnie Neely and Members
of the Coastal Commission
November 11, 2010
Page four

Conclusion

These proposed modifications are but examples of the Commission staff's inappropriate and unnecessary intrusion into the local agency's administration of coastal policies. Santa Barbara County has had a certified local coastal plan for decades, which under the law means that the local agency exercises the land use decisionmaking authority in the coastal zone. The Commission staff is simply trying to inject itself into this role, without invitation or authority. The local agency must, by law, be allowed to make these decisions and interpretations for its citizens. We respectfully request that the Commission reject the modifications proposed by the Commission staff and certify the County's Local Coastal Amendment as submitted.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M. Weinheimer". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kathleen M. Weinheimer
General Counsel
Hope Ranch Park Homes
Association

**4380 Llano Avenue
Santa Barbara, Ca 93110
November 13, 2010**

**Dear Santa Barbara
County Supervisors**

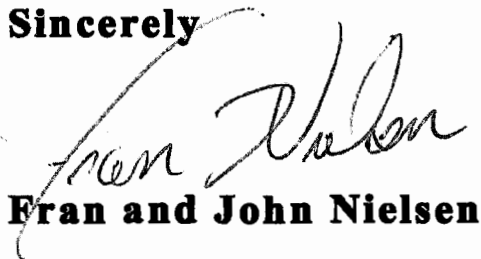
We bought our single family home on seven acres in Hope Ranch because it came with the right to have horses on our property, direct access to community maintained horse trails that allow us to ride throughout the ranch and the right to take ourselves and our horses to the beach via a community maintained access point. Our property also came with the right to add a barn to keep our horses and a guesthouse.

We are strongly opposed to the new regulations proposed for Santa Barbara County by the unelected officials of the California Coastal Commission. In addition to adversely impacting our quality of life, these proposed regulations amount to an expropriation of our property rights without compensation. If the lots in Hope Ranch are made less attractive to current and prospective owners, the value of these lots for tax purposes in Santa Barbara County will go down. The Hope Ranch Homeowners Association will stop maintaining the beach, riding trails and eventually patrolling community roads because the Hope Ranch homeowners will have no incentive to voluntarily subsidize public services. Unfortunately this is

occurring at the very time that our municipal and state governments in California do not have the resources to provide essential services. We also assume the owners of large lots over time will press to subdivide while the Coastal Commission over time will make additional onerous regulations so that much of the coastal land will finally revert to the state. The unintended consequences will be to further reduce County tax receipts and services.

We hope that Santa Barbara County officials will join the homeowners in Hope Ranch in opposing this takeover of private property rights. The Coastal Commission should be recognizing the importance of local homeowners associations in protecting our coast and should be deferring to the judgments of those associations in counties who have a proven record of stewardship. The Hope Ranch Homeowners Association and Santa Barbara County have has been successfully and adequately protecting our community's environment under its current regulations for nearly 100 years.

Sincerely

A handwritten signature in cursive script, appearing to read "Fran and John Nielsen", written in black ink over a white background.

Fran and John Nielsen

Shana Gray

From: John Ainsworth
Sent: Monday, November 15, 2010 10:49 AM
To: Shana Gray
Subject: FW: Coastal Commission Proposals

From: Kristina Thomas [REDACTED]
Sent: Monday, November 15, 2010 10:27 AM
To: janetwolf10@gmail.com; John Ainsworth
Subject: Coastal Commission Proposals

To whom it may concern, I would like to express my disapproval of the proposed changes the Coastal Commission is considering with regards to limiting private beach access and the restrictions with respect to hoofed animals within Santa Barbara County. The significant resulting de-valuation of peoples' properties would be tantamount to a "taking". As if that is not bad enough, I can also imagine the justifiable litigation that will ensue and the cost of such litigation to both homeowners and taxpayers. When there are so many legitimate programs which need funding with tax-payer dollars, and given the state of our public school system in California, I find it hard to believe that this litigation nightmare should be on the forefront of any agency's list of "things to do".

Thank you. Please contact me at your earliest convenience, should you have any comments or questions.

Best Regards,
Kristina Thomas

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 2:07 PM
To: Shana Gray
Subject: FW: CCC STAFF REPORT PROPOSED REVISIONS

From: RC Duncan [REDACTED]
Sent: Friday, November 12, 2010 1:57 PM
To: John Ainsworth
Cc: Janet Wolf; Salud Carbajal; Doreen Farr; Joni Gray; Joseph Centeno; Connie Buxton; Buxton, Nigel
Subject: Re: CCC STAFF REPORT PROPOSED REVISIONS

Mr. Ainsworth,

As third generation Californian's, we have witnessed a steady progression by the California Coastal Commission to erode the fundamental rights of property ownership within our state.

Our family vigorously objects to this latest attempt to diminish the value and private use of our property.

Please remember Sir, we pay significant property taxes to the State for the ownership of our property, further, we are obliged to pay expensive property insurance for the real property as well. Much of that property is already designated for public usage.

Revisions to the Santa Barbara Coastal Zoning Ordinance's is not only not needed, but elevates the burden upon long term homeowner's such as ourselves, to a level that will impact us in many ways the proposal cannot begin to calculate.

The proposed ordinance will diminish the allowed usage and protection of our land and punish us simply because years ago we purchased property within the CCC's stated realm. This is counter to the most basic of liberties provided by our constitution.

We ask that you continue to enforce the Coastal Plan that has been in effect for the last two decades and NOT extend additional burden's upon those long time owner's of property within the coastal area.

Respectfully yours,

**Robert and Carolyn Duncan
Bajada Lane, Santa Barbara, Ca**

--
Robert C. Duncan
Office: 877-858-2632
Fax: 866-896-3675

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 2:06 PM
To: Shana Gray
Subject: FW: CCC STAFF REPORT PROPOSED REVISIONS

From: Laszlo Kiraly [REDACTED]
Sent: Friday, November 12, 2010 1:48 PM
To: John Ainsworth
Cc: 'Janet Wolf'; 'Salud Carbajal'; 'Doreen Farr'; 'Joni Gray'; 'Joseph Centeno'
Subject: CCC STAFF REPORT PROPOSED REVISIONS

Dear Mr. Ainsworth,

My wife and I wish to express our strong opposition to the Coastal Commission Staff's Proposed Revisions to the Santa Barbara Coastal Zoning Ordinances. The Santa Barbara County Local Coastal Plan, in existence since the 1980's, is more than adequate to protect and preserve the integrity of Santa Barbara County's Coastal Zone. This proposal is a clear infringement on our community's autonomy as expressed in the Local Coastal Plan.

It is also an example of the California Commission and staff overstepping their constitutional mandate and an over-reach of government into the private lives of citizens. Having fought in the Hungarian Revolution of 1956 to protest just this kind of oppressive intrusion by the communist government into every aspect of the life of its citizenry, I am an ardent believer in preventing the government of my adopted country from veering in the same dangerous direction.

Dr.Laszlo Kiraly
4035 Bajada Lane
Santa Barbara, CA
93110

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 1:44 PM
To: Shana Gray
Subject: FW: CCC STAFF REPORT PROPOSED REVISIONS

From: Nigel Buxton [REDACTED]
Sent: Friday, November 12, 2010 12:41 PM
To: John Ainsworth
Cc: Janet Wolf; Salud Carbajal; Doreen Farr; Joni Gray; Joseph Centeno; Connie Buxton
Subject: CCC STAFF REPORT PROPOSED REVISIONS

Mr. Ainsworth,

My wife and I are strongly opposed to the Coastal Commission Staff's Proposed Revisions to the Santa Barbara Coastal Zoning Ordinances. We believe the Santa Barbara County Local Coastal Plan, in existence since the 1980's, is more than adequate to protect and preserve the property in Santa Barbara County's Coastal Zone. Many of the staff's proposed changes smack of a "taking" in disguise. To propose to prohibit coastal property owners' access to property they own and pay taxes on (coastal property owners own to the mean high tide line) by not allowing them to maintain private access ways, is draconian to say the least. Trying to infringe on our rights to maintain our own private roads by requiring the commissions' permits, is not much better. These are just two examples of your suggested changes that are obviously ways in which the Coastal Commission can impose conditions which support an agenda not conducive to the private ownership of property on or near the coast. The California Coastal Commission has, in our opinion, morphed into a totalitarian anti-private-property organization that, unfortunately, seems to be out of touch with the Constitution of the United States. If your organization wants total control of the California Coastal Area for "the people of California" then you must get the approval of the people to condemn the area in question and buy it. You cannot, in the United States of America, legally "take" the rights of private property owners without "just compensation".

Respectfully,
Nigel and Connie Buxton
4005 Bajada Ln.
Santa Barbara, CA
93110

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 11:48 AM
To: Shana Gray
Subject: FW: Coastal Commission Hearings

From: TahoeDO@aol.com [REDACTED]
Sent: Friday, November 12, 2010 11:47 AM
To: John Ainsworth
Subject: Fwd: Coastal Commission Hearings

From: [REDACTED]
To: j.ainsworth@coastalca.gov
Sent: 11/12/2010 9:16:41 A.M. Pacific Standard Time
Subj: Fwd: Coastal Commission Hearings

From: [REDACTED]
To: j.ainsworth@coastalca.gov
Sent: 11/11/2010 9:09:12 P.M. Pacific Standard Time
Subj: Fwd: Coastal Commission Hearings

From: [REDACTED]
To: jainsworth@coastalca.gov
CC: jwolf@sbcbos2.org
Sent: 11/11/2010 9:03:03 P.M. Pacific Standard Time
Subj: Coastal Commission Hearings

Dear Mr. Ainsworth,

I have been a resident of Hope Ranch since November 1956 and wish to register my strong objections to the proposed changes by the Coastal Commission which would severely impact properties within the Coastal Zone of Santa Barbara. They are onerous and totally burdensome to a community which has maintained very well its quasi rural identity with co-operation on a local level from our Homes Association and County Planners. Sincerely, Paul O'Keeffe, 4212 Cresta Ave. Santa Barbara, California 93110

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 9:04 AM
To: Shana Gray
Subject: FW: Coastal Zoning Revisions

From: Betty Jo [REDACTED]
Sent: Thursday, November 11, 2010 8:45 PM
To: John Ainsworth
Subject: Fw: Coastal Zoning Revisions

Subject: Coastal Zoning Revisions

Dear Mr. Jack Ainsworth;

Those of us in Santa Barbara are particularly fond of the coastal frontage that adds significant beauty to our environment,

However.....

The proposed coastal commission rules are a major infringement upon the rights of those landowners affected, without clear benefit to the public at large.

A requirement that all but a principal residence upon a property would require bureaucratic approval by the Coastal Commission in addition to all the permits required currently would make construction virtually impossible – as well as demanding the destruction of structures denied approval. I fail to see the reasoning behind targeting private structures that permit beach access. If maintenance of these structures is denied and someone is injured due to unsafe conditions, any agency complicit in denying maintenance would have to assume liability – and deservedly so.

Of particular note to those of us in Hope Ranch is the restriction of the number of horses allowed per property to two and even that number will be subject to an exorbitant fee which will forbid most horse owners from compliance.

Hope Ranch is now and has always been an equestrian community – one of the few left in California. Many residents make this their home just on this issue alone. If the proposed rules take effect, it signals the destruction not only of a lifestyle that brought people to this community, but a significant portion of the value of their homes, without benefit to the coastline. What is the Coastal Commission thinking?

If passed, the residents of Hope Ranch could and should demand en mass reassessment of their properties to reflect the decline in value attributed to these measures. In addition, building in the coastal region will halt, which means that income from permits will end. At a time of declining revenues, a drastic decrease in income is the last thing that government needs.

Sincerely,

Ernst and Betty Jo Ellersieck

Wendy Kelly

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 9:03 AM
To: Shana Gray
Subject: FW:

From: cuyama166@aol.com [REDACTED]
Sent: Thursday, November 11, 2010 7:02 PM
To: John Ainsworth
Subject:

I have been made aware of the desire to remove hooved animals from the beaches in Santa Barbara county. In my opinion, riding horses on the beaches are a California tradition that does not need changing. Horses do not damage or contaminate, they are gentle creatures who are a staple in our community and lifestyles.

Kristin Hardin

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 9:03 AM
To: Shana Gray
Subject: FW: Coastal Commission trying to make private beach access public

From: Annette [redacted]
Sent: Thursday, November 11, 2010 3:25 PM
To: SupervisorCarbajal@sbcbos1.org; jwolf@sbcbos2.org; dfarr@countyofsb.org; John Ainsworth; jwolf@sbcbos2.org; jwolf@sbcbos2.org; sbcob@co.santa-barbara.ca.us
Subject: Coastal Commission trying to make private beach access public

This can't be true! What kind of government do we live in where people pay top dollar to buy property and pay taxes and then the governing bodies decide that the property is so nice that the public should also be able to enjoy the land and improvements that the private citizen paid for? If our government wants this to happen they will have to purchase the property and maintain it just like we do as private citizens!

Did you not learn your lesson when some idiot president said "every American should own his own home"? You cannot level the playing field without flattening it! Everybody DOES NOT need to be equal in EVERY way. All men are created equally.....It is not the government's job to make sure we stay that way.

I am apposed to the Coastal Commission's plans to make ALL beach access public, and I urge our County Supervisors to vote against it.

Yvonne P. Noack

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 8:53 AM
To: Shana Gray
Subject: FW: Making all private Beach access public?

From: Annette Gilkeson [REDACTED]
Sent: Thursday, November 11, 2010 2:26 PM
To: SupervisorCarbajal@sbcbos1.org; SupervisorCarbajal@sbcbos1.org; jwolf@sbcbos2.org; sbcob@co.santa-barbara.ca.us; 'mez'; John Ainsworth; dfarr@countyofsb.org
Subject: Making all private Beach access public?

To Whom it May Concern:

I adamantly oppose what the Coastal Commissions is trying to do with private beach access! It is absurd to try to make ALL access to the beach available to the public and to not allow people with legal private beach access to fully maintain their permitted access on their own private property! How dare the Coastal Commission take people's private land and their investment and give it away for public use! I URGE the Santa Barbara County Supervisors to fight for our rights as property owners. The public should have access to the beach on publicly owned property paid for and maintained by the public, not stolen from private tax paying land owners!

I am also apposed to the idea of banning all hooved animals from Santa Barbara County. How Un-American can you get! Who do you think you are!?!?

I will do whatever it takes to stop government from invading my privacy, taking our land and taking our rights away!

Sincerely,
Annette Gilkeson

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 8:52 AM
To: Shana Gray
Subject: FW: Coastal Commission-land grab

From: Chloe Kendall [REDACTED]
Sent: Thursday, November 11, 2010 1:40 PM
To: John Ainsworth
Subject: Coastal Commission-land grab

Dear Jack Ainsworth,

I find this land grab to be disgusting and underhanded this land is paid for by the people and therefore for the people to use as they like. I grew up in Santa Barbara I remember when horses use to be spotted throughout Montecito, sadly they are no more....Hope Ranch is like the "old cito" with the ability to ride horses through the trails and on the beaches, it gives hope that we stay connected to nature. It would be sad to not see that anymore, but more importantly it's straight up wrong. We pay for these trails with our money and we are saying no to banning our four legged friends.

Sincerely,

Chloe Kendall

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



ADDENDUM

Th6b&c

DATE: November 17, 2010
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Items 6b&c, Thursday, November 18, 2010, County of Santa Barbara Major Amendment 1-09 (Land Use and Development Codes & Rezone)

The purpose of this addendum is to attach additional correspondence from the public received as of November 16, 2010.

RECEIVED
OCT 19 2010

5266 James Road,
Santa Barbara,
CA 93111-2908

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 17, 2010

Supervisor Janet Wolf, Chair
S.B. County Board of Supervisors
105 E. Anapuma Street,
Santa Barbara, CA 93101

Re: Santa Barbara County Coastal Program Amendment No. MAJ-1-09

Dear Ms. Wolf,

As a homeowner on More Mesa Shores, I object to any proposed improvements to the More Mesa Shores Beach Access, for the following reasons:

1. The access is so sever with respect to the steep steps and path, it cannot be negotiated by the More Mesa Shores older homeowners. Most James Road homeowners, self included, are seventy, eighty or ninety years old. The half-mile walk to and from the access also makes the use of the access prohibitive. There is no space to park a car, which is discouraged since public use is not encouraged.
2. Its usage is very limited. Fifteen or so years ago we used the access to walk the dogs on the beach during evenings and weekends. We seldom saw anybody else walking on the beach.
3. The More Mesa Shores Board of Directors and the few other proponents for rebuilding or repairing the steps to County Code requirements claim the benefit for the whole neighborhood is to increase property values and resale attractiveness. This does not apply to James Road since it is not only too far away but also there is one home violating county and city ordinances to a degree, which lowers the value of all adjacent homes. If it does apply, then it only applies to the expensive beachfront homes on Austin Road.
4. The More Mesa Shores Board of Directors increased homeowner fees uniformly this year by 20%, from \$300.00 to \$360.00 per year, to subsidize access repair costs. An inflationary increase, particularly for older homeowners on a fixed income and cannot use the access in any event.
5. The Board of Directors plan is to increase the fees 20% per year for the foreseeable future. If there are homeowners who use the access, they should accept the repair costs and pay when they accept the key to the entrance gate. This would appear fairer than amortizing the repair costs over the whole neighborhood.

I trust the Board of Supervisors and the Coastal Commission will take the above into consideration when decisions are made determining the future of the More Mesa Shores unsafe, erosion-prone, limited-use beach access.

Thank you for the work you do.



Walter Crooks

Cc: Salud Carbajal
Doreen Far
Joni Gray
Joseph Centeno

California Coastal Commission

Shana Gray

From: John Ainsworth
Sent: Friday, November 12, 2010 9:08 AM
To: Shana Gray
Subject: FW: Letter from Geraldine Pope Bidwell to the Coastal Commission

From: Geri Bidwell [mailto:geraldine@bidwell.com]
Sent: Thursday, November 11, 2010 11:37 AM
To: John Ainsworth
Subject: Letter from Geraldine Pope Bidwell to the Coastal Commission

Dear Jack Ainsworth and all Coastal Commission members:

My Grandfather George Pope lived on a 16,000 acre ranch called El Peco Ranch in Madera, California. He bred and raised a Kentucky Derby winner there that broke the speed record in 1962. I grew up in Oregon, but came to visit him in California often as a child. I loved what he did, and what he grew. Today, the ranch has less acres. My cousins manage it. Though they still have horses on it they also focus on growing almonds, prunes and pomegranates. Ironically, I still have a great grandson of Decidedly's in my pasture here, that I ride on the trails on The Hope Ranch. He was foaled in Oregon, (because I bought his Mother from my Grandfather's estate after he died and bred her to a stallion up in Oregon.) Our family moved to California from Oregon five years ago. With us came our children and our animals. We moved to Santa Barbara County, and worked very hard to be able to do so.

I am not only the Mother of eight horses here, but also am the Mother of six children. Three of my sons died in a planecrash in the Columbia River about ten years ago. They were all in public school, and my eldest son Jack was elected by his 900 student peers to be the President of Skyridge Mid School. His promise to the students when he ran his campaign was to help them have more clubs so that they could get involved with each other around various extra curricular interests --- such as movie clubs, rodeo clubs, music & concert clubs...etc)

Jack's horse was a small brown American Quarterhorse named Dexter. He lived in our field off our house up in the northwest. After Jack died, we helped to build a 17,000 square foot youth center on public school property called The Jack, Will & Rob Center. (Will and Rob were my other two sons.) That center is hopping today with more than 2000 children who are members there, and they do everything from making music, to ceramics, to basketball to computers (Bill Gates gave us a very fancy computer room.) We had donors from every walk of life and the one thing that we did that had not been done before was to create a three-way partnership between the public sector, the private sector and a not-for-profit group -- for kids. It was great. All my son's friends were able to see it open before they graduated from high-school, and turned out that the accident which crushed them became something that made them into better people.

It's strange when your child's pet outlives your child, but it can happen. And good old Dexter carried us through everything. When Jack died, my Mother rode him on trails with us to the Oregon coast. She had an artificial hip, so he had to be something special to be so trustworthy in those dunes. Then, my three daughters rode him. He taught them to have faith in a way. And I experienced the faith that life goes on through the love of Dexter. Though Jack's ashes were scattered among the fields and sands of the northwest, Dexter remained in our lives to teach us something.

When we moved here, we brought Dexter with us. And he remained here with us until last month when he started to lose his balance one day in the field as he was trying to eat the grass.

We put him down underneath one of the huge Oak Trees in the shade here, surrounded by our three daughters, our dogs, our other horses, an old family friend who happens to be a veterinarian, and my husband Jerry. It was peaceful and gentle and perfect --- the way that Dexter died. And we all cried our eyes out.

When I thought about it later, I realized that I'd had Dexter with me for a total of twenty-two years.

This is what I don't want to lose: I feel really proud of that I was a good steward of that horse. I don't even know why, but I do. I also feel proud that we were able to help leave a ten million dollar center for kids in a papermill town, and to be able to have moved to a new place and stretched ourselves to become citizens of Santa Barbara County. I don't know why I feel proud of these things, but maybe it's because I feel as if I've been blessed with being able to be dedicated to something and to have faith in things that are greater than I am. If you make us lose our freedom to care and protect animals like Dexter, then we will have to move away. Maybe that is what you want. But I don't think so. I think you want people like us here because we are super green ecological thinkers and respectful community builders who want to help maintain and protect everything that is serene and gorgeous about California.

I won't be the kind of person to abandon the souls that I love. I can't be that. I won't. Please help me stay. Don't take away what this place is for us. We have worked so hard to be here.

Every day we take care of our horses, by feeding and cleaning.

We compost our manure here and reuse it with tree trimmings to make the best fertilizer for the lemons that you have ever known!

It's a myth that the hooved animals ruin the land here. They only serve to help us feel closer to it.

If you as our Coastal Commission change what we love, it will ruin what my daughters think of America. It will teach them not to have faith. We ride on the beaches. We pick up garbage and work to protect all life and living things. Our kids volunteer for the local school group, which helps deal with erosion and it's coming mostly from the ground squirrels and we are working to propagate more owls to eat them and keep the balance of life so that our earth can remain a stable place for us all. I still have that horse that is Decidedly's grandson, though he is now the ripe old age of 21. And my children each have their own horses. For us, it's a way of life and it connects us with the past and the future. We protect the land that we love and live on and we pay taxes for the eighteen acres that we all share in Santa Barbara County. Our horses all live outside. We clean their fields every single day and each time we are out there, we are reverent for this beautiful place that we all want to protect. Please do not change what my Grandfather taught us to love. I

promise you that we are the kind of people that you do want here in California. We will help you protect the beaches. We care, deeply, for the same things you do.

Thank-you and sincerely,

Geri Pope Bidwell -- home phone~805-687-7527
4385 Llano Avenue - Santa Barbara, CA. 93110

From: "Douglas Keep" <DTKArch@cox.net>
Subject: **FW: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09**
Date: October 28, 2010 7:01:15 AM PDT
To: "Gordon Feingold " <gaf@systdyn.com>, "Bonnie Freeman" <bonniegoleta@cox.net>

-----Original Message-----

From: Douglas Keep [mailto:DTKArch@cox.net]
Sent: Thursday, October 28, 2010 6:52 AM
To: 'jwolf@sbcbos2.org'
Cc: 'SupervisorCarbajal@sbcbos1.org'; 'dfarr@countyofsb.org'; 'jgray@co.santa-barbara.ca.us'; 'jcenteno@co.santa-barbara.ca.us'
Subject: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09

October 27, 2010

Ms. Janet Wolf, Chair
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09

Dear Ms. Wolf:

We are writing to express our objections concerning the California Coastal Commission's proposed "Modification #21" that would prohibit required repairs unless the stair access was made public.

The More Mesa Shores Homeowners Association has maintained the beach access stair in a safe condition since 1958 when the stair was original permitted and built. The stair serves many important functions other than just a means to gain access to the beach. They are as follows:

- 1. Emergency rescues:** Both the Santa Barbara County Sheriff / Police and Fire Departments make numerous rescues annually that require the use of the stair. All public departments have requested and received Lock-box keys for the stair access.
- 2. More Mesa Shores Community only has One means of egress and access:**
Shoreline Drive is the only means of access and egress to serve more than 100 residences or 370 people. The stair serves a vital roll in proving and emergency path of exit from our community should a disaster occur. In addition, Shoreline Drive at Atascadero Creek floods during heavy rains which restrict any egress or access to and from the More Mesa Shores Community. Another potential hazarded to restrict egress from our community is an 18''High Pressure Gas line that runs parallel along Shoreline Drive. Should a gas line rupture (similar to San Bruno Gas line rupture one month ago) our stair is our only path of exit.
- 3. Public Access:** To provide a public access through our neighborhood for

the purpose of beach access would clearly be detrimental to our quality of life, change the character and security of our neighborhood. It would create additional liability to our association as all our streets are narrow and private which do not provide for any pedestrian traffic (no side walks), nor do we have any street lights. Because our streets are narrow they have already exceeded their design capacity and to add additional vehicular public or pedestrian traffic to our streets would create an unsafe condition to our residents.

4. **Removal of Stair:** There are documented environmental goals in preserving the Coastal Bluff. Should the Coastal Commission prevail and the stair removed, pedestrian traffic from the top of the bluff to the beach will continue. The environmental impact of accelerated erosion rate due to foot traffic does not conform to the goals and objectives in preserving the bluffs, so we are confused as to any benefit of removing the stairs. The public has access to the More Mesa Beach via parking in the Goleta beach parking lot and walking approximately one half mile.

We are requesting the Board of Supervisors convey to the California Coastal Commission the negative impact this Modification will have, not only to our neighborhood, but to the environmental impact of the Coastal Bluff.

Sincerely,

Douglas & Diane Keep
5240 Austin Road,
Santa Barbara, CA 93111

jwolf@sbcbos2.org

CC:

SupervisorCarbajal@sbcbos1.org

dfarr@countyofsb.org

igray@co.santa-barbara.ca.us

jcenteno@co.santa-barbara.ca.us

October 21, 2010

Dear Commissioner Khatchik Achadjian,

Re: CCC Suggested Modification to Santa Barbara County's LUDC/Modification 21 Bluff Development

It has come to my attention that next month the California Coastal Commission will be addressing a number of issues including the questions of whether or not private access to our county beaches can remain if they need over 50% cumulative structural repairs.

My husband and I have lived on More Mesa since 1975 and have watched our neighborhood develop from a sleepy enclave to a well-organized, well-kept neighborhood of approximately 100 family homes. What has not changed is the egress into and out of the area which is served only by Orchid Drive, a single road maintained by our homeowners' association at the end of Patterson Avenue. It certainly would be detrimental for both safety and aesthetic reasons to have it used by the public since it is not a publicly-maintained road.

It is also a concern that the beach stairs would no longer be available because the Coastal Commission will place nearly impossible contingencies on them to remain. We have to consider what our alternative would be in the case of an emergency if Orchid Drive or Patterson Avenue became inaccessible. The beach is our only safety valve and we need access to it.

The beach access is also used by law enforcement and safety personnel as well. Let me cite two examples. Recently one of our neighbors became stranded on the cliffs after his dog slipped on the bluffs above. The only way to rescue him was from the beach. If the stairway had been removed, that rescue would have been much more difficult. Several years ago I discovered a man's body on the beach, and again, the only way the deputies and paramedics could reach him was using our beach access and the stairs.

I hope the County Board of Supervisors will express to the California Coastal Commission that the beach access through a locked gate at the end of a private road should not be open to the public but should be allowed to remain private. We neighbors have maintained it over the years at our own expense, never asking for help from any government agency. Giving it over to the public would be an intrusion on private property. Taking away the maintenance of our stairs down to the beach would compromise the safety of the people who live here because of the rural egress at the end of Patterson Avenue.

Thank you for your attention.

Michel Nellis

Michel Nellis
1298 Orchid Dr.
Santa Barbara, CA 93111
964-6688
Mnellis3@verizon.net

Cc: California Coastal Commission Ventura Office

From: Tim Ball <t.ball@mainstreamenergy.com>
Subject: **CCC suggested Modifications to Santa Barbara County's LUDC**
Date: October 26, 2010 2:32:22 PM PDT
To: "jwolf@sbcbos2.org" <jwolf@sbcbos2.org>

Janet Wolf, Chair
Santa Barbara County Board of Supervisors, 2nd District
105 East Anapamu Street
Santa Barbara, CA 93101

Re: CCC suggested Modifications to Santa Barbara County's LUDC; Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09

10/26/2010

Dear Supervisor Wolf

As a resident and property owner in District Two, who will be impacted if these modifications are certified, I am writing to voice my strong objection to many of the amendments proposed by CCC staff.

It appears that CCC is attempting to make sweeping regulatory changes without the benefit of environmental review, inclusion of the public in the process, or adequate involvement and consideration of the property owners that will be impacted.

There are numerous changes contained in this sweeping amendment which I take issue with, two of which I mention for illustration.

MODIFICATION #21 BLUFF DEVELOPMENT

Impact; Potential loss of our beach access via a stairway that has existed for over 50 years. This access has been used by fire and police departments responding to emergencies on numerous occasions. It is the only escape route that we have in the case that a fire or other emergency block the single lane road from our home and out of our community.

MODIFICATION 9/13 VOLUNTARY MERGERS

Impact; More costly, time consuming permitting and red tape for making property improvements or for simple property related issues such as voluntary lot line adjustments.

I urge the Board of Supervisors to stand up for the rights of property owners like myself and reject the California Coastal Commission's proposed modification #21. If the CCC must use an all or nothing approach as a tactic to ram rod sweeping changes without due process then the appropriate response is "Nothing". Reject these amendments and send them back to CCC staff.

Sincerely;

Timothy Ball
5205 Austin Road
Santa Barbara, CA 93111

 Please consider the environment before printing this email.

October 21, 2010

Dear Supervisor Wolf,

Re: CCC Suggested Modification to Santa Barbara County's LUDC/Modification 21 Bluff Development

It has come to my attention that next month the California Coastal Commission will be addressing a number of issues including the questions of whether or not private access to our county beaches can remain if they need over 50% cumulative structural repairs.

My husband and I have lived on More Mesa since 1975 and have watched our neighborhood develop from a sleepy enclave to a well-organized, well-kept neighborhood of approximately 100 family homes. What has not changed is the egress into and out of the area which is served only by Orchid Drive, a single road maintained by our homeowners' association at the end of Patterson Avenue. It certainly would be detrimental for both safety and aesthetic reasons to have it used by the public since it is not a publicly-maintained road.

It is also a concern that the beach stairs would no longer be available because the Coastal Commission will place nearly impossible contingencies on them to remain. We have to consider what our alternative would be in the case of an emergency if Orchid Drive or Patterson Avenue became inaccessible. The beach is our only safety valve and we need access to it.

The beach access is also used by law enforcement and safety personnel as well. Let me cite two examples. Recently one of our neighbors became stranded on the cliffs after his dog slipped on the bluffs above. The only way to rescue him was from the beach. If the stairway had been removed, that rescue would have been much more difficult. Several years ago I discovered a man's body on the beach, and again, the only way the deputies and paramedics could reach him was using our beach access and the stairs.

I hope the County Board of Supervisors will express to the California Coastal Commission that the beach access through a locked gate at the end of a private road should not be open to the public but should be allowed to remain private. We neighbors have maintained it over the years at our own expense, never asking for help from any government agency. Giving it over to the public would be an intrusion on private property. Taking away the maintenance of our stairs down to the beach would compromise the safety of the people who live here because of the rural egress at the end of Patterson Avenue.

Thank you for your attention.


Michel Nellis
1298 Orchid Dr.
Santa Barbara, CA 93111
964-6688
Mnellis3@verizon.net

C. CCC Staff ✓

South Central Coast District Office
CALIFORNIA COASTAL COMMISSION
89 South California Street, Suite 200
Ventura, CA 93001-2801

Attn: Commissioners Steve Blank, Sara Wan, Dr. William A. Burke, Steven Kram, Mary K. Shallenberger, Patrick Druer, Chair Bonnie Neely, Ross Mirkarmi, Mark W. Stone, Khatchik Achadjian, Richard Bloom, Esther Sanchez.

Dear California Coastal Commission,

As a homeowner in the More Mesa Shores neighborhood of Santa Barbara, California I am concerned about the California Coastal Commission's proposed "Modification #21" that would in effect condemn existing private beach stairways, including a stairway in our neighborhood that has been in existence for fifty years.

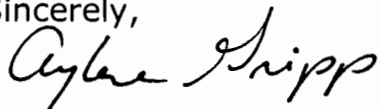
It is well-known that our area is prone to dangerous wildfires. These firestorms can be fast-moving and far-reaching with devastating results. I have experienced fire event evacuations and know that it can be a matter of life or death to be able to exit to safety. Our neighborhood is perched on a mesa at the edge of the Pacific. We only have one narrow road leading in and out of our neighborhood and we are also bordered by brush-filled dry creek beds and an open mesa, which could potentially become paths for a firestorm during a serious fire event. It is critical that we continue to have the option of going down the cliff to seek shelter at the beach in the event of a major fire storm.

In addition to our perennial wild fires, we are also concerned about the possibility of a gas explosion similar to the recent disaster in San Bruno, California. The Southern California Gas Company operates a natural gas storage field, La Goleta Storage Field, in our area. The large natural gas pipelines and natural gas storage facility in our vicinity make evacuation routes even more important to our community.

On more than one occasion I have observed and/or assisted inexperienced beach walkers who have become trapped at the beach below our community during high tide. It would further endanger those trapped by high tide if they had no safe way to scale the cliff and exit the beach, especially when the waves come right up to the base of the cliff as they sometimes do.

Thank you for considering my concerns on this matter.

Sincerely,



Aylene Gripp
5140 Louisiana Place
Santa Barbara, CA 93111

RECEIVED
NOV 04 2010

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

✓ C. CCC Staff



PO Box 61731, Santa Barbara, CA 93160

RECEIVED
NOV 04 2010

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 26, 2010

Janet Wolf, Chair
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Re Santa Barbara County Local Coastal Program Amendment No. MAJ-1-09

Dear Ms. Wolf:

I am again writing to you in behalf of over 100 homeowners in the "More Mesa Shores" neighborhood regarding the California Coastal Commission's proposed "Modification #21" that would in effect condemn existing beach stairways, including a stairway in our neighborhood that has been in existence for fifty years.

First, I would like to thank you for your support on our behalf, as evidenced by your statements in Board meetings and at the previous CCC hearing. I would also like to thank the Board for making the P&D staff available at the recent public forums on this subject. The staff deserve kudos for their patience and efforts during what must seem like an interminable process that they have gone through.

I would again like to reiterate our opposition to any policy that would in effect close down our longstanding beach access stairway. Over 70 of our homeowners have signed a letter opposing the CCC's proposed language with respect to this issue. (If we had a little more time I am sure all 100 would sign.) The CCC staff's proposed "compromise" that would stipulate that no more than 50% of the stairway could be repaired is clouded by the word "cumulative." This would still have the ultimate effect of closing the stairway.

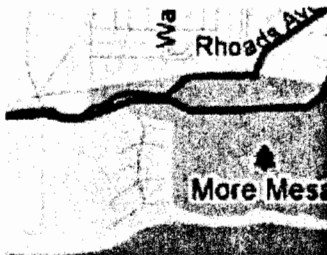
I again would like to voice the following concerns and facts:

1. Our neighborhood is served by a single road (the southerly extension of Patterson Avenue, which becomes our Orchid Drive) and our only refuge and egress from the area should the road become impassible due to an emergency such as a widespread fire is down our beach stairway. Without that stairway, we could become trapped, condemned like lemmings at the edge of the cliff to either jump or burn.



PO Box 61731, Santa Barbara, CA 93160

Consider the fact that our neighborhood is bounded on the North side by a buried gas pipeline even larger than the one that recently exploded in San Bruno, CA, as shown in blue below.



2. The existing stairway has served as access to the beach for the County Fire Department and Sheriff's Department many times. Without this access, their path to provide aid is greatly impaired. County fire and sheriff personnel have used this stairway dozens of times over the past years to rescue people. Here is a photo taken just a few weeks ago on September 26th of County fire and sheriff personnel at our beach access one evening when they came to rescue someone who had fallen down the cliff at More Mesa:





PO Box 61731, Santa Barbara, CA 93160

3. The CCC's charge is to preserve the beach environment due to "the sensitive nature of the coastal bluffs," yet ironically they would in effect be compelling us to make the access public, which could significantly increase traffic and impact on the bluffs. May I note here that the beach in question is easily accessible from existing public pathways from Anderson Lane, More Mesa, and Goleta Beach.

If the beach access stairway is slowly "condemned" by the CCC policy of limited repair and is cordoned off as unsafe or is removed, it is likely that people will still try to make their way down to the beach by making their own paths down the cliff face, which will undoubtedly cause damage to the very coastal bluffs that the CCC is so bent on preserving, which the existing stairway has protected so effectively over the last 50 years.

4. We do not have the resources or capacity to accommodate public access to this stairway, given that there is no room for parking on our very narrow streets, no sanitation facilities, and no security or lifeguard personnel. Also, we could be held liable as an Association and/or as individual property owners for injuries incurred by the public when using the access.

For these reasons, this beach access stairway will never become a public stairway. Yet the loss of it will deprive literally hundreds of people in our neighborhood of its use. How is this policy thus promoting access to the beach?

So with respect to our beach access stairway, the CCC's proposed policy, even as amended by their staff, would ultimately have the effect of decreasing access to the beach and increasing damage to the coastal bluff, the very opposite of their charge.

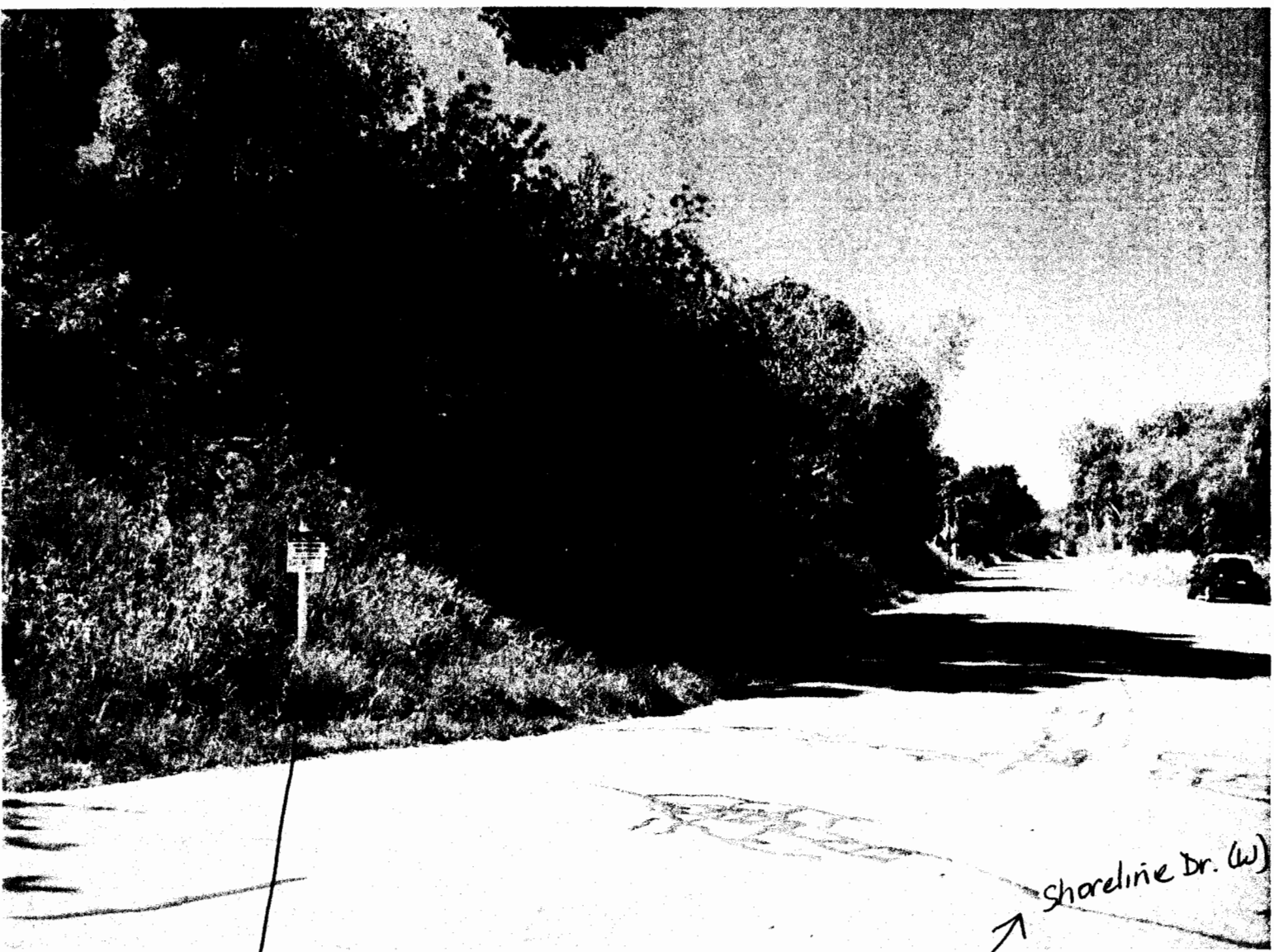
We urge the Board of Supervisors to stand up for us and reject the California Coastal Commission's proposed modification #21. If they're going to strong-arm the Board, this County, and its citizens by using an "all or nothing" tactic, we suggest that "nothing" is the appropriate response.

Sincerely,

Gordon A. Feingold
President
The More Mesa Shores Homeowners Association

Orchid & Shoreline
Santa Barbara 93111

RECEIVED
NOV 04 2010
OFFICE OF THE
COUNTY CLERK
SANTA BARBARA COUNTY



gas Lines

Shoreline Dr. (w)
to Orchid Dr., South

Orchid Dr. & Shoreline Dr.

ONE-WAY-IN/ONE-WAY-OUT

RECEIVED
NOV 04 2010

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Shoreline Dr.



gas lines

Orchid Dr. & Shoreline



Natural gas Lines

Annual Accidents

to Orchid Dr.

to Shoreline

Orchid Dr. & Austin Rd.

RECEIVED
NOV 04 2010

CALIFORNIA
COUNTY OF SAN DIEGO
SOUTH CENTRAL COAST DISTRICT

← Austin Rd.

→ dead-ends at each end



beach access, end of Orchid Drive
(single road in & out of community)