

GAVIOTA COAST PLANNING ADVISORY COMMITTEE
COASTAL COMMISSION LUDC MODIFICATIONS
(Non-Agricultural)

1. Principal Permitted Use Concept

Designation of a Principal Permitted Use has the effect of dividing the allowable land uses within different zones into uses that are designated as principal permitted uses and those that are not. Non-principal permitted uses are therefore subject to a public hearing requirement, and are subject to appeal to the Coastal Commission.

The County's certified Article II Coastal Zoning Ordinance does not identify any Principal Permitted Uses. Instead each zone contains a list of "Permitted Uses" and a list of uses allowed with a Minor or Major Conditional Use Permit. The recommended modification updates the land use tables of the LUDCs to specifically identify the Principal Permitted Uses for each zone.

In the agricultural zones, since agriculture would be designated as the principal permitted use, agricultural structures and uses are proposed to be designated as principal permitted uses. Other uses like residential, commercial, etc., are considered appealable development. One important exception to this is that the primary dwelling on an agriculturally zone lot is considered a principal permitted under certain parameters as described below in number 2.

If a dwelling cannot comply with these standards, then it could still be allowed but would be required to undergo a public hearing, and an approval by the County would be appealable to the Coastal Commission once local appeals are exhausted¹.

Also, only garages, landscaping, pools, spas and hot tubs, and storage sheds, when accessory to a principal permitted dwelling, are proposed to be designated as a principal permitted use; all other accessory uses, such as guest houses, would be considered appealable development.

¹ This change results in no practical change for properties within the coastal zone appeals jurisdiction (i.e., Hollister Ranch, Cojo-Jalama Ranches, and coastal strip south of Gaviota State Park).

2. Residences on Ag-Zoned Land

Primary Residence considered a Principal Permitted Use only if:

- a) Residence is occupied by the operator of the agricultural use of the property or the property owner
- b) Residence does not exceed a floor area of 5,000 square feet
- c) Area devoted to the residential development area does not exceed 10,000 square feet².

If above permit triggers are exceeded, an appealable coastal development permit is required¹.

3. Animal Keeping

- a) Permit required for all confined animal facilities.³
- b) New animal keeping requires a Coastal Development Permit.
- c) Coastal Development Permit not required once property has legally established animal keeping up to the maximum numbers currently allowed.
- d) Private horse keeping in residential zones considered Principal Permitted Use.

4. Private Bluff Stairways

- a) Prohibits development of new private bluff stairways.
- b) Lawful, existing private bluff stairways considered non-conforming uses with limitations on repair:
 - i. May be structurally repaired provided any structural replacement (not including steps and handrails) is limited to 50% cumulative.⁴
 - ii. May be rebuilt in the same location if destroyed by a natural disaster.

5. Eliminated Uses Previously Allowed with CUP

- a) Fairgrounds
- b) Golf Course
- c) Golf Driving Range
- d) Meeting Facility, Religious⁵

² CCC Staff suggestions after CCC certification - Sliding Scale residential development area: 10,000 square feet for parcels of 40 acres or less; 500 square feet additional area for each acre over 40 acres up to maximum one acre residential development area.

³ CCC Staff suggestions after CCC certification - Identify development standards, similar to those for agricultural exemptions, to exempt animal keeping facilities.

⁴ CCC Staff suggestions after CCC certification- Existing legal private bluff stairways considered conforming uses, which would allow consideration of permits to repair or replace without limitation.

- e) School-Business, Professional or Trade
- f) Sports and Outdoor Recreation Facilities
- g) Charitable or Philanthropic Organization
- h) Wind Turbines and Wind Energy Systems
- i) Water Extraction, Commercial

6. Schools

a) In the Coastal Zone, within the AG-I and AG-II zones, schools allowed by a Conditional Use Permit are limited to:

- i. The expansion of lawful, existing facilities, including the development of new facilities located on a lot that is both adjacent to and under the same ownership as the lot on which the lawful, existing facility is located.
- ii. The re-establishment of a school in facilities that were formerly occupied by the school. This may include the development of new facilities on a lot that is both adjacent to the lot on which the school facility is located and is owned by the school.

(1) Specific to the Vista del Mar School District, this allows the development of new school facilities on property known as Assessor's Parcel Nos. 081-130-058 and 081-130-059 that are owned by the school district prior to November 18, 2010.

- b) Lawful, existing school facilities are considered to be conforming development and are not subject to the restrictions of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
- c) Within this Subsection F., adjacent includes lots that are separated by a street that is not a freeway or highway or the frontage road of a freeway or highway.

7. Sea Level Rise

This Modification adds a requirement that coastal hazards analysis utilizing the best available scientific information be provided for all nearshore projects. For residential and commercial development, the coastal hazards analysis must consider a range of potential sea level rise scenarios, from three to six feet per century. Greater sea level rise rates must be used if development is expected to have a long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level.

⁵ Unless otherwise required by law.