

SANTA BARBARA COUNTY COASTAL LAND USE PLAN – COASTAL RESILIENCE POLICIES

November 2016

PRELIMINARY DRAFT – FOR DISCUSSION PURPOSES ONLY

**Santa Barbara County (SBC) Coastal Land Use Plan Policies**

Policy Type	Topic	SBC CLUP Policy Number	SBC Coastal Land Use Plan Policy Text	Potential Policy Revision(s)
Development	Hazards	Policy 2-12	The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes. However, density may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the Local Coastal Program. (amended by 93-GP-11)	The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted <del>by</del> <u>due to site-specific</u> conditions <del>specifically applicable to a site,</del> such as topography, geologic <del>or,</del> flood <u>or fire</u> hazards, <u>coastal bluff or shoreline retreat,</u> habitat areas, or steep slopes. However, <del>density</del> <u>densities</u> may be increased for affordable housing projects provided such projects are <del>found</del> consistent with all applicable policies and provisions of the Local Coastal Program. <del>(amended by 93-GP-11)</del>
Planned Development	Resource protection; Hazards; Housing	Policy 2-17	Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish as much as possible all of the following goals: a. protection of the scenic qualities of the site; b. protection of coastal resources, i.e., habitat areas, archaeological sites, etc.;; c. avoidance of siting of structures on hazardous areas; d. provision of public open, space, recreation, and/or beach access; e. preservation of existing healthy trees; and f. provision of low and moderate housing opportunities.	<del>Use</del> <u>To the maximum extent feasible, use</u> of flexible design concepts, <del>including (e.g., clustering of units, and/or a mixture of dwelling types, etc.,)</del> shall be required <u>in development, in order to</u> accomplish <del>as much as possible all of</del> the following goals: a. protection of the scenic qualities of the site; b. protection of coastal resources, <del>+(e.g., habitat areas, or archaeological sites, etc.);</del> c. avoidance of siting of structures on hazardous areas; <u>(including reasonably foreseeable hazards from sea level rise during the economic life of development);</u> d. provision of public open; space, recreation, and/or beach access; e. preservation of existing healthy trees; and f. provision of low and moderate housing <del>opportunities.</del>
Seawalls and Shoreline Structures	Shoreline armoring	Policy 3-1	Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of	Seawalls shall not be permitted unless the County has determined that there are no other <u>feasible,</u> less environmentally damaging alternatives reasonably available for protection of existing principal structures. <del>The County prefers and encourages</del> <u>Priority shall be placed on: (1)</u> non-structural solutions to shoreline erosion problems, <del>including [e.g., beach replenishment, removal of endangered structures (at the owner's expense), and prevention of land divisions on shorefront property subject to erosion, and, will seek]; and (2) landscape scale – rather than single lot – solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted,</del> <u>To the maximum extent feasible,</u> seawall design and construction shall

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			appropriate colors and materials.	<del>respect to the degree possible</del> preserve natural landforms- Adequate provision for, and shall not result in the loss of public trust lands. Development involving seawalls shall include: (1) adequate lateral beach access shall be made; and the project shall be designed (2) colors, materials, and designs to minimize visual impacts by the use of appropriate colors and materials.
Seawalls and Shoreline Structures	Shoreline armoring	Policy 3-2	Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.	Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when <del>designed</del> : (1) no better alternative exists to eliminate or mitigate adverse impacts on local shoreline sand supply; and (2) they are designed so as not to block lateral beach access.
Bluff Protection	Bluff erosion; hazards	Policy 3-4	In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission’s adopted Statewide Interpretive Guidelines regarding “Geologic Stability of Bluff top Development.”(See also Policy 4-5 regarding protection of visual resources.)	<del>In areas of new</del> New development, <del>above-ground structures</del> shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. <del>The County</del>  <u>Applications for development shall determine the required setback. A include a geologic report shall be required by the County and hazards analysis in order to make this: (1) assist the County in making the determination of the minimum bluff top set back requirement for the proposed development; and (2) set forth an analysis of how physical impacts (e.g., erosion, flooding, and wave runup) from locally relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) will constrain the developable site area during the 75-year (or 50-year) timeframe. At a minimum, such the geologic report and hazards analysis shall be prepared in conformance with the most recent guidance documents from the California Coastal Commission’s adopted Statewide Interpretive Guidelines regarding “Geologic Stability of Bluff top Development.”(Commission and the County of Santa Barbara.</u>  <u>In some cases, a landward modification to minimum setback or height regulations may be appropriate, if the bluff top setback requirement prevents the development of property in compliance with other Local Coastal Program regulations.</u>

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				See also Policy 4-5 regarding protection of visual resources <del>).</del>
Bluff Protection	Bluff erosion and stability	Policy 3-5	Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.	Within the required bluff top setback, drought-tolerant vegetation shall be maintained <del>).</del> <u>using native plants and materials to the maximum extent feasible.</u> Grading <del>, as may be that is</del> <u>required to establish proper</u> drainage <del>or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability,</del> may be permitted. Surface water shall be directed away from the top of the bluff or <del>be handled in a manner satisfactory</del> <u>managed</u> to prevent damage to the bluff by surface and percolating water. <u>Minor repair and maintenance of existing bluff-top structures that encroach into the required setback are allowed, provided that they do not increase the nonconformity of the structure<sup>1</sup> and are not considered a risk to public health or safety.</u>
Geologic Hazards	Hazards	Policy 3-8	Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.	Applications for grading <del>and</del> <u>permits,</u> building permits, and <del>applications for subdivisions</del> <u>subdivisions</u> shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, <u>wave runup,</u> tsunami runup, landslides, beach <u>or bluff</u> erosion, <del>or</del> other geologic hazards <del>such as</del> <u>(e.g., expansive soils and/or subsidence areas), and reasonably foreseeable hazards due to sea level rise during the economic life of the proposed project.</u> In areas of known geologic hazards, a geologic report <u>and hazards analysis</u> shall be required. <u>In areas potentially subject to flooding and erosion from sea level rise, the geologic report shall also include a hazards analysis using locally-relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) to determine site- or project-specific hazards or impacts, in accordance with the County’s “Guidance for Sea Level Rise Hazard Analysis” and the most recent California Coastal Commission guidance.</u> Mitigation measures shall be required where necessary.

<sup>1</sup> See the definition of “nonconforming structure” set forth in Section 35-58 (Definitions) of the Coastal Zoning Ordinance.

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Flood Hazard Overlay Designation	Flooding	Policy 3-11	All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.	All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with <del>HUD regulations are provided.</del> <u>Chapter 15A of the County of Santa Barbara Code of Ordinances (Floodplain Management) are provided.</u>  If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the <del>Flood Plain Management Ordinance.</del> <u>Floodplain Management Ordinance. If the proposed development falls within the coastal flooding hazard areas as modeled and mapped within the County’s Sea Level Rise and Coastal Hazard Vulnerability Assessment, a hazards analysis must be prepared using locally-relevant sea level rise projections (i.e., low, medium, and high sea level rise scenarios) to determine potential site- or project-specific hazards. The analysis shall also set forth mitigation measures to avoid likely flooding and inundation impacts.</u>
Hillside and Watershed Protection	Hazards	Policy 3-14	All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.	All development shall be designed to <del>fit the minimize altering existing</del> site topography, soils, geology, <del>and hydrology, and any other existing conditions</del> and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, <del>such as trees,</del> shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion, or other hazards shall remain in open space. <u>The County’s “Guidance for Sea Level Rise Hazard Analysis” shall be used to identify areas not suited for development due to likely sea level rise projection scenarios.</u>
Oil and Gas Processing Facilities	Energy (Oil and Gas)	Policy 6-9	Applicants for oil and gas processing facilities shall prepare and keep updated emergency response plans to deal with the potential consequences of hydrocarbon leaks or fires. These emergency response plans shall be approved by the County’s Emergency Services Coordinator and Fire Department.	Applicants for oil and gas processing facilities shall prepare and keep updated emergency response plans to deal with the potential consequences of hydrocarbon leaks or fires. <del>These emergency response plans shall be approved by the,</del> <u>as well as facility impacts from increased coastal flooding and erosion due to sea level rise. The County’s Office of Emergency Services</u>

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				<del>Coordinator</del> Management and Fire Department shall review and, if found to be adequate, approve these emergency response plans.
Pipelines	Energy (Oil and Gas); erosion	Policy 6-16	The pipeline shall be sited and constructed in such a manner as to inhibit erosion.	The pipeline shall be sited and constructed in such a manner as to inhibit erosion, <u>taking into account areas subject to likely future erosion during the anticipated lifespan of the pipeline as sea level rises.</u>
Coastal Access and Recreation	Public Access	Policy 7-1	The County shall take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include: a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds. b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County’s ability to assume liability and maintenance costs. c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.	The County shall take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include: a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds-; b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County’s ability to assume liability and maintenance costs-; c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access-; <u>and</u> <u>d. Pursuing new public accessways if existing easements or corridors are lost or inaccessible due to sea level rise.</u>
Coastal Access and Recreation	Public Access	Policy 7-3	For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County, based on findings reflecting historic use, existing and future public recreational needs, and coastal resource protection. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.	<del>For all</del> Proposed new development between the first public road and the ocean, <u>granting of lateral easements to allow for public access along the shoreline shall will be mandatory. In coastal areas, where examined for impacts on public access to the coast. Where the bluffs exceed five feet in height, all beach seaward provision of public access is related and proportional to the impacts of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by proposed development, the County, based on findings reflecting historie shall require dedication of a lateral and/or vertical public easement as a condition of development. Impacts on public access include, but are not limited to:</u> <u>(1) Intensification of land use, resulting in overuse of existing and future public recreational accessways;</u> <u>(2) Creation of physical obstructions or perceived</u>

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				<p><u>deterrence to public access;</u>  <u>(3) Creation of conflicts between private land uses and public access; and</u>  <u>(4) Removal or blockage of historically-used public accessways.</u></p> <p><u>Findings will be made, consistent with Section 30212 of the Coastal Act, that: (1) access would be consistent with public safety, military security needs, and coastal resource or the protection-</u>  <u>of fragile coastal resources; (2) adequate access does not exist nearby; and (3) agriculture would not be adversely affected.</u></p> <p>At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, “no trespassing” signs, and other obstructions that <del>may limit restrict</del> public lateral access shall be removed as a condition of development approval.</p>
Coastal Access and Recreation	ESHA; habitats	Policy 7-4	The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as “Habitat Areas” by the land use plan. A management program to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced. The level of facility development (i.e., parking spaces, camper sites, etc.) shall be correlated with the environmental carrying capacity.	The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as “Habitat Areas” <del>by</del> <u>in</u> the land use plan. <del>A (i.e., that the proposed recreational activities are of the kind, intensity, and location to ensure protection of habitat resources).</del> <u>The County shall ensure that a management program is developed, implemented, and enforced,</u> to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved <del>shall be developed, implemented, and enforced.</del> The level of facility development ( <del>i.e., parking spaces, or camper sites, etc.</del> ) shall be correlated with the environmental carrying capacity <del>of the recreational area, including future carrying capacity due to beach, habitat, and topographical changes from sea level rise, based upon the County’s most recent Sea Level Rise Vulnerability Assessment or equivalent study.</del>

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POTENTIAL NEW COASTAL LAND USE PLAN POLICIES – PRELIMINARY DRAFT

Reference No. (for discussion purposes only)	Policy Type	Topic	Potential New Policy Language
1	New Potential Policy: Shoreline Management	Shoreline Management Planning	The County shall collaborate with the Beach Erosion Authority for Clean Oceans and No urishment (BEACON), local coastal cities, relevant state and federal agencies, and nonprofit organizations on shoreline management planning research and methods along the southern coastline of Santa Barbara County.
2	New Potential Policy: Development	Hazards: Real Estate Disclosures	Prior to issuance of a Coastal Development Permit for new development (as defined by Section 30212 of the Coastal Act) that will be located within the sea level rise hazard zones identified in the County’s Sea Level Rise and Coastal Hazard Vulnerability Assessment, property owners shall record a Notice to Property Owner (NTPO). The NTPO must notify current and future property owners of current and future hazards associated with anticipated sea level rise, including accelerated coastal bluff retreat, erosion, wave run up, and flooding/inundation.
3	New Potential Policy: Development	Subdivision of New Lots in Hazardous Areas	Land divisions, including lot line adjustments, shall be allowed only if: (1) it can be demonstrated that all proposed lots will be safe from geologic, seismic, flooding, and other hazards; and (2) lot configurations, building sites, and access roads comply with all applicable hazard policies and regulations of the LCP. In addition, all proposed lots and access roads must comply with all applicable fire safety regulations.
4	New Potential Policy: Development	Setbacks along Non-Bluff Coastlines	New beachfront development along shoreline segments that lack coastal bluffs shall be set back a sufficient distance to ensure that the new beachfront development will be located outside of areas subject to existing or reasonably foreseeable future shoreline hazards (e.g., shoreline erosion, inundation, sea level rise, and wave uprush) for a projected 75-year economic life. If such standards will make a lot unbuildable, then a standard of 50 years shall be used, and a landward modification to setbacks or height regulations may be considered. Applicants for new beachfront development shall prepare a site-specific shoreline erosion rate and shoreline hazards study that sets forth the setback distance in compliance with the requirements of this policy. Analyses of flooding, inundation, and wave impacts shall account for the increase in hazards due to the range of likely and extreme rises in sea level. At a minimum, the hazards analysis shall be prepared in conformance with the most recent guidance documents from the California Coastal Commission and County of Santa Barbara.
5	New Potential Policy: Public Access and Recreation	Public access	For unavoidable impacts to public access or recreation from shoreline armoring or new development, mitigation of impacts through the addition of new public access, recreation opportunities, visitor-serving accommodations, or Coastal Trail segments may be required. Mitigation methods may include the dedication of ambulatory easements.

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6	New Potential Policy: Public Access Facilities	Public access facilities	Shoreline and bluff area public access facilities (e.g., walkways, overlooks, stairways and/or ramps) may be allowed within sea level rise hazard zones provided that the public access facilities: 1. are consistent with all other applicable LCP policies; 2. are sited and designed to be easily relocated and/or removable without significant damage to shoreline and/or bluff areas; and 3. will not cause, expand, or accelerate instability of a bluff.
7	New Potential Policy: Emergency Shoreline Protection Needs	Emergency Shoreline Protection	The County will encourage and work with owners of property that is subject to oceanfront erosion hazards, in order to develop responses to such hazards, and prior to the development of emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, property owners should develop a coordinated response to the hazards.
8	New Potential Policy: Development Within the Bluff-top Setback	New development; bluff erosion and stability	Minor ancillary development that does not require structural foundations or excavation grading, does not impact bluff stability, and can be readily removed and/or relocated (e.g., decks, fences, patios, and walkways) may be permitted within the bluff top setback area. The ancillary development shall be removed or relocated landward at the owner’s expense when threatened by erosion. Coastal armoring and bluff retaining walls are prohibited in areas where bluff retreat will threaten these structures. The coastal bluff setback does not apply to minor development associated with passive recreational uses (e.g., signs, benches, and trails).
10	New Potential Policy: Transportation	Impacts to U.S. Highway 101 from Sea Level Rise	The County should consult with the California Department of Transportation to protect access to the coast and to minimize impacts of sea level rise on U.S. Highway 101. Areas that are regularly inundated by the ocean or are at risk of periodic inundation from storm surge and sea level rise should be identified. A combination of structural and non-structural measures to protect local and regional access and use of Highway 101 should be considered with a preference towards non-structural solutions, unless the structural solutions are less environmentally damaging.