
Gaviota Coast Planning Advisory Committee

APPROVED MEETING MINUTES, MEETING #10

**Wednesday April 21, 2010
Vista de Las Cruces School**

Meeting Called to Order: By Chair Kim Kimbell at 6:32 p.m.

1. Roll Call

GavPAC Members Present: Baer, Boise-Cossart, Bowman, Feeney (arrived after roll call), Kimbell, Lloyd (arrived after roll call), McGinnis, McKenna, McNabb, Tautrim, Van Leer

GavPAC Members Absent: None

County Staff Present:

Derek Johnson, Office of Long Range Planning Director

Vicki Parker, Office of Long Range Planning Deputy Director

David Lackie, Office of Long Range Planning Supervising Planner

Brian A. Tetley, Office of Long Range Planning Senior Planner

Michael Hays, Planning and Development Department Agricultural Land Use Planner

Noel Langle, Planning and Development Department Planner III

Katie London, Office of Long Range Planning Assistant Planner

2. Public Comment for Items not on the Agenda:

Richard Pata: Stated that his family owns a ranch and that he was at the meetings on the Gaviota feasibility study years ago. He questioned why the County is spending \$1.4 million on a feasibility study given that one has already been done.

Chair Kimbell: Clarified for Mr. Pata that this process is not like the previous feasibility study for potential National Seashore designation for the Gaviota Coast, but rather that this is a local-driven review of the zoning and general plan guidelines with respect to the Gaviota Coast. Mr. Kimbell stated that he could not recall the budget allocation for the Gaviota Coast Plan.

3. Administrative Briefing

Chair Kimbell: He spoke during public comment at last week's California Coastal Commission (CCC) hearing in regards to the GavPAC planning process and wanting to work with the CCC in hopes that the CCC will be more receptive to the Plan eventually presented to them for certification. Kimbell thinks this collaboration is important so that the GavPAC's work is not in vain.

Tautrim: Asked Kimbell if the CCC gave any feedback on this approach.

Chair Kimbell: No, but he thinks they were listening.

McKenna: Requested that Staff prepare a reasonable estimate of existing house sizes on the Gaviota Coast.



Staff: We will work with Chair Kimbell on the best way to introduce that information to the GavPAC.

4. Meeting Minutes from March 20th and April 7th, 2010

March 20th Minutes (Public Workshop)

Public Comment: None

Deliberation: McKenna stated that it should be made clear that the "reporting back" portion of the minutes represent issues that were discussed, not necessarily solutions. He wanted to see a better summary of the issues and the positions taken on those issues. Lloyd requested that a statement be included in the minutes which clarifies that the information presented in the minutes does not represent a milestone that marks a path for the GavPAC. He stated that it should be made clear that the minutes are a summary of what was heard from the public at the workshop roundtable discussions. McNabb stated that the minutes should not give the impression that the issues mentioned are the ones upon which the GavPAC will be moving forward.

ACTION: March 20th minutes: Lloyd moved, seconded by Baer, and carried by a vote of 11-0 to approve the minutes with modifications.

April 7th Minutes

Public Comment: None

Deliberation: Baer asked to strike the phrase "to things such as climate change" from his statement in the minutes regarding flexible processes.

ACTION: April 7th minutes: McGinnis moved, seconded by McNabb, and carried by a vote of 11-0 to approve the minutes with modifications.

5. Presentation of Permit Coordination Efforts

Michael Hays, Agricultural Land Use Planner, explained that permit coordination efforts have led to the exemption of 18 different beneficial Natural Resources Conservation Service (NRCS) project categories from County grading and land use permits.

Efforts to create a "master permit" for such beneficial projects is currently underway, and would coordinate the permitting required by other agencies such as the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), Regional Water Quality Control Board (RWQCB), and the County. However, NRCS is awaiting biological opinions from the CDFG and USFWS before it can incorporate those agencies into a master permit process.

Public Comment:

Eva Turenchalk representing the Coastal Ranches Conservancy (CRC). The CRC is a non-profit group of ranchers, mainly on the Gaviota Coast. She stated that CRC's mission is to do beneficial conservation projects on the coast. She asked for clarification on whether or not a project in the coastal zone could take advantage of NRCS permit streamlining and exemption from County permits.

Mr. Hays. If a project requires a Coastal Development Permit (CDP), then it is not exempt.

Deliberation: Chair Kimbell disclosed that he is an inactive member of the CRC board. Lloyd stated that there is an exception to the exemption for obtaining grading and land use permits in the coastal zone. Tautrim asked what the roadblocks are to getting a master permit approved in Santa Barbara County since master permits have been



successful in other counties. Mr. Hays explained that the County's location and the fact that other counties have a longer history of working with these other agencies could be reasons why the master permit effort is not moving more quickly in the County. Tautrim asked if the NRCS had asked the Board of Supervisors for more streamlining, beyond grading and land use permits, and Mr. Hays responded that the NRCS had not asked for more streamlining than had been approved. Van Leer stated that the permit streamlining issue was brought before the Agricultural Advisory Committee (AAC) approximately one year ago, and that he was under the impression, at that time, that the County was not in complete agreement with what the NRCS was requesting. Mr. Hays stated that the County is the only agency thus far to sign off on the master permit, and that the other agencies (USFWS, CADFG, NMFS, etc) have not responded to the master permit effort, therefore, projects would still need to obtain permits from these other agencies. Tautrim stated that most projects would require a CDP in the coastal zone, therefore this permit streamlining effort generally does not apply to areas in the coastal zone.

6. Presentation of Agricultural Permit Process Streamlining Project

Noel Langle, Planner III, explained that the agricultural permit process streamlining project was conducted in collaboration with the AAC and is only applicable to areas outside the coastal zone. The Planning Commission (PC) had hearings on this project in February, March, and on April 7th the PC submitted a recommendation to the Board of Supervisors that they approve the proposed ordinance amendments.

In summary, the streamlining would allow agricultural accessory structures to obtain a Zoning Clearance (ZC) instead of a Land Use Permit (LUP), entrance gate posts, cross-members and loading ramps to be exempt from a permit; agricultural employee housing (up to 4 employees and their families) to obtain an LUP instead of a Minor Conditional Use Permit (MCUP); and Detached Residential Second Units (DRSUs) to obtain a LUP instead of an MCUP. The threshold for a discretionary Development Plan (DP) would vary from 20,000 square feet to 50,000 square feet, depending on lot size. If a project does not meet the requirements for the new permitting structure, it can be considered under the old permitting structure.

Deliberation: Baer asked if the biological and visual resource standards for DPs also apply to all agricultural permit process streamlining efforts. Mr. Langle replied that the PC added these standards due to the downshifting in permit requirements, particularly from a discretionary to a ministerial process. Baer provided a copy of the Planning Commission Staff Report ("Attachment 3") to the GavPAC that included additional verbiage on biological and visual development standards. Baer stated that the additional biological and visual resource requirements reduce some of the actual effectiveness of the streamlining. Lloyd asked if there are restrictions on other types of infrastructure (i.e. storm drains) and whether for only electricity and water in a structure is an attempt to limit connections to a sanitary system. Mr. Langle replied that utilities are limited to electricity and water, but connections to a septic system or sanitary district can happen if the structure is built in an area that allows for such a connection. Lloyd asked for clarification on the type of square footage (gross or net) considered under the new streamlined requirements for development plans. Mr. Langle replied that it is gross floor area of roofed structures (excluding areas covered by a trellis). McKenna asked if a single family residence (SFR), up to 15,000 square feet, could be built on a parcel less than 40 acres in size with no development currently on it. Mr. Langle replied yes, but only outside the coastal zone. Tautrim remarked that he thought the streamlining project only pertained to agricultural structures or DRSUs, and Mr. Langle responded that McKenna was referring to requirement b on the powerpoint slide pertaining to a "development plan required if non-agricultural building area (primary residence, garages,



etc.) exceeds 15,000 square feet. Tautrim asked if CEQA was required for a MCUP but not for an LUP, and Mr. Langle replied that this was correct. Mr. Langle stated that the streamlining would reduce the maximum permitted SFR size, without a DP, from less than 20,000 square feet to less than 15,000 square feet. Tautrim asked if the coastal zone was left out of this streamlining process because of the CCC and Mr. Langle replied yes, that it was not likely the CCC would certify this streamlining project. McGinnis stated that the CCC's proposed LUDC changes would limit the size of structures related to the principal permitted use to 3,000 square feet in the coastal zone.

McNabb asked if there is a width limit on entrance gates. Mr. Langle replied that there is no width limit.

Public Comment:

Les Freeman: What happens when the coastal zone boundary transverses your property? Can you obtain a permit through the CCC and a permit through the County, thereby exceeding the maximum allowable use by any one jurisdiction?

Noel Langle: No, Permits are issued per lot and total square footage is assessed.

Suzanne Perkins: Asked whether it is correct to assume that there is no language in the permit streamlining project that encourages clustering of development.

Noel Langle: Yes, it is hard to craft language that would effectively encourage clustered development.

Eva Turenchalk: How does the permit streamlining apply to trailers (temporary structures)?

Noel Langle: Trailers are not allowed under a LUP with the streamlining; buildings must be on a permanent foundation.

Mark Chaconas: Why is there a 1,000 foot setback requirement from roadways? That would require additional driveways and disturbance.

Noel Langle: The setback requirement only applies to public roads and these requirements can vary depending on the property.

Suzanne Perkins: Limits should be considered on SFRs but not on agricultural structures (e.g., barns); this has been done in Montecito and Summerland.

Deliberation: Lloyd asked if some of the streamlining reduces things to a ministerial permit level for some projects, and Mr. Langle replied that this is the case. McKenna asked if the 15,000 square foot limit precludes the GavPAC from making recommendations that restrict SFR size. Mr. Langle replied no; that the GavPAC could propose a standard that is more strict. Lloyd asked if the GavPAC were to support multi-generational housing on agricultural land, whether the new permit streamlining efforts would then put applicants in a position where they would need a DP, whereas before they did not. Mr. Langle said that standards GavPAC creates, and which the Board of Supervisors would then ratify, would be in concert with the standards of the development code. Feeney mentioned that if a property owner wanted to build something extraordinary, which is ancillary to an agricultural structure (i.e., a bed and breakfast), then maybe that property owner should prepare a DP so that the County retains some level of control over aesthetics, design and green building.

7. Presentation Regarding Coastal Commission Suggested Changes to County Land Use and Development Code

Mr. Langle stated that the Board of Supervisors directed the Zoning Ordinance Restructuring Process (ZORP) to create two different zoning codes for the County: one for Montecito and one for the rest of the County. The County submitted the results of the



ZORP, in the form of the County's Land Use and Development Code (LUDC) to the CCC and in September of 2008 the CCC deemed the County's application complete. The LUDC primarily consists of beneficial reformatting of the County's zoning code, including minor clarifications and corrections.

In late 2009 the CCC made the County aware of the scope of its revisions to the LUDC, at which point the County withdrew its application from the CCC due to time constraints. The County then re-submitted its LUDC, which gave the CCC additional time for review. The CCC eventually returned the LUDC without giving the Board of Supervisors and community enough time to review CCC comments before the scheduled Board hearing on the revisions, therefore this hearing was postponed. The CCC hearing on LUDC certification is now scheduled for August 11-13 in San Luis Obispo.

Deliberation: Tautrim asked for a clarification on what constitutes an "intensification" of use (i.e., additional cows, crops, etc.) under the CCC's proposed modifications to the LUDC. Mr. Langle stated that changing the type of agriculture (i.e., from a grazing operation to row cropping) would constitute a change of use.

Public Comment:

Andy Mills: Thanked Chair Kimball for communicating with the CCC and hopes that Chair Kimball continues meeting with the CCC to keep them abreast of the GavPAC process. Mr. Mills thinks the CCC should suspend review of the LUDC in order to better integrate the Gaviota Coast Planning Process.

Eva Turenchalk: Asked how many projects would be affected by the additional CDP requirements and what "behind-the-scenes" interaction the County will have with the CCC between now and August with respect to the LUDC.

Mark Chaconas: Asked if Santa Barbara is the first county to have to deal with the CCC certification process for a revision of the zoning code, and if not, which other counties have gone through the certification process.

Noel Langle: County Counsel is communicating with other jurisdictions about this issue. San Luis Obispo County has been dealing with the CCC on similar issues, but for discrete projects in the coastal zone, not programmatic changes to the zoning code. Mr. Langle explained that the CCC likely has a "list" of zoning code deficiencies for each county in California that the CCC perceives as being out of compliance with the intentions of the California Coastal Act. The CCC is attempting to apply this list to the LUDC certification process, even though the proposed revisions to the County's zoning code are largely organizational.

Suzanne Perkins: Remarked that it seems as though the CCC is mandating what the County needs to do.

Noel Langle: Replied that the Board of Supervisors can choose to reject the CCC's recommended modifications to the LUDC, but that this would revert zoning in the coastal zone back to Article II, and that many amendments and projects have been to be rewritten to comply with Article II. Therefore a reversion to Article II zoning would require a substantial amount of work by the County.

Les Freeman: One CCC recommended modification is to limit agriculture in Toro Canyon to land with slopes of 20 percent or less. He asked if this requirement would likely eventually be extended to the rest of the coastal zone. He also asked if land had been farmed 40 years ago, but is currently used for grazing, and then was going to revert back to farming, whether or not the CCC would consider this a change of use.



Noel Langle: Replied that the CCC usually operates on the timeframe of 10 years, so a change after 40 years would likely be considered a change of use. He also stated that it is not clear whether the proposed modifications to the LUDC in Toro Canyon would one day extend to the rest of the coastal zone.

Deliberation: McGinnis stated that the CCC published a letter in 2001 prioritizing Local Coastal Plan (LCP) review and that the County was ranked third on that list due in part to the date the County's LCP was first adopted. Lloyd stated that the CCC's 2001 letter was not entirely accurate because it does not take into account the numerous amendments to the County's LCP that have been made since the LCP was first adopted. Tautrim asked if there is a list of what the CCC considers "incompatible uses". Mr. Langle said the County has a webpage dedicated just for this project. McNabb asked if the CCC applies the same regulations to all counties, or did the County somehow put itself in a difficult position with the CCC which has resulted in difficulty with the LUDC certification. Mr. Langle said that over time, the CCC has tried to ensure that all LCPs are consistent between counties. Feeney thinks it would be worthwhile for the Chair and Vice Chair to draft a Memo to the Board of Supervisors and Planning Commission regarding the LUDC certification process; Chair Kimbell agreed with Feeney's statement. Staff responded that they will work with Noel Langle to develop such a memo.

8. Discussion of Long-Term Meeting Schedule.

Staff explained how they revised the plan for how to approach prioritizing planning efforts and that at the next meeting the GavPAC will address which goals they want to focus on. Staff recognizes that the GavPAC is ready to move forward with the deliberative phase and staff will provide the GavPAC with worksheets for the five other issue areas in the packet for the next meeting on May 12th. Staff will let the GavPAC know which issue area they will begin deliberation on in the transmittal memo for the packet. Meetings will be held every two weeks while goal prioritization is done, and then meetings will move to three week intervals to accommodate subcommittee meetings. The long-term strategy and meeting schedule will be determined at the next few meetings. Chair Kimbell clarified that the GavPAC is using the public's goals, discussed at the workshop, as a starting point, but that the GavPAC can add goals to the worksheets if they feel something is missing. Feeney directed staff to look at the worksheets and give input regarding the practicality of the different goals.

9. Meeting Adjournment – 9:13 p.m.

Signed

Charles D. Kimbell

Date

5/25/10

GavPAC Chair Kimbell

