



Planning and Development Department

Office of Long Range Planning

Transmittal Memorandum

DATE: April 14, 2010

TO: GavPAC Members

FROM: David Lackie, Supervising Planner
Brian Tetley, Planner

CC: Supervisor Doreen Farr, 3rd Supervisorial District
Derek Johnson, Director, Long Range Planning
Vicki Parker, Deputy Director, Long Range Planning

SUBJECT: GavPAC Meeting No. 10

The items listed below have been included as part of the meeting materials for GavPAC Meeting No. 10, to be held Wednesday April 21, 2010, 6:30 p.m. at the Vista de Las Cruces School auditorium:

- 1. Meeting Agenda:** Please see the attached agenda for the April 21, 2010 GavPAC meeting (Attachment 1). For details, please see discussion of agenda items below.
- 2. Administrative Briefings:** None.
- 3. Draft Meeting Minutes:** Staff has provided draft meeting minutes from the March 20, 2010 GavPAC workshop (revised) and April 7, 2010 GavPAC meeting for review and approval (Attachments 2 & 3).
- 4. Presentation of Permit Coordination Efforts:** Mr. Michael Hays, Agricultural Land Use Planner, will present information on the coordination efforts between the County and NRCS for permitting of beneficial restoration projects. This includes recent ordinance and policy changes exempting NRCS-sponsored projects from Planning & Development (P&D) permits. Attached are two background documents to help prepare for this presentation: 1) the adopted Board of Supervisors resolution (Attachment 4); and, 2) the 2009 P&D administrative policy removing exemption distinctions between Federal Cost Share and Federal Non-Cost Share projects (Attachment 5). In addition, Mr. Hays will share an update on the status of the Cachuma Resource Conservation District's Permit Coordination Program, which is broader effort to coordinate multi-agency permit processes for beneficial agricultural projects.
- 5. Presentation of Agricultural Permit Process Streamlining Project:** Mr. Noel Langle, Planner III, will present a status update of the Agricultural Permit Process Streamlining Project which was recommended for Board of Supervisors approval by the Planning Commission on April 7, 2010. In general, this streamlining project proposes to exempt or downshift permit requirements for certain agricultural structural development in addition to raising the square footage threshold for a discretionary development plan. Attached is a summary sheet (Attachment 6) of the proposed Agricultural Permit Streamlining Ordinance Amendments.

6. **Presentation of Coastal Commission Land Use and Development Code (LUDC) Certification Process:** Mr. Noel Langle, Planner III, will make a presentation about the status of Coastal Commission Land Use and Development Code (LUDC) Certification. On April 6, 2010, the Board of Supervisors voted to request that the CCC continue the CCC hearing until August 11-13 in San Luis Obispo, to allow staff adequate time to review and make recommendations to the Board regarding the CCC staff report. Staff has attached the 04/06/10 Board Letter (Attachment 7) for your review. The Board of Supervisors directed staff to return with recommendations in response to the CCC Staff Report to the Board hearing of July 6, 2010.
7. **Long Term GavPAC Meeting Schedule:** The revised GavPAC long term meeting schedule (Attachment 8) is attached for your review.

In addition to this packet, please bring the GavPAC Documents binder with you to the meeting.

All GavPAC materials are also available for download from the following webpage:

<http://longrange.sbcountyplanning.org/planareas/gaviota/gaviota.php>

GavPAC Meeting No. 10 Agenda

Following the April 7th meeting, staff met to discuss the longer-term meeting schedule and strategy for development of Plan topics. We had originally planned to devote two meetings to a recap and structuring of the workshop information. However, it seems the most important issues for our planning process have already been revealed and the GavPAC is ready to move forward to a discussion of constraints, opportunities and possible tools. It is likely that additional issues, or subsets of issues will manifest themselves as we move further into the discussions, but staff believes the most productive way to move forward is to start delving into the issues already identified. To that end, staff is compiling a comprehensive inventory of the issues, known constraints, potential opportunities, possible tools, and research topics. We are structuring the material into a framework which (we hope) will identify the most effective strategies for working through the topics. Because of their scope, some of the topics lend themselves to sub-committees, while other topics need additional in-depth research, white papers or subject experts. There is considerable work involved in compiling this inventory and in thinking through proposed strategies. To that end, staff has eliminated the planned discussion for Meeting No. 10, and has limited the agenda to only the requested briefings. We will return at our next meeting with a comprehensive analysis of the above information and a proposed strategy for moving forward with Plan development. Staff recognizes the tremendous time and energy that GavPAC members commit to this process. We respect that commitment and want to match it with an intelligent, well-planned process. We anticipate a slightly abbreviated meeting time on April 7th: we may adjourn as early as 8:30 p.m., depending upon the discussion.

Attachments:

1. Meeting Agenda
2. March 20, 2010 Workshop Minutes
3. April 7, 2010 Meeting Minutes
4. Board of Supervisors Resolution No. 4573
5. P&D Administrative Policy 2009-1
6. Agricultural Permit Streamlining Ordinance Amendments Summary
7. 04/06/10 Board Letter
8. Long-Term Schedule



Notice of Public Meeting

Gaviota Coast Planning Advisory Committee (GavPAC) Meeting No. 10



IT'S IN OUR HANDS

United States
**Census
2010**

countyofsb.org/2010census

Note: This agenda lists discussion topics for the GavPAC meeting on:

Wednesday, April 21, 2010

6:30PM

Attendees: GavPAC Members, County Staff, and Public Participants

Please review: Meeting Materials Packet for 04/21/10 Meeting

Please bring: Meeting Materials Packet for 04/21/10 Meeting

Location: Vista de Las Cruces School - Auditorium, 9467 San Julian Rd, Gaviota, CA 93117

Agenda Item	Discussion Topics
CALL TO ORDER	
1	Pledge of Allegiance & Roll Call
2	Public Comment <i>The Public Comment period is set aside to allow public testimony on items not on today's agenda. The time allocated to each speaker will be set at the discretion of the Chair.</i>
3	Administrative Briefings <i>Staff updates regarding local or other legislative activities, local planning decisions, or other updates of interest to the Committee.</i>
4	Meeting Minutes from March 20 & April 7, 2010
5	Presentation of Permit Coordination Efforts
6	Presentation of Agricultural Permit Process Streamlining Project
7	Presentation Regarding Coastal Commission Suggested Changes to County Land Use and Development Code
8	Discussion of Long-Term Meeting Schedule
Adjourn	

Questions or comments about the Gaviota Coast Plan may be directed to David Lackie at 805-568-2023 or dlackie@co.santa-barbara.ca.us and further information may be obtained on the following web site: <http://longrange.sbcountyplanning.org/planareas/gaviota/gaviota.php>

Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item of a regular meeting of the Planning Advisory Committee that are distributed to a majority of all of the members of the Planning Advisory Committee less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Office of Long Range Planning 30 E. Figueroa Street, Santa Barbara, CA, and also on the County's website at <http://longrange.sbcountyplanning.org>

Attendance and participation by the public is invited and encouraged. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Hearing Support Staff (805) 568-2000. Notification at least 48 hours prior to the meeting will enable the Hearing Support Staff to make reasonable accommodations.

Gaviota Coast Planning Advisory Committee

DRAFT MINUTES - WORKSHOP #1

***Saturday March 20, 2010
Goleta Union School District Board Hearing Room***

Workshop Called to Order: By Chair Kim Kimbell at 9:05 a.m.

1. Roll Call

GavPAC Members Present: Baer, Boise-Cossart, Bowman, Kimbell, Lloyd, McGinnis, McKenna, McNabb, Tautrim, Van Leer

GavPAC Members Absent: Feeney

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

Katie London, Office of Long Range Planning Assistant Planner

Greg Wiley, Office of Long Range Planning Extra-Help Planner

2. Public Comment for Items Not on the Agenda: None.

3. Meeting Minutes from March 3, 2010

Minutes will be considered at the next GavPAC meeting on April 7, 2010.

4. Welcome and Workshop Format Overview

3rd District Supervisor Doreen Farr: Supervisor Farr welcomed workshop attendees and thanked the GavPAC for their hard work on this planning effort. She recognized the beauty and diversity of uses on the Gaviota Coast and believes that now is the time to take measures to protect the Coast. She acknowledged the GavPAC's diverse backgrounds and broad experience as well as in-depth knowledge of issues related to the Gaviota Coast. She also recognized landowners who have been good stewards of the land and those individuals who feel passionately about protection of the Gaviota Coast.

Staff: Derek Johnson stated that this planning process is proceeding faster than anticipated, largely due to the enthusiasm and knowledge of the GavPAC and that this workshop was designed to elicit public input on what Staff and the GavPAC should be thinking about in the process of developing the Gaviota Coast Plan. He explained the workshop format: "World Café" discussion in the morning and open forum/public discussion in the afternoon. GavPAC members will listen to the public and facilitate discussions during the morning session. He also explained the workshop ground rules.

5. Table Discussions. The workshop continued with discussions at six tables on six different issue areas: Keeping Agriculture on the Land; Resource Stewardship & Open Space; Public Recreation; Plan Area Boundary; Transportation, Energy, & Infrastructure, Zoning, Land Use & Housing.



A complete tabulation of notes from the morning session table discussions is available on the County's Gaviota website as part of the GavPAC Meeting # 9 packet.

6. Reporting & Open Forum Discussion Session

Table facilitators reported back to the public on their respective table discussions, summarizing input received from the public during the morning session. The following is a summary of the reports by issue area.

Public Recreation – McKenna reported what was discussed at the Public Recreation table: Stakeholder interests include: the public, the landowners, and the environment. There are conflicts between these interests, including that public demand for recreation can overwhelm supply. The small percentage of the public who are irresponsible create the majority of the issues. Landowners fear loss of control over their land, and that the environment can become degraded by overuse. Cooperative engagement can create a solution where every interest wins (i.e. restore the estuary at Gaviota State Park, move Park access to Calle Mariposa Reina, and enhance access for Hollister Ranch residents).

Bowman also reported that the question of what is meant by "improved access" was often raised; does that mean maintain public access or increase public access? She added that participants were interested in knowing how landowners can be protected from liability, expense and hassle from potential incidents on private property and means to address unsanctioned coastal access.

Land Use, Zoning, & Housing – Mark Lloyd reported what was discussed at the Land Use, Zoning, & Housing table: Overall, people seem to like the zoning ordinance from the land use standpoint (they like the rural and open space setting), particularly agricultural zoning; and want to see more flexibility with the rules and how development rights are conferred to owners, including transfer of development rights, clustering, etc. People want to balance landowners' property rights with preservation of land through conservation easements, and it is more important is to develop a set of guidelines and standards than implement protectionist policies for resources and viewsheds, and those will dictate what optimal house sizes should be. And, although progressive development standards and LEED design should be voluntary, there should be benefits and incentives for landowners.

There is a desire to see flexible regulations that would allow generational and occupational housing.

Most people expect visual resources will be protected.

The idea of having alternative zoning to "non-agriculturally viable" or "potentially agriculturally viable" was discussed and there was not much support for re-zoning or a zone district that would regulate areas by watershed, although watersheds should be protected.

Boise-Cossart also reported that incentivizing good management practices, having more flexibility in regulations and the use of zoning overlays were common topics of discussion.

Resource Stewardship and Open Space – Baer restated the Discussion Questions/Subtopics used to facilitate discussion at the table. Baer then reported what was discussed at the Resource Stewardship and Open Space table: Most people expressed a desire to keep things the same and protect the viewshed in the Plan Area, but recognized that conflicts between agriculture and visual resources can occur. Permits for beneficial projects are currently hard to obtain and there is interest in permit streamlining for beneficial projects. In addition, there is an interest in developing an inventory of natural resources.

There should be flexibility in setting buffers and boundaries because of the uncertainty about what the Gaviota Coast may be like in the future due to factors such as climate change. Generally, people think that existing stewardship is good and that private property rights have been the best protection for the land but that there needs to be a "safe harbor" or



indemnification for landowners who create additional resources as a result of good stewardship, and that overall, public resources and property rights should be integrated (i.e., use of TDR, etc).

McGinnis also reported that landowners within a watershed may need to work together for watershed protection and that projects on public land could be used as pilot studies for watershed management. In addition, while second units could be used as a source of additional income on agricultural land, they would not necessarily harm resources.

Keeping Agriculture on the Land – Tautrim restated the Discussion Questions/Subtopics used to facilitate discussion at the table. Tautrim then reported what was discussed at the Keeping Agriculture on the Land table: People overwhelmingly supported incentives, especially for landowners who are good stewards of the land, but also expressed that current County policy can make incentives infeasible. “Safe Harbor” agreements are needed to provide protection to landowners who may create additional biological resources as a result of their good stewardship. In addition, many beneficial projects exclude the Coastal Zone from involvement because of the red tape associated with dealing with the Coastal Commission.

Flexibility for active agriculture is necessary (site specific) and a majority of people agreed that allowing multiple, compatible uses on agricultural land would help keep agricultural operations viable.

The State is reducing local Williamson Act funding and as a result the County Assessor may be reassessing Williamson Act land at different rates than in the past, which may influence agricultural viability.

The inheritance (estate) tax is detrimental to keeping agriculture on the land, and the County should support Federal legislative efforts to change estate tax laws. Processing facilities and energy generation (i.e., solar, wind) need to be community-scaled. In addition, mapping of active agricultural areas should be based on more than just the location of pesticide application (as is the current practice), and that mapping the location of actively grazed lands would be difficult, but would facilitate development of a more effective Gaviota Coast Plan.

Transportation, Energy, & Infrastructure – Kimbell reported what was discussed at the Transportation, Energy, & Infrastructure table: There were several themes routinely discussed, including creation of a bike trail along the Highway 101 corridor, and conflicts between protection of resources and infrastructure (i.e., the railroad and seawalls). Someone mentioned the idea of promoting commuter rail along the Coast.

The role of oil and the prospect of continued oil activity and decommissioning of old facilities, as well as renewable energy resources were discussed.

There is concern over road standards required by the fire department, particularly required minimum road widths and maximum road grades.

There was interest in undergrounding utilities. The County can influence Caltrans project design through creation of comprehensive requirements (i.e., requirements for bike trails, creek crossings, etc), as there is a fair chance Caltrans would implement these types of requirements.

McNabb also reported that the question of how to deal with jurisdictional problems and coordination between private landowners, State Parks, and the railroads was discussed, as well as who takes ownership and supplies funding for maintenance of bike paths and land that becomes vacant as a result of decommissioning. There is little, if any, fire protection for private homes in this region.



Public Comment:

Bill Giorgi. Stated that he had previously asked for information on what the impacts have been from oil extraction in the area. He said that Vista de Las Cruces School receives a significant amount of revenue from oil extraction activities.

Member of Public (name not stated): He stated that if Fire Station 18 closes, it will have a major impact on fire protection in the community. He thinks the best approach to fire protection is for people to come together to create community wildfire protection plan(s). We should embrace what the County Fire Department is doing regarding comprehensive evacuation plans. He also supports streamlining NRCS grants for fire protection and defensible space.

Anne Coates. Supports NRCS streamlining and believes locally-grown food is an important component and asset of the Gaviota Coast.

Nathan Alley. Asked how the Climate Action Strategy, which is also currently under development, would intersect with the Gaviota Coast Plan.

Mike McGinnis. Stated that biodiversity protection should be included in the Climate Action Strategy and the Gaviota Coast Plan, particularly to protect endemic species; and policies in these plans should be flexible and adaptive.

Plan Area Boundary – David Lackie reported what was discussed at the Plan Area Boundary table: Many of the concerns about the Boundary related to the Boundary following the Gaviota Creek Watershed, which extends approximately 5 miles from the Coast. Landowners will be kept informed on the progress of the GavPAC and the benefits and incentives that would be involved with inclusion in the Plan Area. Areas east of the Gaviota tunnel and west of the Tunnel could potentially be made into sub-areas, and not all tools would be necessarily applied across the entire Plan Area. There was some concern that the Plan Area was unnecessarily large and would create additional layers of regulation on landowners. GIS mapping could be utilized to help inform decision making and the resources and connectivity of the area directly outside the Plan Area should be considered when developing the Plan.

Public Comment:

Lee Moldaver. He said that over the long-term, climate change could change species migration patterns, the shape of the coastline, and other facets of the planning area, and that therefore the current Plan Area Boundary is temporary and in-flux.

Continuing with the open forum, public input was received on the following focus questions:

1. *What are the common threads among the goals and issues expressed for the topic areas?*
2. *What are the tensions that exist in achieving some of these goals or addressing issues?*
3. *What are the important goals for this Plan to achieve?*
4. *What are the roles of the various entities involved: landowners, government, community/visitors?*
5. *What tools could be developed to help achieve the goals?*

Staff: Derek Johnson stated that the County is looking at ways to incentivize green building strategies through their Climate Action Strategy (CAS), happening concurrently with the Gaviota Coast Planning process.

The Gaviota Coast Plan could use adaptive policies to accommodate the uncertainty of impacts from Climate Change on the Plan Area.



On April 6th, 2010 Staff will present, to the Board of Supervisors, the California Coastal Commission's (CCC) Staff Report on recommended modifications to the County's LUDC in the Coastal Zone.

The AAC could work with the legislative committee to lobby for bill(s) before Congress regarding inheritance taxes on agricultural land, and/or other pertinent legislative efforts.

Resource conflicts can arise when looking at areas viable for alternative energy; the planning process will have to take this into account.

A recreation management plan could be a tool for the Gaviota Coast Plan.

The next CCC Hearing will be located in Ventura at the Board of Supervisors Hearing Room, on April 15th, 2010.

Public Comment:

Anne Coates. On March 26th, the CCC Staff Report should be posted on the CCC's website

A complete tabulation of notes from the afternoon open forum discussion session and audio recording is available on the County's Gaviota website as part of the GavPAC Meeting # 9 packet.

7. Wrap Up & Next Steps

Table facilitators will type up notes from the round table discussions and provide them to Staff. These notes will be provided on the County's website and at the next GavPAC meeting.

8. Adjournment – 3:36 p.m.



Gaviota Coast Planning Advisory Committee

DRAFT MEETING MINUTES, MEETING #9

***Wednesday April 7, 2010
Brandon Elementary School Auditorium***

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

1. Roll Call

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

GavPAC Members Absent: None

County Staff Present:

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

Katie London, Office of Long Range Planning Assistant Planner

2. Public Comment for Items not on the Agenda:

Darlene Chirman for Santa Barbara Audubon: Pleased that this meeting is in Goleta so that more members of the public can attend.

Greg Karpain: Encourages the GavPAC to consider policies that promote open space on the Gaviota Coast. Requests that the GavPAC review and comment on potential waste conversion technologies proposed for the Tajiguas landfill. Opposes the conversion technology project as an inappropriate industrial use at the site.

3. Administrative Briefing

Chair Kimbell: Spoke at the Board of Supervisors hearing yesterday in support of full funding for the Gaviota Coast planning process. There is strong support from the Board members for the planning process, but funding has not yet been fully secured given the County's current fiscal state.

Staff: The County Planning Commission held a hearing today on the Agricultural Permit Process Streamlining project; by a 3-2 vote, they recommended project approval to the Board of Supervisors, with some minor modifications.

Chair Kimbell: The Board of Supervisors voted to request that the California Coastal Commission (CCC) continue their hearing on the certification of the County's Land Use & Development Code (LUDC) from April 15 to August 11-13, in order to allow County staff adequate time to digest the CCC staff's lengthy report. The Chair and Vice-Chair intend to represent the GavPAC at CCC hearings on an ongoing basis to keep them informed as the Gaviota Coast planning process progresses.

Staff: Staff provided the GavPAC with notice of an event to be held at El Capital Canyon Campground.

Chair Kimbell: Advised the GavPAC and public that as the process was now entering a deliberative phase, future meeting procedures would be more formal than they have



been previously. Standard committee meeting procedures used by most government agencies will be used, with the following structure: staff report to committee, followed by committee questions to staff, followed by public comment, followed by committee deliberation and action. He stated that this procedure should make for a more predictable and efficient process.

4. Meeting Minutes from March 3rd and 20th, 2010

March 3rd Minutes

Public Comment:

Mike Lunsford. The minutes should reflect an important point made during CRAHTAC's presentation that coastal trail easements need to remain ambulatory. Therefore, easement widths need to take into account sea cliff erosion due to climate change and other factors, so that easements will not completely erode and disappear over the long-term.

ACTION: March 3rd minutes: Boise-Cossart moved, seconded by Van Leer, and carried by a vote of 11-0 to approve the minutes with modifications.

March 20th Minutes

Public Comment: None

Deliberation: Lloyd commented that the minutes did not include the portion of the workshop where table facilitators summarized comments heard at each table and reported them back to the public.

Staff will update the minutes to summarize the reporting back portion of the workshop and will direct people to the County's website for a comprehensive tabular format of the comments made at each table and for an audio recording of the workshop proceedings.

ACTION: March 20th minutes: Lloyd moved, seconded by Baer, and carried by a vote of 11-0 to table the discussion on the March 20th minutes until the next GavPAC meeting on April 21st.

5. Summary of Information Gathered at March 20, 2010 Workshop

Notes taken by the GavPAC on roundtable discussions at the workshop were compiled by Staff. Notes were reviewed for completeness by the GavPAC under this agenda item; public comment was taken on each issue area after discussion between Staff and GavPAC.

Land Use, Zoning & Housing.

Public Comment:

Amy Applegate-Elder. Representing the equestrian community. She would like to see the public workshop notes reflect her belief that equestrian uses be considered a type of agricultural use (in addition to being considered a recreational use).

Cary Penniman. Stated that he was not able to attend the public workshop on March 20th, and that he has lived at the urban limit line for the majority of his life. He would like the notes from the workshop to include his opinion that public services (i.e., water, sewer) should not be extended beyond the urban limit line for uses other than agriculture.

Suzanne Perkins. Believes that government agencies are discriminating against equestrian uses. She stated that proposed increases in regulations from the California Coastal Commission (CCC) may make equestrian uses obsolete. She



stated that we need to do more to make agriculture viable, potentially by increasing the extent of permitted uses on agricultural land and reducing current restrictions.

Juan Ayala. Believes we should consider the fertility of the land and life support systems of nature as stakeholders in this planning process. The land should be treated well and not be used for personal gain and should be considered and treated as the mother of future generations. He stated that people should not try to subdue, control, dominate and regulate nature.

Public Recreation.

Public Comment: None

Resource Stewardship & Open Space.

Public Comment: None

Transportation Energy and Infrastructure.

Public Comment: None

Keeping Agriculture on the Land.

Public Comment: None

Plan Area Boundary.

Public Comment: None

Deliberation: Minor changes were made to the summary table of information gathered from the workshop. Chair Kimbell moves to the next agenda item.

6. Discussion of Issue Area Priorities for Planning Goal Development

Common Threads.

Chair Kimbell said the GavPAC should come up with common threads between issue areas and focus on the long-term perspective, which will take the discussion further.

Deliberation: The GavPAC discussed common threads, in the form of constraints, opportunities and tools, between the issue areas while Staff recorded these concepts on butcher paper.

Lloyd stated that a common thread is that the planning area should retain its rural nature. Bowman mentioned that the California Coastal Trail was a common theme heard at the Public Recreation table during the workshop. McGinnis mentioned that incentivizing beneficial land use management practices, rather than simply regulating, was a common thread. Tautrim agreed with McGinnis' comment and also stated that good stewardship practices should include things such as retention and regeneration of topsoil and enhancement of elements with intrinsic ecological value such as soil, water, wildlife and riparian areas. Tautrim also stated that the County should make it easier for landowners to do beneficial projects, and that reducing the use of pesticides and herbicides should be incentivized. McKenna stated that a "totem" standard should be used through use of the question, "is it good for the salmon?" Van Leer stated that relaxing and simplifying regulations would help the long-term outlook for farmers. Baer stated that a flexible process should be in place since we cannot predict the future and our policy needs to be adaptable to things such as climate change. Boise-Cossart stated that water resources should be well managed particularly over the long-term.

Public Comment:

Suzanne Perkins. Stated that a common thread related to "keeping agriculture on the land" is to support farm employee and multi-generational housing.



Mike Lunsford. Stated that the County should indemnify landowners of liability with respect to recreation, trails, and trespassing on their property.

Brian Trautwein (representing the Environmental Defense Center). Stated that protecting the natural rural landscape and biodiversity is a common thread across issue areas. He supports incentivizing good agricultural practices and good stewardship projects, such as minimizing agricultural runoff and enhancing biodiversity.

Mike Lunsford. Agrees that “keeping agriculture on the land” should be considered a common thread. He thinks we should identify local markets for local agriculture and plan for properly scaled processing facilities to help keep agriculture on the land.

Amy Applegate-Elder. Stated that she wants to focus on maintaining public access to current roads and trails for equestrian and hiking use. She questions the need for developing new trails and new sources of recreation when not all existing trails are accessible to the public.

Eva Trenchalk. Stated that there is a lack of places in the County where people can go to observe sustainable agricultural operations, therefore she would like to see the County incentivize this type of activity.

Juan Ayala. Stated that the restoration of the ecology of the planet and the biological integrity of the environment should be considered a common thread. Agricultural and private landowner interests must be balanced with consideration for the land and life. He expressed frustration in the lack of support for and the absence of a multi-tribal Native American Center in the County.

Janet Cohen. Asked for clarification on what “plan for existing energy facilities” means.

Joanne Nigiri. Stated that global climate change should be considered as a common thread amongst issue areas.

Lee-Ann French. Stated conflicting requests, such as the need for housing and biodiversity, can be accommodated.

Les Freeman. Stated that cattle grazing is not viable on the Gaviota Coast, even if beef is sold locally. The soil quality on the majority of the Coast can only support grazing and not more intensive agricultural practices.

Juan Ayala. Believes restoring biological integrity is important. He has been proposing the development of a Native American Institute to maintain community communication and sustainability within the County. He recognizes that there are many complicated problems that are not going to be easily solved. He believes that we all belong to the Earth and that not just the people with money or power should have influence on the process.

Tensions.

Deliberation: Lloyd stated that there is tension between public and private interests and capital (money). Implementing successful programs will require capital. He said that capital also creates tension by creating higher land values on the Coast. Tautrim expressed the need for the community to support agriculture on the Coast by purchasing local products.

Feeney summarized his thoughts on the information gathered from the workshop, as he was not present at the workshop, and he thinks we need to keep in mind the role of local government (compared to state government [i.e., State Water Resources Control Board] and federal government (i.e., estate tax law). He thinks the PAC should be realistic



about what the role private markets and the County play in development and he believes we need to identify funding sources when incentivizing or promoting programs, policies, etc.

Public Comment:

Luella Connelly. People should contact their representatives and explain how the Estate Tax for 2011 will negatively impact local, small agricultural operations.

Eva Turenchalk (representing the Coastal Ranches Conservancy (CRC)). She stated that streamlining the permit process and creating incentives for beneficial restoration projects should be made a top priority by the GavPAC, as 14 of the 45 comments made at the workshop at the table on Resource Stewardship mentioned incentivizing or permit streamlining. She commented that if this is one of the first things the GavPAC works on, they can work collaboratively with the CRC on this issue.

7. Long-Term Meeting Schedule Discussion

Future meetings will alternate between Vista de Las Cruces School and the Brandon Elementary School until Goleta schools' summer break. Feeney mentioned looking into using a facility and meeting room located on Rancho Embarcadero. Item continued to next meeting.

8. Meeting Adjournment – 9:05 p.m.



ATTACHMENT A

ORDINANCE NO. 4573 ⁵

AN ORDINANCE OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 14 OF THE COUNTY CODE OF THE COUNTY OF SANTA BARBARA TO EXEMPT FROM GRADING AND LAND USE PERMIT REQUIREMENTS UNDER THE SIGNIFICANT ENVIRONMENTAL IMPACT AND DAMAGE CLAUSES OF THE GRADING ORDINANCE FEDERAL COST SHARE PROJECTS APPROVED BY THE NATURAL RESOURCES CONSERVATION SERVICE WITH A FINDING OF NO SIGNIFICANT IMPACT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT AND CONDUCTED PURSUANT TO THE NATIONAL HANDBOOK OF CONSERVATION PRACTICES, CONSISTENT WITH THE MANDATED NINE STEP PLANNING PROCESS.

Case Number 05ORD-00000-00009

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

Subsection (a) of Section 14-6 Scope; general of Chapter 14 of the County Code of the County of Santa Barbara is hereby amended to read:

(a) Except as herein provided, these regulations, including the incorporation of relevant Best Management Practices, shall apply to all new grading, excavations, fills, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land where the transported amount of materials individually for any of the abovementioned operation, exceeds fifty (50) cubic yards or the cut or fill exceeds three (3) feet in vertical distance to the natural contour of the land. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to NPDES Phase II storm water regulations or the local storm water requirements imposed by this ordinance. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations.

These regulations shall also apply to native oak tree removal that is subject to the Guidelines for Native Oak Tree Removal in Appendix A to this Ordinance.

Notwithstanding these regulations, no person shall cause or allow a significant environmental impact to occur as a result of new grading as defined herein, including grading that is otherwise exempt from these regulations. In the event that the Director determines that a significant environmental impact is likely to occur or has occurred as a result of new grading, the Director may deny or revoke a grading permit and a land use permit for such grading. If necessary, the Director may also require grading and land use permits for work that is otherwise exempt from these regulations in order to address the significant environmental impact identified. Grading that is undertaken as part of a Federal Cost Share project (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP)), approved by the Natural Resources Conservation Service (NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process including post installation field assessment, shall not be considered to result in a significant environmental impact under this section.

Native oak tree removal of protected and unprotected size, as defined in Appendix A, that is subject to and performed consistent with the Guidelines for Native Oak Tree Removal as set out in Appendix A to this Ordinance is not subject to the significant environmental impact clause above. All other oak tree removal that involves grading is still subject to the requirements of this Ordinance.¹

The term "grading," for purposes of this chapter, shall not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) carried out under a vested rights determination, or under a permit or reclamation plan approval issued pursuant to the county's surface mining and reclamation

¹ The potential environmental impacts of removal of native oak trees of protected and unprotected size allowed under the guidelines have been analyzed in the EIR for the Oak Tree Protection and Regeneration Program (00-EIR-07 RV1). "All other oak tree removal" refers to removal of oaks in the urban areas and in zone districts in rural areas that are not subject to the Guidelines for Native Oak Tree Removal. The Guidelines apply to Agriculture I, Agriculture II, Mountainous Goleta, and Resource Management zone districts of Article III of Chapter 35 of the Santa Barbara County Code; Agriculture I and Resource Management zone districts of Article IV of Chapter 35 of the Santa Barbara County Code; and Unlimited Agriculture, Exclusive Agriculture, Watershed Agriculture, General Agriculture, Intensive General Agriculture, and Limited Agriculture zone districts of Article V of the Santa Barbara County Ordinance 661.

(SMARA) ordinances. The county's surface mining and reclamation ordinances contain provisions for the imposition of appropriate engineering and geologic standards and other environmental mitigation requirements for surface mining permits and reclamation plans, together with associated fees payable to the Director.

SECTION 2

Subsection (c)(8) of Section 14-8 Grading for agricultural practices of Chapter 14 of the County Code of the County of Santa Barbara is hereby amended to read:

(8) Grading on agricultural land on slopes over thirty percent which does not meet the departmental regulations for an erosion control permit waiver and which is not deemed appropriate by the agricultural advisory committee, or any grading where there is potential for significant environmental damage. Grading that is undertaken as part of a Federal Cost Share project (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP)), approved by the Natural Resources Conservation Service (NRCS) with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process including post installation field assessment, shall not be considered to result in significant environmental damage under this section.

The significant environmental damage clause does not apply to native oak tree removal of protected and unprotected size, as defined in Appendix A, that is subject to and complies with the guidelines for native oak tree removal in Appendix A to this chapter. All other oak tree removal that involves grading is still subject to the requirements of this section;

SECTION 3

Subsection (a) of Section 14-10 Grading for agricultural practices of Chapter 14 of the County Code of the County of Santa Barbara is hereby amended to read:

(a) Except as provided in sections 14-6, 14-8 and 14-9 of this chapter, no person shall perform any grading, excavation or fill without first obtaining a grading permit and land use

permit for such work from the planning and development department of the County of Santa Barbara. Issuance of a land use permit by the planning and development department shall be subject to the application, processing and enforcement procedures provided in chapter 35 of the County Code of the County of Santa Barbara. A separate permit shall be required for each site and may cover both excavation and fills. Adjacent sites being graded as one integrated project may be considered one site for purposes of this section. Land use permits shall not be required for Natural Resources Conservation Service (NRCS) Federal Cost Share projects (including, but not limited to, projects under the Conservation Reserve Program (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP)), approved with a finding of no significant impact under the National Environmental Policy Act and conducted pursuant to the National Handbook of Conservation Practices consistent with the mandated nine-step planning process that includes post installation field assessment.

SECTION 4

Except as amended by this ordinance, Chapter 14 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

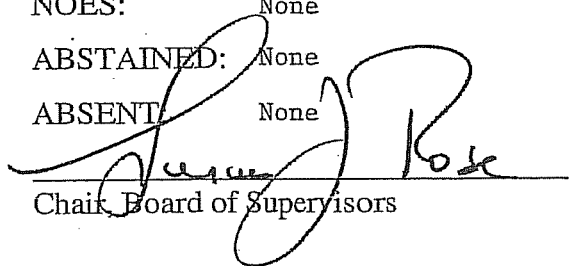
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 16th day of August, 2005, by the following vote:

AYES: Supervisors Carbajal, Rose, Firestone, Gray and Centeno

NOES: None

ABSTAINED: None

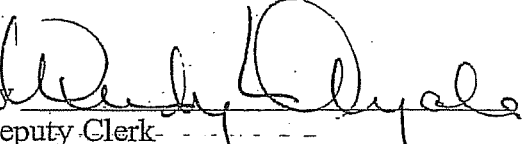
ABSENT: None


Chair, Board of Supervisors

County of Santa Barbara

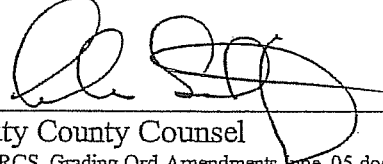
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By 
Deputy Clerk

APPROVED AS TO FORM:

SHANE STARK
County Counsel

By 
Deputy County Counsel



County of Santa Barbara

PLANNING AND DEVELOPMENT

Policies and Procedures

POLICY NO. 2009-1

EFFECTIVE DATE: June 1, 2009

SUBJECT: Exemption of Natural Resource Conservation Service (NRCS) Sponsored Projects from County Grading and Land Use Permit Requirements

On August 16, 2005, the Board of Supervisors unanimously approved Ordinance No. 4573 which amended Chapter 14 of the County Code to exempt NRCS sponsored Federal Cost-Share projects from Grading and Land Use Permit requirements.

The question has arisen as to whether this Ordinance Applies not only to Federal Cost Share but also to Federal Non-Cost Share projects as well. It has been brought to the attention of the County by the NRCS that all projects managed by NRCS as Federal Cost Share and Federal Non-Cost Share are reviewed and approved using an identical process required by these programs (Attached letter dated may 7, 2009).

Given the fact that these projects are reviewed with the identical process, it shall be the Director's Determination that all NRCS projects (Cost Share and Non-Cost Share) that comply with Ordinance No. 4573 shall be exempt from County Grading and Land Use Permit requirements.


JOHN BAKER, Director
Planning & Development



Natural Resources Conservation Service
Santa Maria Service Center
920 E. Stowell Road
Santa Maria, CA 93454-7008

Telephone (805) 928-9269
Fax (805) 928-9644

May 7, 2009

Mr. John Baker, Director
Planning and Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, Ca 93101

Dear Mr. Baker:

The purpose of this letter is to clarify how the Natural Resources Conservation Service (NRCS) reviews and approves restoration projects on private land that are designed to improve water quality and enhance wildlife habitat.

All restoration projects to be managed by NRCS as Federal Cost Share or Non-Cost Share shall be reviewed and approved using an identical process required by these programs. These programs include, but are not limited to, projects under the Conservation Reserve Program, (CRP), the Wildlife Habitat Improvement Program (WHIP) and/or the Environmental Quality Incentive Program (EQIP).

All projects, if approved by NRCS, shall have a finding of no significant adverse impact under the National Environmental Policy Act and shall be conducted pursuant to the National Handbook of Conservation Practices, consistent with the mandated nine-step planning process, including post installation field assessment.

I hope this provides clarification of the process, and we look forward to working with the County of Santa Barbara on future restoration projects.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bechtold", written over a horizontal line.

John Bechtold
District Conservationist, USDA-NRCS

Cc: Bill Gillette, Ag Commissioner

Case No. 09ORD-00000-00009 Agricultural Permit Streamlining Ordinance Amendment

Summary of Planning Commission Recommendations

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Agricultural Accessory Structure AG-II Zone only	Land Use Permit (LUP)	Zoning Clearance (ZC)	<ul style="list-style-type: none"> a. 5,000 sq. ft. floor area limit b. Must be accessory to on-site agricultural use onsite; will not affect agricultural viability c. Utilities limited to electrical and water d. Setback 1,000 feet from a public road/area or, if within 1,000 ft., is not visible from public road/area e. Must comply with biological and visual development standards f. If cannot comply with standards may be allowed with a LUP
Entrance gate posts, cross-members Livestock loading ramps AG-II Zone only	LUP	Exempt	<ul style="list-style-type: none"> a. Height limited to 18 feet, footprint of each gate post above 8 feet limited to 2 feet in width; cross member limited to 2 feet in height and thickness b. Ornamentation allowed if appurtenant to gate c. Signs allowed if compatible with the size & style of the gate d. No size restrictions on livestock loading ramps e. Must comply with biological and visual development standards (entrance gates only) f. If cannot comply with standards may be allowed with a LUP (entrance gates only)
Housing for up to 4 agricultural employees & their families AG-I & AG-II Zones	Minor Conditional Use Permit (MCUP)	LUP	<ul style="list-style-type: none"> a. Employees must work onsite; full time in the AG-I zone and at least half-time in the AG-II zone b. Documentation of employment & Notice to Property Owners required c. Structure must be sited to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations d. Must comply with biological and visual development standards e. If cannot comply with standards may be allowed with a MCUP
Detached residential second units (DRSUs) AG-I-5, -10 & -20 Zones only	MCUP	LUP	<ul style="list-style-type: none"> a. 1,200 sq. ft. size and 16' height limit restrictions retained b. Structure must be sited to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations c. Must comply with biological and visual development standards d. If cannot comply with standards may be allowed with a MCUP
Development Plan Threshold changes AG-II Zone only	Development Plan (DP) if cumulative building area exceeds 20,000 sq. ft.	Threshold up to 50,000 sq. ft. based on lot size	<ul style="list-style-type: none"> a. Proposed thresholds based on zoning and lot size; threshold excludes exempt structures (e.g., pole barns less than 500 sq. ft., buildings less than 120 sq. ft., structures valued at less than \$2,000) and up to 10,000 sq. ft. of agricultural structures (with up to 3 sides) provided no individual building exceeds 3,000 sq. ft. b. Development plan required if non-agricultural building area (primary residence, garages, etc.) exceeds 15,000 sq. ft., c. Single agricultural buildings exceeding 15,000 sq. ft. would require a DP; each subsequent building exceeding 10,000 sq. ft. would require a DP d. New visual and biological development standards apply to ag. structures that do not require a DP e. If cannot comply with development standards may be approved with a DP

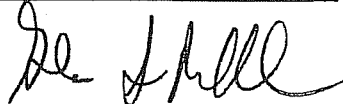


BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 4/6/2010
Placement: Departmental
Estimated Tme: 45 minutes
Continued Item: Yes
If Yes, date from: 3/16/2010 (set hearing)
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805.568.2085) 
Contact Info: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Information and Discussion Regarding Coastal Commission Suggested Modifications to County and Montecito Land Use and Development Codes

County Counsel Concurrence
As to form: N/A

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receive a report from the Planning and Development Department regarding modifications to the County and Montecito Land Use and Development Codes recommended by Coastal Commission staff; and,
- B. Authorize the Chair of the Board to sign and transmit the attached letter to the California Coastal Commission for their consideration at the April 15, 2010 hearing.

Summary Text:

In November, 2007, the Board of Supervisors adopted the County and Montecito Land Use and Development Codes (LUDCs) that replaced the former zoning regulations contained in Articles I through V of the County Code. This represented the culmination of the Zoning Ordinance Reformatting Project (ZORP) that began in late 2003 as part of Planning and Development Department's land use process improvement efforts. The goals of ZORP were to improve the quality and usability of the County's zoning regulations, streamline processing procedures and provide better customer service by arranging existing regulations into a format that is easier to read and search by (1) eliminating duplicated information/procedures, (2) using "plain English" and (3) grouping related information.

The following month the County submitted the LUDCs to the California Coastal Commission for certification as an amendment to the implementation portion of the County's Local Coastal Program. In September 2008, the Coastal Commission staff determined that the December 2007 submittal was complete for processing and initiated their review of the LUDCs. In October of the same year the

Coastal Commission approved a one year time extension to extend their processing deadline to November, 2009.

On August 31, 2009, the respective staffs of the Coastal Commission and the Planning and Development Department met to discuss the status of the review of the LUDCs. At this meeting, the Coastal Commission staff confirmed that the LUDCs would be considered by the Coastal Commission at their October hearing; however, they also brought up for the first time substantial modifications that the staff intended to recommend to the Coastal Commission that would limit local control over land use decisionmaking. Due to the limited time remaining for the Planning and Development Department to provide meaningful review of any recommended modifications, in October 2009 the Planning and Development Department formally withdrew and resubmitted the LUDCs for certification by the Coastal Commission, thereby allowing more time for the Coastal Commission to complete their review.

Since that time, Planning and Development staff has been working closely with the Coastal Commission staff to develop language and permit processes to address Coastal Commission staff's concerns. Coastal Commission staff will present their recommendations to the Coastal Commission on April 15, 2010 as modifications that the Coastal Commission should adopt if they act to certify the LUDCs as the implementation portion of the County's Local Coastal Program. This hearing will be held in the Ventura County Board of Supervisors Hearing Room.

If on April 15th the Coastal Commission acts to certify the LUDCs with modifications, then your Board will have a maximum of six months from that date to adopt a resolution accepting all the modifications as approved by the Coastal Commission. This resolution is then sent to the Executive Director of the Coastal Commission to determine if the Board's action is in compliance with the Coastal Act. If it is, then the Executive Director will place it on the next Coastal Commission agenda for their concurrence, and, if they concur, then LUDCs will be certified as of that date, and the existing Article II Coastal Zoning Ordinance will be of no further force or effect.

However, if your Board decides not to accept all the certified modifications, then the LUDCs will not be certified and will need to be amended to remove all zoning regulations applicable to the Coastal Zone. Additionally, since the Article II Coastal Zoning Ordinance will remain in effect for the Coastal Zone, any recently approved amendment to the LUDCs that would affect the coastal area would have to be reprocessed in the Article II format and resubmitted to the Coastal Commission for certification, further delaying their implementation. These include:

- Eastern Goleta Valley Residential Design Guidelines
- Isla Vista Master Plan
- Santa Barbara Ranch
- Process improvements regarding permit applications for overall sign plans, road naming, septic systems within Special Problem Area, solar energy systems, special care facilities, and time extensions.
- Time extensions due to economic hardship considerations.

The following provides a summary of the recommended modifications. However, because the Coastal Commission staff report detailing all the recommended modification has not been released as of the date of this Board Agenda Letter, this summary is based on previous correspondence and meetings with the Coastal Commission staff. An update of the following summary will be provided at the April 6, 2010 Board of Supervisors hearing as necessary. The Coastal Commission staff report with the recommended modifications will be docketed with the Clerk of the Board as soon as it is received (expected to be Friday, April 2, 2010).

Summary of recommended modifications.

1. **Minor clarifications, clean-ups and corrections.** Most of the recommended modifications are minor in nature and relate to the following:
 - a. Language corrections so that the LUDCs track the language of the Coastal Act more closely.
 - b. Corrections required so that the LUDCs correctly reflect the language of recent amendments to the certified Article II Zoning Ordinance. This is due to the situation that ordinance amendments adopted by the County and sent to the Coastal Commission for certification prior to the adoption of the LUDCs in 2007 were not certified until sometime after 2007 and included modifications to the ordinance language. Because the LUDCs were based on the language of the amendments as originally adopted by the County, any modifications required as part of the certification process of those amendments would not have been reflected in the LUDCs. The recommended modification will reconcile any differences.
 - c. Correcting minor errors, omissions, and section references.
2. **Modifications recommended to implement the Coastal Act that Planning and Development Department staff does not agree are necessary.** Although the LUDCs were presented to the Coastal Commission staff as a simple re-codification of the Article II Coastal Zoning Ordinance, the Coastal Commission staff is taking this opportunity to correct what they see as deficiencies in the existing regulations. These include:
 - a. **Designating subdivisions, lot line adjustments and voluntary mergers as land uses that require the approval of a Coastal Development Permit.** The Coastal Commission staff proposes to add language to the introductory sections of the different zones regarding allowable land uses to state that subdivisions, lot line adjustments and voluntary mergers, are "land uses" that require the approval of a Coastal Development Permit. Additionally, because subdivisions, lot line adjustments and voluntary mergers are not listed as principal permitted uses, they would require the approval of a Coastal Development Permit subject both to a public hearing requirement and the possibility of an appeal to the Coastal Commission. Planning and Development Department staff's position is that these do not constitute uses of property within the typical meaning of the term as used in the LUDCs, and that any regulations of this type do not belong in the LUDCs since the LUDCs do not provide the processing procedures for subdivisions, lot line adjustments or voluntary mergers.

Because subdivisions and lot line adjustments are discretionary applications that are already required to go through a public hearing process, the primary effect of this modification on such applications is that any approvals would be subject to appeal to the Coastal Commission. However, voluntary mergers are strictly ministerial, do not require a public hearing, and are processed by the County Surveyor, not the Planning and Development Department. The result of this recommended modification would be a significant change in the processing of voluntary mergers.
 - b. **Restricting stairways on coastal bluffs to those that provide public access.** The certified Article II Coastal Zoning Ordinance provides that no development shall be permitted on the face of coastal bluffs except for engineered staircases or accessways to provide beach access, pipelines for scientific research or coastal dependent industry, and drainpipes if no other less environmentally damaging drain system is feasible. The County has always

interpreted this section to allow for private staircases to provide individual homeowners access to the beach from blufftop properties (e.g., those located in Hope Ranch), and has issued Coastal Development Permits allowing for the construction and repair of such staircases.

However, the Coastal Commission staff is now taking the position that such stairways and accessways should only be allowed when they provide public access to the beach due to the sensitive nature of the coastal bluffs. This modification, if certified, would not allow the construction of any new private access stairways, and would make all the existing, permitted private staircases nonconforming, thus precluding them from being structurally repaired should the need arise.

- c. **Eliminating the special notice procedures for Coastal Development Permits following approved discretionary projects.** An ordinance amendment (05ORD-00000-00019) adopted by the Board of Supervisors in January 2006 and certified by the Coastal Commission in March 2008 included revised procedures for processing Coastal Development Permits associated with Conditional Use Permits and Development Plans. Previous to the amendment a Conditional Use Permit or Development Plan would be approved, and then some time later a Coastal Development Permit would be issued to allow the actual construction of the project approved by the Conditional Use Permit or Development Plan. This sequential processing of permits allowed for multiple appeals to the Coastal Commission on the same project. The main effect of the amendment was to require that the Coastal Development Permit be processed concurrently with the Conditional Use Permit or Development Plan in order to delete the potential for multiple appeals to the Coastal Commission for the same project. However, because there were Conditional Use Permits and Development Plan approved prior to that date, such that a "follow-up" Coastal Development Permit would still be required to be issued to allow the actual construction of the project, the amendment as certified retained the procedures for noticing such Coastal Development Permits.

The Coastal Commission staff now believes that retaining this procedure can be confusing and is inconsistent with the goal of requiring that Coastal Development Permits are processed concurrently with the discretionary project. Therefore, they are recommending that the procedure be deleted to ensure that Coastal Development Permits are processed concurrently with Conditional Use Permits and Development Plans. If this modification is certified by the Coastal Commission, then the County will have to use a noticing process not provided for in the certified LUDC. Planning and Development Department staff provided the Coastal Commission staff with alternative language that retained the procedure for noticing Coastal Development Permits that follow approved Conditional Use Permits and Development Plan, with the clarification that this only applies to projects approved prior to March 2008, however, this was not acceptable to the Coastal Commission staff.

- d. **Requiring that Coastal Development Permits following amendments to Conditional Use Permits and Development Plans (appealable to the Coastal Commission) are subject to a public hearing.** All Conditional Use Permits, and certain Development Plans (i.e., applications for major energy/public works facilities or if located in the Appeals Jurisdiction) are considered development that may be appealed to the Coastal Commission such that, as required by the Coastal Act, they are required to have a public hearing prior to being approved. Historically, when the Planning and Development Department approved an amendment to a Conditional Use Permit or appealable Development Plan, staff followed

the approval of the amendment with the approval of a Coastal Development Permit without a public hearing since (1) the overall project previously underwent a public hearing when it was originally approved, and (2) any change allowed by the amendment must be well within the scope of that original approval. However, the recommended modifications include language specifying that any Coastal Development Permit following the approval of an amendment to a Conditional Use Permit or appealable Development Plan is subject to a public hearing requirement as the Coastal Commission staff feels that any project change allowed by an amendment is too significant to be covered by the original hearing.

The effect of this recommended modification will be an additional public hearing before either the Montecito Planning Commission or the Zoning Administrator for essentially the same project and associated increases in processing time costs. Planning and Development Department staff provided the Coastal Commission staff with an alternative process that allowed for a waived hearing where appropriate, however, this was not acceptable to the Coastal Commission staff.

3. **Significant modifications that appear to be required by the Coastal Act.** Similar to the above examples discussed above, the following modifications are recommended by Coastal Commission staff to correct what they see as deficiencies in the existing regulations. However, in these instances, Planning and Development Department staff agrees that these revisions are necessary.

- a. **Designation of certain land uses as principal permitted uses.** This is the most significant modification recommended by the Coastal Commission staff, and 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. The Coastal Commission staff's position is that this is required by Section 30603(a)(4) of the Coastal Act which provides that any development approved by the County that is not designated as the principal permitted use within the applicable zone is considered "appealable development." Under the terms of the Coastal Act, applications for appealable development are (1) subject to a public hearing requirement and (2) a decision to approve such an application may be appealed to the Coastal Commission once local appeals are exhausted.

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.

Agricultural zones. 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 use provided:

- there is an existing primary agricultural use on the lot on which the primary dwelling is located.
- the occupancy of the dwelling is restricted to the operator of the primary agricultural use (including the family of the operator).
- the gross floor area of the primary dwelling does not exceed 3,000 square feet.

- the principal dwelling and all accessory structures and landscaping associated with the principal dwelling occupies a development area of no more than 10,000 square feet.

If the 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 exhausted.

Also, only garages, landscaping, pools, spas and hot tubs, 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.

Residential/Resource Management zones. In residential and resource management zones, dwellings are proposed to be designated as the principal permitted use. Similar to the restrictions on accessory uses in agricultural zones, in the residential and resource management zones only garages, landscaping, pools, spas and hot tubs, storage sheds, when accessory to a principal permitted dwelling, are proposed to be designated as a principal permitted use. All other accessory uses, including artist studios, barns and stables, guest houses, tennis courts, residential second units, etc., would be considered appealable development.

Commercial/Industrial zones. In commercial and industrial zones, commercial and industrial uses are proposed to be designated as the principal permitted uses in the respective zones. Only equipment, maintenance and other minor outbuildings, infrastructure, landscaping, parking, when accessory to a principal permitted use, are proposed to be designated as a principal permitted use. All other accessory uses (e.g., recreational and residential uses in commercial zones, mining and recreational uses in industrial zones) would be considered appealable development.

- b. **Additional changes to the land use tables.** Other recommended modifications would revise the land use tables of those zones that include high priority uses under the Coastal Act in order to preserve long-term agriculture, protect environmentally sensitive habitat areas and watersheds, promote visitor-serving uses, and reserve Coastal Related and Coastal Dependent sites for the only uses that support or require a site on or adjacent to the sea to be able to function at all. This would be accomplished by:
 - eliminating incompatible uses in certain zones by deleting several land uses that were previously allowed by conditional use permit in all zones (e.g., country clubs, fairgrounds, golf courses, libraries, museums)
 - designating that agricultural and grazing operations in the agricultural zones are principal permitted use, but clarifying that intensification of agricultural and grazing operations require the issuance of a Coastal Development Permit (e.g., conversion of grazing land to orchards, expansion of grazing operations into area that historically have not been grazed).
- c. **Add development standards to address potential sea level rise.** This Modification adds a requirement that coastal hazards analysis utilizing the best available scientific information be provided for all nearshore projects. The analysis must encompass potential coastal hazards from erosion, flooding, wave attack, scour and other conditions as well including geologic conditions such as localized uplift or subsidence, local topography, and ocean depth. 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. For

energy-related facilities, critical facilities, or infrastructure, the coastal analysis shall assume a minimum sea level rise rate of 4.5 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.

- d. **Restricting agricultural operations in the Toro Canyon area.** When the Toro Canyon Area Plan was adopted in February 2002, a new zone district (MT-TORO Mountainous Area - Toro Canyon Planning Area) was also approved and sent to the Coastal Commission for certification which was finally completed in December 2004. The existing certified MT-TORO zone allows cultivated agriculture throughout the zone with a Coastal Development Permit, provided there is evidence of either a permitted or nonconforming use on the site within the previous ten year period, or a Minor Conditional Use Permit if there is no evidence of previous use. The recommended modifications would revise this to:
- require a Minor Conditional Use Permit for all new or expanded operations, and—
 - restrict cultivated agriculture to slopes of 30 percent or less.

Even though this zone and the existing permitting requirements were recently certified, the Coastal Commission staff argues that this modification is necessary to protect the sensitive resource of land zoned MT-TORO. Given that the policies and development standards of the Toro Canyon Area Plan already act to restrict development on steeper slopes, restricting development to slopes of 30 percent or less should not have much of an impact.

4. **Beneficial modifications.** The Coastal Commission staff is including in the recommended modifications the inclusion of several amendments to the LUDCs adopted by the County subsequent to the transmitting the LUDCs to the Coastal Commission for certification. This will both:
- save the County fiscal resources as staff will not have to process these items as separate amendments for certification, and
 - cause the amendments to take effect much more quickly.

These include process improvements regarding permit applications for overall sign plans, road naming, septic systems within Special Problem Area, solar energy systems, special care facilities, and time extensions. Also, this will allow the recently adopted amendment providing for time extensions due to economic hardship considerations to take effect more rapidly than if the amendment went through the normal certification process.

Also, at the request of the Planning and Development Department staff, the recommended modifications include correcting inadvertent errors that were made when the LUDCs were adopted by the County regarding the processing of campgrounds in the rural areas.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-300 of the adopted Planning and Development Department's budget for fiscal year 2009-2010. There are no facilities impacts.

Staffing Impact(s):

<u>Legal Positions:</u>	<u>FTEs:</u>
0	0

Special Instructions:

The Clerk of the Board will send a copy of the Minute Order to the Planning and Development Department, attention Noel Langle.

Authored by:

Noel Langle (805.568.2067)



Gaviota Coast Plan GavPAC Meeting Schedule

Meeting Dates and Discussion Topics

[Meeting dates, times, and locations are subject to change]

April 14, 2010

Meeting/ Workshop Type	Date and Time	Location	Discussion Topics
GavPAC Meeting #12 (tentative)	TBD	Vista de Las Cruces School Auditorium	TBD
GavPAC Meeting #11 (tentative)	Wednesday, May 12, 2010 6:30 p.m.	Brandon School Auditorium	Discussion of Issue Area Priorities for Planning Goal Development
GavPAC Meeting #10	Wednesday, April 21, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<p>Requested Topic Presentations</p> <p>Natural Resource Conservation Service (NRCS) Coordination and Beneficial Projects Process Agricultural Permit Process Streamlining Project Coastal Commission Land Use and Development Code (LUDC) Certification Process</p>
GavPAC Meeting #9 ***COMPLETED***	Wednesday, April 7, 2010 6:30 p.m.	Brandon School Auditorium	<p>Post-Workshop Strategy Session</p> <p>Summary of Information Gathered from Workshop Identification of Issue Area Priorities for Planning Goal Development Long Term Meeting Schedule</p>
GavPAC Workshop #1 ***COMPLETED***	Saturday, March 20, 2010 9:00 a.m.	Goleta School District Board Hearing Room	<p>Public Workshop</p> <p>Saturday Public Workshop (Round table format with topic area discussions hosted and facilitated by GavPAC members)</p>
GavPAC Meeting #8 ***COMPLETED***	Wednesday, March 3, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<p>Visual Resources</p> <p>Visual Resources Policies Development & Project Review Challenges</p> <p>County Riding and Hiking Trails Advisory Committee Presentation</p> <p>Public Workshop Format & Topics Discussion, Public Workshop Format (GavPAC roles and responsibilities, table topic questions, public workshop objectives)</p>
GavPAC Meeting #7 ***COMPLETED***	Wednesday Feb. 17, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<p>Plan Area Boundary Discussion</p> <p>Public Workshop Format & Topics Discussion, Public Workshop Format (GavPAC roles and responsibilities, table topic questions, public workshop objectives)</p>
GavPAC Meeting #6 ***COMPLETED***	Wednesday, Feb. 10, 2010 6:30p.m.	Vista de Las Cruces School Auditorium	<p>Agricultural Resources and Heritage</p> <p>Land Use Policies Supporting Agriculture Agricultural Statistics for Plan Area Agricultural Preserve Program Panel Discussion: Challenges and Opportunities for Gaviota's Rural</p>

Meeting/ Workshop Type	Date and Time	Location	Discussion Topics
Agricultural Heritage			
GavPAC Meeting #5 ***COMPLETED***	Wednesday, Jan. 6, 2010 6:30p.m.	Vista de Las Cruces School Auditorium	Overview of Watershed Planning, Ecology & Biological Diversity of Gaviota Coast Watershed (planning, floodplains, riparian corridors, Coastal Zone planning) Ecological/Biological Resources (Gaviota coast diversity, Environmentally Sensitive Habitat areas, endangered and indicator species) Applicable Zoning Ordinances – Relationship To Comprehensive Plan
GavPAC Meeting #4 ***COMPLETED***	Monday, Dec. 7, 2009 6:32 p.m.- 9:05 p.m.	Vista de Las Cruces School Auditorium	Overview of Zoning Ordinances, Current Projects, and Energy Facilities (cont.) Summary of Land Use and Plan Area Statistics Overview of Public Recreation and Access Recreation, Trails and Public Access (State Parks Department Presentation)
GavPAC Meeting #3 ***COMPLETED***	Wednesday, Dec. 2, 2009 6:33 p.m.- 9:07 p.m.	Vista de Las Cruces School Auditorium	Overview of Zoning Ordinances, Current Projects, and Energy Facilities Energy Facilities and Applicable Policies (Energy Division presentation) Current Development Projects and Trends (Development Review Division – South Presentation)
GavPAC Meeting #2 ***COMPLETED***	Wednesday, Nov. 18, 2009 6:37 p.m.- 8:58 p.m.	Vista de Las Cruces School Auditorium	Overview of the Comprehensive Plan and LCP Election of Vice-Chair & Recording Secretary Role, Function and Structure of County Comprehensive Plan and Local Coastal Plan Review of Land Use Designations and Overlays within Plan Area
GavPAC Meeting #1 ***COMPLETED***	Wednesday, Nov. 4, 2009 6:42 p.m.- 9:05 p.m.	Vista de Las Cruces School Auditorium	GavPAC Kickoff Meeting GavPAC Empaneled and Oath of Office Administered Open Meeting Law Discussion GavPac Acceptance of GPAC Guidelines and GavPAC Ground Rules Future Meetings Scheduled