



**Planning and Development Department**  
**Office of Long Range Planning**  
**Transmittal Memorandum**

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**DATE:** May 19, 2010

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**TO:** GavPAC Members

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**FROM:** David Lackie, Supervising Planner  
Brian Tetley, Planner

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**CC:** Supervisor Doreen Farr, 3<sup>rd</sup> Supervisorial District  
Derek Johnson, Director, Long Range Planning  
Vicki Parker, Deputy Director, Long Range Planning

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**SUBJECT:** GavPAC Meeting No. 12

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The items listed below have been included as part of the meeting materials for GavPAC Meeting No. 12, to be held Wednesday May 26, 2010, 6:30 p.m. at the Vista de Las Cruces School auditorium:

1. **Meeting Agenda:** Please see the attached agenda for the May 26, 2010 GavPAC meeting (Attachment 1). For details, please see discussion of agenda items below.
2. **Administrative Briefings:**
3. **Draft Meeting Minutes:** Staff has provided draft meeting minutes from the May 12, 2010 GavPAC meeting for review and approval (Attachment 2).
4. **Consideration of Planning Issues:** Staff has provided revised worksheets (Attachment 3) for Public Recreation and Resource Stewardship & Open Space in anticipation of the discussion of planning goal development for these issue areas. The revised sheets now include citations to ordinance and/or policy documents related to each proposed planning issue. In addition, staff has provided a standalone compendium (Attachment 4) that combines these citations with hyperlinks to the actual documents on the P&D website for ease of reference.
5. **Long Term GavPAC Meeting Schedule:** The revised GavPAC long term meeting schedule (Attachment 5) 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>

## **Presentation & Discussion of Coastal Commission Suggested Modifications to County Land Use and Development Code (Agenda Item No. 5)**

The GavPAC has expressed interest in reviewing and commenting on the California Coastal Commission (CCC) suggested modifications to the County's Land Use & Development Code (LUDC) that has been presented to the CCC for certification. Staff has provided the Planning & Development Department's staff report in response to the CC's suggested changes. In addition, the GavPAC agreed that Committee Member McGinnis will provide a briefing to the GavPAC. The purpose of the briefing is for the GavPAC to consider those items of the LUDC certification process that have bearing on the Gaviota Coast, and to consider providing comments to the Board of Supervisors (BOS) about issues that may impact development of the Gaviota Coast Plan. Following the briefing, the GavPAC can provide direction to staff to draft a letter to the BOS. That draft letter would be reviewed and finalized during the following GavPAC meeting on June 16, 2010. This timing would allow the GavPAC letter to be submitted for consideration by the BOS during their hearing of July 6, 2010. The Planning Commission staff report will be available during the week of May 17<sup>th</sup>- May 21<sup>st</sup> and will be forwarded to you via e-mail when available. In addition, the following link will take you to the LUDC certification website where all the archived documents and recurring updates are located:

<http://www.sbcountyplanning.org/projects/LUDCCoastalCommission/index.cfm>

## **Consideration of Planning Issues (Agenda Item No. 6)**

This is the second of three scheduled meetings dedicated to identification of Issues to be undertaken by the GavPAC during this planning process. Staff is expecting that the GavPAC will be able to complete consideration of the Public Recreation Issues and begin consideration of Issues for Resources Stewardship & Open Space. In response to the GavPAC's request to review specific, applicable regulations, the attached, revised worksheets or these two issue areas now include citations for relevant regulations. Staff has also provided a compendium of these regulations, with appropriate hyperlinks that will provide direct web access to the ordinances and policies sections located on the internet. Staff will continue to expand the remaining worksheets and compile the additional compendiums. Those materials will be forwarded to you in advance of the particular discussions.

## **Trail Liability Issue (Agenda Item No. 6)**

The GavPAC asked staff to address the issue of legal liability for private landowners related to trail easements, as this issue has previously been cited as a major roadblock to the dedication of new trail easements on private land. The State Recreational Use Statute (Civil Code § 846) immunizes<sup>i</sup> private landowners who allow public recreational use of their land from liability. The scope of the immunity conferred on property owners by statute has been expanded by subsequent amendments and court decisions to include, for example, injuries occurring when trail users trespass on private property adjacent to the trail. Similarly, Government Code § 831.2 and 831.4 immunizes public entities from liability for injuries incurred on unimproved public trails/property. Despite this statutory immunity, some property owners have expressed concerns over potential liability, and have urged the County to indemnify<sup>ii</sup> them from such lawsuits. Indemnification constitutes a significant change in past Board policy; one which could defeat the benefits of immunity granted by the State and involves significant fiscal considerations.

### **Attachments:**

1. May 26, 2010 Meeting Agenda
2. May 12, 2010 Meeting Minutes
3. Revised Planning Worksheets (Public Recreation, Resource Stewardship & Open Space)
4. Ordinance/Policy Compendium
5. Long-Term Schedule

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<sup>i</sup> Immunity prevents a person or entity from being subjected to suit without its consent.

<sup>ii</sup> Indemnification guarantees against any loss which another might suffer.