



Planning and Development Department

Long Range Planning Division

Transmittal Memorandum

DATE: October 20, 2010

TO: GavPAC Members

FROM: David Lackie, Supervising Planner
Brian Tetley, Planner

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

SUBJECT: GavPAC Meeting No. 21

This memorandum supplies some information requested as well as following upon the discussions that took place during GavPAC meeting 20 as part of the Meeting 20, 21, & 22 joint agenda. GavPAC Meeting No. 21 is to be held Wednesday October 27, 2010, 6:30 p.m. at the Vista de Las Cruces School auditorium:

The goal for meeting 21 is to continue the deliberations on the planning priorities for agriculture. Once these priorities are agreed-upon, the GavPAC will deliberate on planning tool preferences to address those priorities. Finally, the GavPAC will consider the nomination of a subcommittee to continue work on specified tasks.

Staff has provided some additional background information on some land use programs that aim to preserve agricultural land while allowing for additional residential development on agricultural land.

Agricultural Cluster Development (ACD)

The ACD concept is designed to create additional density for residential subdivision while minimizing impacts to remaining agricultural acreage through permanent agricultural easement and cooperative management on non-Williamson Act contracted lands. The following summary describes the County's effort to enact an ACD concept which was ultimately not successful.

An ACD program can be one alternative to traditional large parcel subdivisions that are often denied due to impacts to agricultural production or loss of agricultural land, inconsistencies with the Agricultural Element of the Comprehensive Plan and/or with the intent of the Williamson Act. ACD is intended to benefit both the property owner (by providing a mechanism to maintain agricultural production through development of non-agricultural uses), the County's agricultural industry (by preserving resources necessary to sustain this important business sector), and the community at large through preservation of agricultural and open space.

During draft ACD Ordinance development, some agriculturalists and property owners in the County conceptually supported the ACD Program while expressing concern that specific provisions in the draft ordinance did not address their needs. Staff recommended implementation a pilot program basis. A voluntary public-private partnership enabled interested property owners to receive preliminary environmental review of proposed projects on their site. Pilot projects were developed for Mission Oaks Ranch in the Santa Ynez Valley and Rancho Todos Santos in the San Antonio Valley west of Los Alamos.

The Rancho Todos Santos ACD pilot project would have maximized residential and non-residential development with a Development Cluster Area and included a mix of on-site agricultural uses (cultivated agriculture and grazing). The Mission Oaks Ranch ACD pilot project included development of 47 residences and two common area equestrian lots on approximately 130 acres and the retention of 3,747 acres in an **Williamson Act Easement Exchange**

Some questions have arisen about the long-term effectiveness of the Williamson Act program as compared with Conservation Easements and other programs to preserve land from development while providing value for the landowner. One existing option is the Williamson Act Easement Exchange program as summarized below.

Since 1998 another option within the Williamson Act Program is the rescission process to cancel a Williamson Act contract and simultaneously dedicate a permanent agricultural conservation easement on other land. The easement exchange process offers the advantage of keeping cancellation fees working in the local area to preserve agricultural land, instead of paying the fees to the State General Fund. A board or council must make specified findings in order to cancel a contract. The appraised value of the easement land must be equal to or greater than the cancellation fee required to cancel the contract. In addition, the easement land must be of equal size or larger than the Williamson Act contracted land. Williamson Act easement exchanges must meet criteria established under the California Farmland Conservancy Program (CFCP).

The process is entirely voluntary for all parties: the owner of the Williamson Act contracted land, the owner of the land to be encumbered by the conservation easement, the organization that holds, monitors, and enforces the easement, and the city or county. The landowner must submit a petition for a Williamson Act easement exchange proposal to the local governing city or county. Upon making the required findings and determining that the eligibility criteria has been met and evaluating the easement pursuant to the selection criteria, the city or county may approve the proposal. The proposal is then submitted to the Department of Conservation for review and final decision. If the Department of Conservation (DOC) approves the proposal, the city or county may enter into an agreement with the landowner to rescind the Williamson Act contract and simultaneously place the other land in an agricultural conservation easement.

An "agricultural conservation easement" is a less than fee simple interest in land. It includes the permanent prevention of development or improvement of the land for any purpose other than agricultural production. The easement is granted by the landowner to the local government or a qualified non-profit organization that has conservation of agricultural land as one of its primary purposes. The land restricted by the easement remains in private ownership. Aside from the separation of specified development rights, the landowner retains all other rights to the land, including the right to deny public access and to manage the land for agricultural uses.

Santa Barbara Ranch Project Agricultural Conservation Easement Exchange

Santa Barbara Ranch, LLC proposed cancellation of its Williamson Act Contract and to simultaneously: (i) place 2,003 acres that were under contract ("WA Remainder") into a permanent agricultural conservation easement, along with 393 additional non-contract acres that were unprotected, thereby bringing the total to 2,684 acres of agricultural acreage protected in perpetuity ("WA-ACE Easement Exchange"); and (ii) place the WA Remainder in a new contract ("New WA Contract"). These inter-related matters were proposed as concurrent actions under the non-renewal provisions of the Williamson Act regulations. The proposed site encompassed portions of Santa Barbara Ranch and Dos Pueblos Ranch, together totaling 3,254 acres and 85% of the lots comprising the official map of Naples town site. The two ranches are zoned for AG-II-100 and Unlimited Agriculture.

Transfer of Development Rights (TDR)

A TDR program is another vehicle for realizing the landowner value of properties targeted for preservation by displacing potential development rights to properties considered more suitable for development by virtue of existing infrastructure and proximity to urban uses.

The County developed a TDR program as an outgrowth of the Santa Barbara Ranch (Naples) Project. The intent of the program was to transfer development potential from eligible Naples lots to eligible receiving sites along the South Coast of the County in furtherance of Coastal Land Use Plan Policy 2-13¹. The overriding purpose was to extinguish the rights to develop Naples lots determined to have the greatest public benefit by the Board.

A TDR program was proposed as a market-driven program involving willing sellers and willing buyers. Landowners are not obligated to use the program but may participate voluntarily. It allowed eligible sending site (lots targeted for preservation) landowners to sever development rights, from rights associated with land ownership. Sending site landowners would be compensated at fair market value for the lost development potential through sales of those development rights. Once the rights were sold, the land is protected in perpetuity from future development in perpetuity through conservation easements. Sending site landowners are incentivized to participate since they can forego lengthy and costly development process yet receive payments commensurate with the realized profits of their property built to its highest and best use.

The Santa Barbara Ranch Project consisted of a large lot residential development and other uses totaling 485 acres, which included most of the area known as the Naples town site. Proposed development included 54 detached single-family residences; an equestrian center with employee duplex; agricultural support facilities; and public recreation amenities including an access road, parking lot, restroom, multi-use trails, educational kiosk, and coastal viewing and access stairway. The project would also include a private agricultural conservation easement and a separate open space conservation easement over portions of the property.

This TDR program, as part of the Santa Barbara Ranch project, would have allowed the geographic reach to extend into rural areas only at such time as the Board of Supervisors (BOS) determined that potential receiver sites in urban areas have been exhausted. While there is general agreement on the priority given to urban areas, there were disparate views on how much and by what means development might be allowed to extend beyond the urban/rural limit line. The program reflected input provided by a stakeholder working group, with further refinements suggested by County Counsel and the Auditor-Controller.

Other Jurisdictions

Staff is currently communicating with other counties, including Sonoma, Calaveras, Amador, San Luis Obispo, Monterey and Pima County, AZ to obtain information on different approaches to promoting agricultural economic viability and to gather feedback on the effectiveness of such initiatives.

San Luis Obispo County is currently updating parts of its Land Use Ordinance, Coastal Zoning Ordinance, and Agriculture Element to reflect new Agricultural Cluster Subdivision and Density Standards and residential density standards on existing parcels with an Agriculture designation. Creation of an Agricultural Cluster Subdivision requires an applicant to 1) obtain Conditional Use Permit (CUP) approval; and 2) conduct environmental review (CEQA) This program is not applicable on Williamson Act contracted land or land greater than two miles from Urban Reserve Lines (URLs). By comparison, approximately 80 percent of the Gaviota Coast Planning area is under Williamson Act contract and the Naples property is approximately two miles west of the City of Goleta's urban boundary limit.

Additional findings from research on the above mentioned counties will be presented at the GavPAC meeting for Schedule for October 27, 2010.

¹ CLUP Policy 2-13: *The existing town site of Naples is within a designated rural area and is remote from urban services. The County shall discourage residential development of existing lots. The County shall encourage and assist the property owner(s) in transferring development rights from the Naples town site to an appropriate site within a designated urban area which is suitable for residential development. If the County determines that transferring development rights is not feasible, the land use designation of AG-II-100 should be re-evaluated.*

RAU/RSU Comparison & Agricultural Uses and Permit Levels

The intent of Residential Second Units (RSUs) is to encourage a more efficient use of specified residential and agricultural zones where because of a decrease in average household size homes are being underutilized. RSUs provide housing opportunities for low-income households or those desiring less maintenance responsibilities such as single or elderly households. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development. Within agriculturally zoned land, RSUs are only allowed in AG-I-5, -10, and -20 zones. A lot may contain only one attached or detached RSU. Before an RSU can be permitted, an existing principal dwelling must be present or an application for an RSU must be submitted in conjunction with the application for the principal dwelling. In addition, the owner of the lot must reside on the lot, in either the principal dwelling or in the RSU, with a few minor exceptions. If an RSU has been approved or currently exists on a lot, a guesthouse or similar structure is not allowable unless the RSU is removed.

The Residential Agricultural Unit (RAU) Program provided additional housing and income opportunities by allowing both attached and detached RAUs on agricultural lands zoned AG-I-40 and AG-II, outside of the Coastal Zone. The RAU program only applied to legal, conforming lots under Williamson Act Contracts or parcels that are restricted to agricultural use. If a lot was non-conforming, it had two years to become conforming after developing an RAU. Before an RAU could be permitted, an existing principal dwelling had to be present or an application for an RAU must have been submitted in conjunction with the application for the principal dwelling. The RAU could not be occupied before occupation of the principal dwelling and the lot owner or a person who devoted a substantial portion of his/her time to the agricultural use of the subject lot had to reside on the lot. In addition, the RAU had to be located entirely on the same lot that contained the principal dwelling. The program was intended to support family farms by providing additional housing and rental income opportunities; it was not linked to the County's existing RSU program.

Although approved by the BOS and implemented by the County, the Ordinance expired in 2009 and was not renewed by the BOS.

A comparison table between RSU and RAU development standards is provided in Attachment 2.

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>

Attachments:

1. October 13, 2010 Meeting Minutes
2. RAU/RSU Comparison Table
3. Agricultural Uses & Permit Level Table

Gaviota Coast Planning Advisory Committee

DRAFT MEETING MINUTES MEETING No. 19

***Wednesday September 29, 2010
Vista de Las Cruces School Auditorium***

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

1. Roll Call

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

GavPAC Members Absent: Kimbell

County Staff Present:

David Lackie, Long Range Planning Division Supervising Planner

Brian Tetley, Long Range Planning Division Senior Planner

Katie Haldeman, Long Range Planning Division Assistant Planner

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

3. Administrative Briefings

Staff: Four public information sessions on the LUDC certification process, per the Board of Supervisors (BOS) request, will be held in the County in the upcoming month. California Coastal Commission (CCC) staff has been invited by the County to attend these sessions, but CCC staff attendance has yet to be confirmed. Noticing of these public information sessions has been conducted through Community Plan Area interested parties email lists, and display ads will likely be run in local newspapers.

4. Meeting Minutes from Meeting No. 17 on September 1, 2010 and Meeting No. 18 on September 15, 2010

Deliberations: The Committee asked that the italicized boilerplate language on the GavPAC agenda be revised to reflect the Committee's new policy on introducing information and documents before a GavPAC meeting.

ACTION: Boise-Cossart moved, seconded by McNabb, and carried by a vote of 7-0, with 3 abstaining due to an absence from Meeting 17 or 18, to approve the minutes without modifications.

5. Visual Resources Planning Deliberations

Deliberation: The GavPAC listed additional items the subcommittee should consider when deliberating about visual resource issues. The visual resources subcommittee will be reporting back to the committee and visual resources issues will be reviewed in the context of the other issue areas. The additional items for the subcommittee to consider include:

- Landscaping and the identification of appropriate landscaping guidelines.
- Compatibility of residential structures with existing home sizes. McKenna requested that Staff provide the results of their research on current home sizes on the Gaviota Coast to the subcommittee.



- Potential Exemption of agricultural structures from visual resource policies or guidelines.
- Size, bulk and scale of development across the Plan Area, regardless of whether it is in the public viewshed or can be seen from Highway 101.
- Adopting thresholds for residential development in the Plan Area that would trigger CBAR review.
- Ways to ensure that building materials are compatible with the existing setting.
- Working within the context of existing County policies, provide clarification and refinement of these policies so that they are tailored for the Plan Area.
- Standards to minimize visual impacts of road grading for access roads and structures.
- Creating separate road grading standards for agricultural and residential roads.
- Creating incentives for utilizing green building practices.
- Looking to the guidelines/process used by the Hollister Ranch design review committee.
- Visual impacts from existing and proposed wind and solar energy projects, water impoundments, the County landfill, and eucalyptus trees.
- That optimal siting of structures is the key to protecting visual resources.
- Obtaining Officially Designated State Scenic Highway status for Highway 101, in coordination with Caltrans.

Public Comment:

Bill Giorgi: Agricultural operations, such as reservoirs, fire breaks, and agricultural employee housing, should be treated separately from residential development, when the subcommittee develops visual resource guidelines.

Chris Shaeffer representing Caltrans: Bob Carr, Caltrans landscape architect, is available to work with the subcommittee on visual resource issues and Caltrans can provide further input on subcommittee and GavPAC efforts.

ACTION: McGinnis moved, seconded by McKenna, to amend the GavPAC Visual Policy Preferences, as presented by Staff, to replace the word “should” with “shall”, and to change the wording of item c) of the Grading & Visibility Preferences, to express that limiting visibility of development would not necessarily take precedence over minimization of grading volume. The Motion failed to pass with a vote of 3-7.

Deliberation: The Committee elicited four volunteers for the visual resources subcommittee. McNabb asked whether a member of the public could be on the subcommittee and Staff responded that the General Planning Advisory Committee (GPAC) guidelines state that subcommittee members must also be a member of the GavPAC). Feeney encouraged the public and people with experience with visual resources to stay involved with the visual resources subcommittee.

ACTION: McNabb moved and Feeney seconded to accept the four volunteers: McGinnis, Boise-Cossart, McKenna, and Lloyd, for the visual resources subcommittee. Motion passed with a vote of 10-0.

7. Discussion of Plan Area Boundary

Deliberation: Staff explained that seven landholdings are bisected by the current Plan Area Boundary (PAB). Staff has identified three of those seven landholdings where “minor” adjustments could be made to the PAB, as directed by the BOS resolution. Those three landholdings identified were: Pueschel, Presbyterian Camp and Conference Centers, Inc (Synod), and Nojoqui Falls Ranch. A draft Gaviota Coast Plan is anticipated to be released in the Spring or Summer of 2011, and any major changes to the PAB



could be packaged with other Gaviota Coast Plan materials going to the BOS for initiation.

Feeney commented that what could be considered a “minor” or “major” PAB change is a matter of semantics. Baer suggested defining the PAB using a singular rule: the watershed boundary, without exceptions, so that the protocol for delineating the PAB is clear and easy to explain to the public. Baer recommended amending the boundary to strictly follow the watershed boundary, such as in the Vista de Las Cruces area. Feeney stated that the boundary issue should be settled now. McNabb is concerned about the PAB splitting existing development envelopes, such as the telecommunications installation on the Young Americas Foundation property. The Committee recognized that adjusting the PAB to an Assessor Parcel Number (APN) boundary, which is not the legal lot boundary, particularly for a parcel internal to a larger landholding, may cause bisecting of parcels in the future, if the legal lots boundaries were determined.

Public Comment:

Bill Giorgi representing Nojoqui Falls Ranch: Submitted mailing addresses for Louise Hansen (Lloyd’s Bank property) and her nephew for Staff’s records. He stated that the agriculture, weather, and topography seven miles inland are quite different from the conditions on the Gaviota Coast. Mr. Giorgi requested that the PAB end at the Gaviota Tunnel and that his family’s landholdings be located outside of the Plan Area.

ACTION: Baer moved, seconded by McKenna, to have the PAB follow the watershed boundary only, and the PAB to be adjusted to follow the watershed boundary where it currently does not. The motion failed to pass by a vote of 4-6

ACTION: Lloyd moved, seconded by Van Leer, to adjust the PAB to strictly follow the watershed boundary, and to make adjustments to the PAB only in areas where the current PAB bisects an existing development envelope or an existing conservation easement development agreement. If the majority of the development envelope is within the Plan Area, then the rules of the Plan Area would apply to the entire development envelope, and if a majority of the development envelope was outside the Plan Area, then the rules of the Plan Area would not apply to that development envelope. The determination of whether or not the rules of the Plan Area applied to a particular development envelope would be determined by a planner once development is proposed on a development envelope that is bisected by the PAB. This motion is made as a first layer recommendation and a guiding principle. The motion failed to pass by a vote of 4-6.

ACTION: Feeney moved, seconded by McNabb, to accept Lloyd’s previously proposed Motion, with an amendment to the motion that would keep the existing PAB as adopted by the BOS, and therefore the PAB would not be adjusted to strictly follow the watershed. The motion passed by a vote of 9-1.

8. Discussion of Long Term Meeting Schedule

Public Comment: None

Deliberation: None

Meeting Adjournment – 9:38 p.m.





Residential Second Units (RSU) vs. Residential Agricultural Units (RAU) Maximum Gross Floor Area ¹

Type of Residential Second Unit (RSU)	Lot Area	Maximum 2 nd Unit Size	Location (Agriculture)	Details
Attached	6,000 -9,999 square feet	600 square feet	AGI-I-5, -10, -20	Inland/coastal
Attached and Detached	10,000 - 19,999 square feet	800 square feet	AGI-I-5, -10, -20	Inland/coastal
Attached and Detached	20,000 square feet or more	1,200 square feet	AGI-I-5, -10, -20	Inland/coastal
Type of Residential Agricultural Unit (RAU)	Lot Area	Maximum Ag Unit Size	Location (Agriculture)	Details
Attached	No smaller than minimum lot size of applicable zone	1,000 square feet	AG-I-40, AG-II	Inland areas only
Detached	No smaller than minimum lot size of applicable zone	3,000 square feet	AG-I-40, AG-II	Inland areas only
Detached	No smaller than minimum lot size of applicable zone	3,000 square feet, duplex allowed	AG-II-320	Inland areas only, guesthouse also allowed

¹ Santa Barbara County LUDC August 2009

Santa Barbara County - Agricultural Uses & Permit Levels

ALLOWED USES	AG-II	AG-II CZ
AGRICULTURAL & ENERGY FACILITIES		
Abalone shell processing	✓	✓
Agricultural processing - On-premise products	✓	✓
Agricultural processing - Off-premise products	✓ ¹	✓
Agricultural processing - Extensive	✓	—
Animal keeping (except equestrian facilities, see RECREATION)	✓	✓
Aquaculture	✓	✓
Cultivated agriculture, orchard, vineyard	○	○
Grazing	○	○
Greenhouse	✓	✓
Oil and gas uses	✓	✓
Winery	✓	✓
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING		
Composting facility	✓	—
Bakery and baked goods production and distribution	—	—
Food and beverage product manufacturing	—	—
Handcraft industry, small scale manufacturing	—	—
Lumber and wood product manufacturing	—	—
Merchandise manufacturing	—	—
Slaughterhouse, stockyard, rendering plant	—	—
Tannery	—	—
Wholesaling and distribution	—	—
RECREATION, PUBLIC ASSEMBLY USES		
Equestrian facilities	✓	✓
Museum	✓	—
Rural recreation ¹	✓	✓
Sports and outdoor recreation facilities	✓	✓
RESIDENTIAL USES		
Agricultural employee housing, 4 or fewer employees	✓	✓
Agricultural employee housing, 5 or more employees	✓	✓
Artist studio	✓	✓
Dwelling, one-family	✓	✓
Guesthouse	✓	✓
Home occupation	✓	✓
Key: ✓ Permit Required (not exempt) ○ Allowed Use, No Permit Required (exempt) — Use not allowed		
1. Use limited to areas designated on the Land Use Element Maps with the “Agricultural Industry overlay”		
2. Allowable uses and permit requirements for Rural Recreation: Coastal Zone. Low-intensity recreational development (e.g., hiking trails, public riding stables, recreational camps, hostels, campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit. Inland area. Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit.		

ALLOWED USES	AG-II	AG-II CZ
RETAIL TRADE		
Agricultural product sales	✓	✓
Farm supply and feed store	—	—
Restaurant, café, coffee shop - Indoor and outdoor	—	—
SERVICES		
Lodging - Guest ranch	✓	✓
Lodging – Hostel	✓	—
Lodging - Hotel or motel	—	—
INFRASTRUCTURE		
Drainage channel, water course, storm drain, less than 20,000 sf	✓	✓
Drainage channel, water course, storm drain, 20,000 sf or more	✓	✓
Flood control project, less than 20,000 sf total area	✓	✓
Flood control project, 20,000 sf or more total area	✓	✓
Utility service line with less than 5 connections	—	✓
Utility service line with 5 or more connections	—	✓
Wind turbines and wind energy systems	✓	✓
Key: ✓ Permit Required (not exempt from permitting) — Use not allowed		
1. Use limited to areas designated on the Land Use Element Maps with the “Agricultural Industry overlay”		
2. Allowable uses and permit requirements for Rural Recreation: Coastal Zone. Low-intensity recreational development (e.g., hiking trails, public riding stables, recreational camps, hostels, campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit. Inland area. Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit.		
Source: Santa Barbara County LUDC August 2009		