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# Gaviota Coast Planning Advisory Committee

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## **APPROVED MEETING MINUTES MEETINGS No. 21**

**Wednesday October 27, 2010  
Vista de Las Cruces School Auditorium**

**Meeting No. 21 Called to Order:** By Chair Kimbell at 6:31 p.m.

### **1. Roll Call**

**GavPAC Members Present:** Baer, Boise-Cossart, Bowman, Feeney, Kimbell, McGinnis (arrived after roll at 6:36), McKenna, McNabb, Tautrim (arrived after roll at 6:35), Van Leer

**GavPAC Members Absent:** Lloyd

#### **County Staff Present:**

David Lackie, Long Range Planning Division Supervising Planner

Stephanie Stark, Agricultural Planner

Katie Haldeman, Long Range Planning Division Assistant Planner

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

### **3. Administrative Briefings**

**Staff:** The Board of Supervisors (BOS) will be briefed on the responses and comments received from the informational sessions on the California Coastal Commission's (CCC) proposed Land Use and Development Code (LUDC) modifications during their November 9<sup>th</sup> hearing in Santa Maria. The CCC will consider its Staff's revised recommendations during their hearing on November 18<sup>th</sup>, 2010, to be held at the Annenberg Community Beach House, 415 Pacific Coast Hwy, Santa Monica, CA. The CCC Staff report is supposed to be posted on the CCC's website this Thursday October 28<sup>th</sup>.

**Deliberations:** Chair Kimbell presented a letter he drafted regarding the proposed LUDC modifications. Chair Kimbell believes the CCC should justify their stance for requesting modifications to the County's LUDC, as the LUDC was a reformatting effort and not a true revision of any County code or policies. Baer has communicated with Farr on this issue and is in support of the letter. Some Committee members remarked that they do not feel as if they were given adequate time to verify the legal standing of the letter, since they are seeing the letter for the first time at this meeting. In addition, some Committee members supported the notion of trying to work with CCC staff to convince them that if one of their goals in this process is to try and support agriculture and preserve land, then their implementation of that goal is flawed. McNabb was concerned that the LUDC modifications would make some existing structures legal non-conforming, which could in turn negatively impact insurance premiums, amongst other concerns. Staff clarified that structures would not become legal-nonconforming under the proposed modifications.

#### **Public Comment:**

**Mike Lunsford:** The CCC, not the County, is responsible for interpreting the Coastal Act, therefore the County should cooperate with the CCC's attempts to interpret and



enforce the Act. The bigger issue is the relationship between the GavPAC process and LUDC and how one affects the other with separate CCC approvals.

**Nathan Alley:** The County should submit to the CCC's requested modifications to the LUDC, as those requests will merely resurface when the County brings its next document before the CCC for certification.

**Mark Chaconas:** Chair Kimbell's letter should be copied to all BOS members and the letter should be amended to more strongly suggest that the BOS reject the proposed modifications to the LUDC. Reminded the GavPAC that the CCC staff did not attend any of the County's public workshops/informational sessions on the proposed modifications to clear up misconceptions or confusion about how their modifications would affect landowners.

**Les Freeman:** Agrees with the letter and believes it should be sent to the BOS the way it is currently written.

**ACTION:** Feeney moved, seconded by Van Leer, and carried by a vote of 7 (Baer, Boise-Cossart, Bowman, Feeney, Kimbell, McNabb, Van Leer) -2 (McGinnis, McKenna), with 1 abstaining (Tautrim), to provide Chair Kimbell's letter to the BOS, on behalf of the GavPAC, with some modifications, including removing the sentence "This is an insidious situation" and changing the sentence "It worries me greatly" to "I am greatly concerned". Modifications also include deleting the sentence "therefore we must not assume that the Commission will back the Staff on this power grab".

The County's new Agricultural Commissioner, Cathleen Fisher, introduced herself to the GavPAC and offered her support to the Gaviota Planning Process.

#### 4. Meeting Minutes from Meeting No. 20 on October 13, 2010

**Deliberations:** Feeney requested that the word "compatible" be inserted after the word expanding in the sentence: "1) expanding permitted uses on agricultural land" on page 3.

**ACTION:** McNabb moved, seconded by Boise-Cossart and carried by a vote of 9-0, with Bowman abstaining due to absence from that meeting, to approve the minutes without modifications.

#### 5. Discussion of Existing Agricultural Policy

**Deliberation:** Item discussed during Meeting No. 20.

#### 6. Consideration of Agricultural Preferences for the Gaviota Coast

**Deliberation:** Combined with Item 7.

#### 7. Consideration of Agricultural Planning Tools

**Deliberation:** Baer stated he is not in favor of using incentives in place of regulation for driving land use practices. Tautrim said that the GavPAC should support agricultural water resources practices that increase water retention. Such practices can increase the "effective rainfall" realized by an agricultural operation, by slowing, spreading, and sinking rainfall, therefore allowing the soil to retain more water. Tautrim explained that at one point a number of landowners were waiting for National Resource Conservation Services (NRCS) and the County to coordinate on a streamlining of the permitting process for beneficial agricultural water resources practices; however that streamlining effort was not successful. As it stands, landowners currently have to obtain permits from five different agencies to do such beneficial projects, which is a barrier to implementation of such projects.

The GavPAC reviewed the graphic depicting the Gaviota Planning Issues, which was a culmination of issues heard during the public workshop and from the Committee. This



Issues Summary is also available on the GavPAC webpage under the Presentation Materials for Meeting No. 21. Baer suggested that the issue of "Ag-10 Consider additional grazing opportunities on public land" should not be undertaken by the GavPAC. Tautrim remarked that safe harbor-like programs should include landowner protection from wildlife enhancement projects (e.g., water retention basin), as well as from habitat restoration projects. Staff recommends postponing the discussion on safe harbor-like agreements until the GavPAC deliberates on the Resource Stewardship and Open Space issue area, at which time Staff can provide more detailed background information on safe harbor agreements. Tautrim suggested that the phrase "consider utilizing a development rights transfer protocol to areas with urban infrastructures", be removed from Issue Ag-9. However, Baer suggested amending issue Ag-9, and that the GavPAC consider specific areas where more intensive agricultural support uses, which could be shared by multiple types of agricultural operations, could be located. In those areas it should be easier for people to obtain a permit for intensive operations.

Kimbell suggested the possible use of an interagency task force, such as the one in Monterey County, which requires any public agency embarking upon a project to consult with the agency before continuing with the project. This allows for a vetting of public projects in a local context, which could be useful for something such as suggesting cattle grazing on public land for fire fuel reduction, as Van Leer had mentioned.

Feeney said that a Transfer of Development Rights (TDR) for agriculture is not feasible and should be removed from issue AG-9.

Staff confirmed for Tautrim that Ag-7 and LU-2 are pretty much the same topic, but are both related to agriculture. McKenna expressed concern about expanding entitlements on agricultural land and how realizing the economic value of those entitlements could inadvertently drive up the price of land which would put increasing development pressure on surrounding agricultural land. Kimbell reiterated McKenna's comment by saying that additional uses should be allowed only if the landowners makes additional concessions, such as preserving land under a conservation easement. McGinnis also asked what incentives people have for entering into conservation easements.

Staff described Farmland Security Zone (FLSZ) rolling 20 year contracts which offer additional property tax relief beyond a standard Williamson Act (WA) contract. There are currently only two FLSZ contracts in place the County. Both Staff and the County stated that they do not believe the Uniform Rules Program (WA contract program) is in jeopardy in Santa Barbara County, as the County has shown it is committed to supporting agriculture and that even if there is a lack of subvention funds from the State, that would not create such a great hardship that the County would end WA contracts.

Staff also summarized the Agricultural Cluster Development (ACD) initiative previously undertaken, and the associated difficulties with implementing such a policy. Ultimately, the ACD project was never implemented because various parties were concerned about the introduction of additional populations into agricultural areas and the creation of potential ongoing conflicts (trespassing, etc) and other nuisance issues that could test the County's Right to Farm Ordinance. Logistics associated with urban development, such as the treating of wastewater were also of concern. An additional issue was groundwater extractions for residential uses competing with the water needs of agricultural operations.

The Agriculture Residential Cluster (ARC) overlay zone is an existing tool available in the County, CLUP and Article II which could permit a residential cluster project on Ranches 10,000 acres or larger on the Gaviota Coast.

**Public Comment:**



**Lee Ann French:** More severe storms resulting from climate change could impact water reliability. This is something which should be considered when planning for the Gaviota Coast. Ms. French will provide Staff the paper she recently developed regarding an exchange process for granting new entitlements to landowners.

**Mike Lunsford:** Additional entitlements given to agricultural land should come with compensating requirements/restrictions, such as requiring land to be put in conservation easements, so that granting such entitlements will not drive up agricultural land prices.

#### 8. Consideration of Subcommittee Nominations

**Deliberation:** The Committee nominated Van Leer, McGinnis, Tautrim and Baer for the Agriculture Subcommittee.

**Public Comment:** None

**ACTION:** Bowman moved, seconded by Boise-Cossart and carried by a vote of 10-0 to approve the subcommittee nominations.

#### 9. Discussion of LUDC Certification Process

**Deliberation:** Discussed during the Administrative Briefing item.

#### 10. Discussion of Long Term Meeting Schedule

**Deliberation:** McKenna requested Staff schedule some of next year's GavPAC meetings in the Goleta Area. The Committee decided to hold GavPAC meetings on December 1<sup>st</sup> and 15<sup>th</sup>. The next GavPAC meeting will be held on November 10<sup>th</sup>.

**Public Comment:** None

**Meeting Adjournment** – 8:47 p.m.

Signed Charles D. Kimbell Date 11/30/10  
GavPAC Chair Kimbell

