
Gaviota Coast Planning Advisory Committee

APPROVED MEETING MINUTES MEETING No. 24

**Wednesday December 15, 2010
Vista de Las Cruces School Auditorium**

Meeting No. 24 Called to Order: By Chair Kimbell at 6:30 p.m.

1. Roll Call

GavPAC Members Present: Baer (arrived after roll at 6:32), Boise-Cossart, Bowman, Feeney, Kimbell, Lloyd (arrived after roll at 6:32), McKenna, McNabb, Tautrim, Van Leer

GavPAC Members Absent: McGinnis

County Staff Present:

Brian Tetley, Long Range Planning Division Senior Planner

Joyce Gerber, Development Review Division Planner and County Archeologist

Katie Haldeman, Long Range Planning Division Assistant Planner

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

3. Administrative Briefings

Staff: Staff continues to monitor the County's Land Use and Development Code (LUDC) certification process. The Board of Supervisors (BOS) agreed at the December 7th, 2010 hearing to continue deliberations on the proposed modifications until January 18th, 2011; no public comments were made on this item at the BOS hearing. Staff reconfigured the Committee's tables to form an arc, as suggested during public comment at the previous Committee meeting. Staff asked for the Committee's feedback on the new setup.

Deliberations: Chair Kimbell remarked that the new table setup is a great improvement, as now it is easier for him to see everyone.

Public Comment: None

4. Meeting Minutes from Meeting No. 23 on December 1, 2010

Deliberations: Tautrim remarked that he had typographical corrections to the minutes, but did not have those corrections with him.

ACTION: Bowman moved, seconded by Van Leer and carried by a vote of 10-0 to approve the minutes without modifications.

5. Discussion of Existing Resources & Open Space Policy

Presentation by Joyce Gerber, Planner and County Archaeologist: Gerber described the historical presence of the Chumash Native Americans in the Plan Area. Chumash previously lived in the Plan Area for approximately 10,000 years. The presence of darker soil, particularly near the coast, and chipped rocks, can sometimes be indicative of the presence of archeological artifacts. Areas of potential cultural resources sensitivity include riparian corridors, especially near the coast, flat coastal plains, and ridgetop areas near the coast.

The California Environmental Quality Act (CEQA) is the over-arching law governing the guidance and determination of significant cultural resources. County thresholds mirror



CEQA statutes; County cultural resources thresholds were crafted in the 1980's and are currently undergoing a revision which will be available in draft form for the GavPAC to review in Spring 2011.

The County's Comprehensive General Plan and Coastal Land Use Plan also provide strong policy language for resource protection. Planning and Development Department Director Glenn Russell has advanced degrees in Anthropology and Archaeology and will be assisting with updating the thresholds. The County will be taking a similar approach to cultural resource thresholds as San Diego County did for their recently updated guidelines.

State Law requires that a project shall avoid impacts to cultural resources. Impacts can be avoided either through dedication of an easement, open space, or by capping a site with sterile soil prior to building. The State Historic Preservation Office (SHPO) and Native American Heritage Commission (NAHC) require specific mitigation if a project will affect a cultural resource.

Other County community and area plans stated that cultural resources shall be protected and preserved, or protected to the maximum extent feasible.

Existing policies and laws are strong and no glaring holes in cultural resource regulations exist. To address cultural resources, the GavPAC could add development standards to existing policy or refine existing policy so that it is tailored specifically to the plan area.

Deliberation: Prior to the presentation, Chair Kimbell conveyed to presenter that the Committee is interested in hearing about any deficiencies in County policies or State laws and if there are unique cultural resource issues in the plan area that need special treatment. Tautrim asked if 'cultural resources' only refers to Chumash and pre-historic sites. Gerber responded that standing structures and linear features are also cultural resources. Feeney remarked on the inefficacy of some existing cultural resource policies in County community plans. Gerber remarked that policies are strengthened by having development standards. Lloyd asked for further explanation of what determines the significance of a cultural resource and Gerber responded that significance can be determined by something being 'one of a kind', associated with an important person, or if the resource answers a specific anthropological question. Feeney referenced the Gaviota Study Group Report when suggesting offsite restoration or creation of a cultural center as possible mitigation for cultural resources impacts. Gerber responded that such a concept would be appropriate to address cumulative impacts. The use of in-lieu fees, similar those applied for traffic impacts, is a concept that may be used in the County in the future.

Public Comment: None

Presentation – “Accelerating Restoration Projects on Private Lands with Partners in Restoration (PIR) Permit Coordination Program” by Erik Schmidt:

Sustainable Conservation is a non-profit organization working to accelerate voluntary restoration programs on private land by providing technical and financial assistance to landowners and by developing programmatic permits for restoration projects. Projects include erosion control and habitat restoration on rural and/or farm lands. PIR has coordinated programmatic permitting to reduce the burden of obtaining permits from multiple agencies. The programmatic approach also reduces the burden on the permit issuing agencies and therefore can be seen as a beneficial approach to the permit process from the perspective of both the applicant and the agencies involved.

Many of California's riparian forests are impacted by sedimentation, which affects riparian dependent birds, steelhead, sensitive plant species and others. After restoration, perennial stream flow can return and sediment loads in waterways can be reduced.



Santa Cruz and Marin County have successfully used the programmatic approach for permitting restoration projects. Santa Cruz County has a strong Resource Conservation District (RCD) with 15-20 employees that work closely with local landowners. Over six years, the County has done 58 restoration projects and leveraged \$4.5 million in grant money. This programmatic permit process is applicable in the Coastal Zone and inland areas. Marin County has a smaller RCD and more agricultural land than Santa Cruz County, but also has had success with implementing restoration projects.

A project's beneficial contribution to the watershed can be measured by the reduction in total maximum daily loads (TMDL) into a waterway.

Of the 13 types of work covered under a PIR programmatic permit, only seven of those are routinely done, and most of the projects fall into four different types of work.

PIR is looking to transition to a Statewide or Regional Programmatic Approach that would cover the entire state or multiple counties, and ultimately include statewide CEQA guidelines for programmatic protection. PIR is also looking into providing safe harbor agreements for landowners who create sensitive species habitat as a result of restoration programs.

Deliberation: Baer remarked that unpermitted beneficial projects occur on private land. Bowman asked how the PIR representatives see the GavPAC fitting in with their work and the programmatic permitting process. Schmidt responded that pilot projects could be done to build government and public trust as well as support for restoration projects. Kimbell asked Schmidt how the County can help implement a safe harbor agreement.

Public Comment:

Lee-Ann French: What is the status of the programmatic permitting program for Santa Barbara County? Lisa Thompson responded that the programmatic permit will be in place for the inland areas of the County pending a biological opinion from the US Fish & Wildlife Service (USFWS). In order to implement this program in the Coastal Zone the County would have to get a consistency determination with the California Coastal Commission (CCC). Schmidt mentioned that the CCC approved the programmatic approach in Santa Cruz County a while ago, and things at the CCC and Coastal Act interpretations have since changed. However, the CCC has not had issues with renewing the program in the coastal zone in such areas. Also, there may be regional differences in attitude of CCC staff that affect acceptance of such programs.

Nancy Siepel: How do you deal with State listed species (i.e. California Tiger Salamander) in regards to getting approval of a programmatic permit? Thompson responded that they engaged the California Department of Fish & Game (DFG) and USFWS early on in the process.

Rachel Tierney: What is the timeline for completing these restoration projects? Schmidt responded that Sustainable Conservation has noticed that permitting projects individually usually requires three years to plan, permit, and complete, and that about one project per year per county will be accomplished. With the programmatic approach about five projects a year are completed and projects are planned and implemented in less than year.

Brian Trautwein: There are a number of NRCS "practices" which would have been included under the programmatic permit with which the Environmental Defense Center (EDC) did not think could be considered beneficial, such as use of rip-rap in stream banks and stream bank armoring. EDC will dialog with PIR and the RCD to work on coming to a consensus on the types of practices that would fall under the programmatic permit.



Eva Turenchalk: Were there any concerns at the CCC level about renewing the programmatic permit for Santa Cruz and Marin Counties? Schmidt responded that he was not aware of any concerns. Turenchalk commented that with Santa Barbara's programmatic permitting proposal, there is the ability to pull out specific projects for individual permitting, if decision makers feel that certain projects need a higher level of scrutiny. Community concerns have historically slowed down the programmatic permitting effort in Santa Barbara County.

Eva Turenchalk: What if you create environmentally sensitive habitat area (ESHA) (i.e. for native grasses) and then a landowner later wants to use that land for agriculture or grazing operations? Schmidt responded that he has not seen that issue arise. The County could process an umbrella Coastal Development Permit with a hearing (CDP-H), to cover beneficial restoration projects.

6. Consideration of Resource Stewardship & Open Space (RSOS) Preferences for the Gaviota Coast

Deliberation: McNabb mentioned that there can be conflicts between fire prevention and restoration efforts that use native plants. Tautrim wants to work with the EDC to discern best practices for restoration projects. Lloyd remarked that coordination should be done with all stakeholders, not just EDC. McNabb said that programmatic permitting should consider covering public lands (i.e. Forest Service land). Feeney wants projects to be looked at on a watershed-wide basis. McKenna remarked that this deliberation and the creation of a recommendation to Staff has been productive.

Chair Kimbell asked for input from the Committee regarding invasive plants. Feeney thinks it will be difficult to tackle the issue of preventing invasive plants. Tautrim supports a policy addressing education to landowners on invasive species. Feeney remarked that resistant landowners can be an obstacle to eradicating invasive plants. Staff said that invasive species policies have come into play in community plans, as well as at the project level, but that invasive plants are not addressed in current policy with respect to roadways.

Tautrim stated that we have to admit that there can be short-term negative impacts as part of a restoration project, but the long-term benefits will outweigh those short-term impacts. Van Leer stated that projects allowed under a programmatic permit shall have some flexibility regarding the types of restoration practices that can be used, keeping in mind that the projects shall always implement legitimately beneficial practices. Lloyd stated that he agrees with Turenchalk's suggestion of the County processing an umbrella CDP-H. Kimbell replied that the direction to Staff to develop a programmatic permit was intended to be implemented County-wide.

Public Comment:

Anne Coates representing the RCD: Commented that it can be easier to obtain grant money for education if there are existing local policies which support education and outreach.

Chris Schaeffer: Will supply Staff with Caltrans' policies on invasive species. Caltrans does non-native/invasive plant eradication in its rights of way. Caltrans architects look to the community for input on the palette of landscaping plants to use for a project.

ACTION: Boise-Cossart moved, seconded by Lloyd and carried by a vote of 10-0 to recommend the following policy direction to Staff:

Develop a mechanism to implement a County-wide programmatic permit for habitat restoration projects, including the development of a safe harbor mechanism at the State,



Federal, and County level to protect landowners (landowners doing restoration and neighboring landowners) from the effect of restoring endangered species habitat and ESHA.

Deliberation: Lloyd does not want the County to chase frivolous grant money just to satisfy a policy directive. Van Leer suggested having a voluntary mitigation measure that involves removal of invasive or noxious species, which could be used to offset impacts from development.

Nancy Siepel: There is an executive order for Caltrans to avoid the introduction of invasive species during a project. When doing environmental review, Caltrans starts with that order and then brings it down to the project level. She can provide a copy of that order to the Committee.

Brian Trautwein representing the EDC: May want to consider recommending to the BOS a policy stating that the County shall apply for grants for restoration projects. The California Native Plant Society List of Species could be used as a reference for what plant species are appropriate for use in landscaping plans.

Anne Coates: The top 30, highest priority, invasive or noxious plants, have been determined by a cadre of biologists in the County. David Chang, of the Agricultural Commissioner's Office, would have a list of appropriate species for use in landscaping palettes and plans.

ACTION: Lloyd moved, seconded by McNabb and carried by a vote of 10-0 to recommend the following policy direction to Staff:

The County shall apply for grants to assist landowners in removing invasive or noxious species.

Landscape plans and palettes in the Plan area shall not include invasive or noxious plants.

7. Consideration of RSOS Planning Tools

Deliberation: See Item 6.

8. Discussion of LUDC Certification Process

Deliberation: Discussed during the Administrative Briefing item.

9. Discussion of Long Term Meeting Schedule

Deliberation: The next GavPAC meeting will be January 12th, 2011 at the same location (Vista de Las Cruces School auditorium).

Public Comment: None

Meeting Adjournment – 8:55 p.m.

Signed Charles D. Kimbell Date 1/12/11
GavPAC Chair Kimbell



