

---

# Gaviota Coast Planning Advisory Committee

---

## ***DRAFT MEETING MINUTES MEETING No. 25***

***Wednesday January 12, 2011  
Vista de Las Cruces School Auditorium***

**Meeting No. 25 Called to Order:** By Chair Kimbell at 6:30 p.m.

### **1. Roll Call**

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

**GavPAC Members Absent:** Baer, Tautrim

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

Jeff Hunt, Long Range Planning Division Director

David Lackie, Long Range Planning Division Supervising Planner

Brian A. Tetley, Long Range Planning Division Senior Planner

Katie Haldeman, Long Range Planning Division Assistant Planner

### **2. Public Comment for Items not on the Agenda:**

**Alan Howard:** The recent article in the Independent about public access at the Naples property make him think an inventory of properties that allow for public access should be conducted to maximize public coastal access.

### **3. Administrative Briefings**

**Staff:** Staff described proposed improvements to the North Rail Corridor between Los Angeles and San Luis Obispo that seeks to improve passenger rail accessibility, reliability, and train speeds. Caltrans, as the lead agency under the California Environmental Quality Act (CEQA), recently released a Notice of Preparation (NOP) of a Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for corridor improvements that were cursorily outlined in a strategic plan from October 2007. The environmental review process is scheduled for completion March 2013.

Jeff Hunt introduced himself to the Committee as the new Long Range Planning Division Director and explained that communications formerly directed to Vicki Parker, could be directed to him as Ms. Parker recently transferred to the Redevelopment Agency.

**Deliberations:** The Committee expressed several concerns (emergency repairs, pedestrian safety, etc) about the proposed corridor improvements. The Committee will formalize those concerns at the next GavPAC meeting, which will be incorporated into the County's responsible agency review comment letter. Deliberations on matters pertaining to the railroad corridor will resume at the next GavPAC Meeting on Transportation, Energy, and Infrastructure. Staff will provide the Committee with additional relevant information on the proposed improvements to facilitate further deliberations on corridor improvements.

#### **Public Comment:**

**Chris Schaeffer representing Caltrans:** Proposed rail corridor improvements include construction of a 900-foot concrete trestle over Jalama Creek.



**4. Meeting Minutes from Meeting No. 24 on December 15, 2010**

**Deliberations:** None

**ACTION:** Bowman moved, seconded by McNabb and carried by a vote of 8-0, with McGinnis abstaining, to approve the minutes without modifications.

**5. Discussion of Coastal Commission Land Use Development Code Certification Process**

**Deliberation:** Chair Kimbell asked for permission to represent the GavPAC at the January 18<sup>th</sup> Board of Supervisor's hearing on the Land Use and Development Code (LUDC) certification process. McGinnis believes that California Coastal Commission (CCC) Director Peter Douglas is open to further discussion about the modifications and that he will ultimately decide what modifications the CCC requires; she does not support rejection of the CCC's requested modifications to the LUDC. Feeney sees a fundamental disconnect between the CCC Staff and the Commissioners when communicating their respective intentions to the County. McNabb stated that CCC Staff has not openly communicated with the County on all matters pertaining to the modifications, including the process for reconstructing Vista de Las Cruces School in the event of a fire.

**Resource Stewardship & Open Space Planning Deliberations:**

**6. Discussion of Existing Resources & Open Space Policy**

**Deliberation:** See minutes from Meeting Nos. 22-24.

**7. Consideration of Resources & Open Space Preferences for the Gaviota Coast**

**Staff:** Staff summarized the GavPAC's progress towards providing policy direction to Staff. The Committee is taking a watershed approach to planning, while understanding that the ideal of individually planning for each of the numerous watersheds in the plan area is beyond is not feasible given the time and resource constraints of the Committee. There is a desire to encourage watershed planning for individual landowners and that new development should not impair water quality. Cumulative impacts to water quality could be offset by mitigation or restoration and a set of standards or best management practices (BMPs) could be implemented to restrict damaging practices. The Committee recognizes the importance of the Gaviota Creek Watershed and would recommend using this watershed as a pilot project in watershed planning.

**Deliberation:** The Committee deliberated on the remaining issues in the discussion outline originally prepared by Chair Kimbell. Each issue in the outline are in bold and italics below.

***Watersheds***

Chair Kimbell opened the discussion by suggesting a development agreement or watershed-based master plan approval for restoration and development within a watershed, that would simplify the permitting of future projects. Feeney stated that the approach to planning for a particular watershed could be voluntary or regulatory, depending upon the nature of development that is likely to occur and the composition of landowners within the watershed. However, Feeney is unsure of the nexus for mandating watershed protection measures. In addition, certain BMPs could be required plan-wide.

McNabb reminded the GavPAC that the upper portions of many watersheds, particularly in the eastern part of the plan area, are Federally-owned (National Forest). As such, landowners should not be unfairly punished for water quality degradation originating on lands outside the County's purview.



McGinnis is concerned that master plans or programmatic development agreements would fail to capture the nuances of individual projects and could compromise natural resource protection. Lloyd prefers to use vested development agreements over the use of “specific plans” for future development and restoration projects.

**Public Comment:**

**Anne Coates:** the GavPAC should use the word “promote” when developing policy language. The State Water Resources Control Board has invested significant resources in regulating water quality and controlling water quality impairing practices like manure runoff, which can degrade water quality.

**Brian Trautwein representing the Environmental Defense Center (EDC):** policies for beneficial projects can be voluntary but should be mandatory for development projects. Clearing of vegetation, which can reduce groundwater recharge, should be addressed in the GavPAC’s policy development. Gaviota-specific policies should be created that seek to minimize grading and erosion. Water diversions should be prohibited. Decrease barriers to wildlife movement by using span bridges rather than culverts.

**Joanne McGeary:** Recently saw steelhead fry at Arroyo Hondo preserve and reminded the GavPAC of McKenna’s earlier suggestion of “using the steelhead as a totem”.

**Brian Trautwein:** A project involving water diversion was permitted in Goleta. Staff will investigate the details of this project further.

**Deliberation:** Boise-Cossart agrees that protection of groundwater is important for agricultural operations. McGinnis inquired with Staff as to the feasibility of the master plan/development agreement approach. Staff will investigate the limitation of this approach with County Council, but explained that environmental impacts, including cultural resource sensitivity, are assessed on a case-by-case basis.

Bowman remarked that the GavPAC’s mandate is to create framework and standards to give landowners a place to start when initiating development. Bowman recognizes that individual projects will always be looked at on a case-by-case basis. Van Leer stated that numerous regulations are already in place to protect the watershed, and the Regional Water Quality Control Board is currently pushing to apply more stringent water quality regulations to irrigated agricultural land. Feeney remarked that getting public agencies onboard with BMPs and watershed planning for the plan area is also important. Feeney suggested that Venadito Canyon (La Paloma Ranch) is a good candidate for a voluntary watershed plan, which could facilitate restoration projects to remove non-native and invasive plants, address erosion issues, while continuing to have some flexibility in the siting of agricultural operations.

Lloyd is not aware of the County ever permitting a water diversion project. Staff will investigate further.

McGinnis believes the Committee wants a holistic, long-term approach to planning for watershed protection. Lloyd stated that the GavPAC is looking to enhance resource protection, as existing protective regulations are already in place and being followed by landowners and agricultural operators.

**Public Comment:**



**Alan Howard:** Cojo/Jalama Ranch should also be required to have high standards of water quality protection. He supports the idea of incentivizing water quality improvements with the associated development of this property.

**ACTION:** The GavPAC directed Staff to develop policy for watershed management, based on the following principles: 1) create a voluntary watershed management plan policy approach to management of watersheds with lands not seeking enhanced entitlements 2) Although it is unlikely to come into play, consider policies for using a mandatory approach to watershed management for development such as subdivisions, and use tools such as development agreements, in-lieu fees, master plans, etc to implement that policy 3) create plan area wide best management practices for water quality protection 4) promote interagency coordination and engagement of public agencies, particularly those with landholdings within the plan area (U.S. Forest Service, State Parks, etc) 5) policy should reflect the GavPAC's desire to use watersheds as a central organizing concept for policy development.

Lloyd moved, seconded by Boise-Cossart and carried by a vote of 9-0.

### ***Interagency Council***

**Deliberation:** None

**Public Comment:** None

**ACTION:** The GavPAC directed Staff to develop policy to support the creation of an interagency council which would function as a clearinghouse for issues in the plan area.

Lloyd moved, seconded by Feeney and carried by a vote of 9-0.

### ***ESHA***

**Staff:** Environmentally Sensitive Habitat Areas (ESHA) were mapped as part of the coastal planning process and are only formally mapped within the Coastal Zone, however sensitive habitats are protected in the inland areas as well. ESHA is primarily comprised of riparian corridors, but can also include native grasses, oak woodlands, and other habitat types. Mapped ESHA locations do not have a high resolution, therefore groundtruthing of sensitive habitat locations is typically done at the project-level. A project can encroach into ESHA or sensitive habitats upon approval from the County biologist.

The County's Coastal Land Use Plan is approximately 30 years old, therefore Staff is seeking input from the community and experts on adding to the list of habitats that are designated as ESHA. The rural portions of the Goleta Community Plan area are being designated and mapped as "inland riparian corridors" as part of the community plan update process. Those areas will then allow for a similar level of protection as mapped ESHA.

According to the Bolsa Chica court case decision, offsite mitigation for encroachment or removal of sensitive habitat is not allowed, except in the case of beneficial projects. The County's policy on ESHA encroachment is to seek to minimize the amount of disturbed area, while balancing private property rights.

The County biologist is working on an inventory of ESHA habitat types and values.

**Deliberation:** Lloyd stated that all resources need to be groundtruthed and that just because a sensitive habitat is not mapped, does not mean the resource is not there. The real issue is the buffers from sensitive habitat, not mapping the inland areas. Kimbell has heard that the CCC considers all ESHA untouchable, which could result in a taking, if there is no location for development that would not disturb ESHA.



Lloyd believes a buffer should be adequate and in proportion to the value of the resource and its restoration capacity. Van Leer wants a flexible and practical approach to buffers. Feeney wants to understand, beyond riparian corridors, what is and what might be constituted as ESHA – would wildlife corridors be considered ESHA? McGinnis stated that the County's current 100-foot buffer policy for rural areas should be the minimum standard for a buffer, and if anything the buffer size should be increased.

Boise-Cossart inadvertently restored native grasses under her property by fencing off her orchards and as a result would theoretically no longer be able to build in that area. Sometimes sensitive habitats prevent siting homes on the least visually impactful location. Does not want to negatively impact biodiversity but wants to balance landowner rights and the need for resource protection.

Lloyd and Feeney agreed on allowing for encroachment if the project as a whole could create net benefits to ESHA and Van Leer suggested an ESHA mitigation bank. Staff stated that this could be particularly appropriate when dealing with small patches of native grasses. Current buffer encroachment procedures in the County are fairly flexible and can be adjusted on a case-by-case basis as determined by the biologist.

Bowman asked if this was an appropriate time to incorporate a safe harbor-like agreement for those landowners conducting beneficial projects which create additional sensitive habitat. McGinnis stated that environmental impacts under CEQA would likely still be triggered if development were proposed to occur on sensitive habitat.

#### **Public Comment:**

**Brian Trautwein representing the EDC:** He is on the County's list of certified biologists and has worked extensively with restorative and natural resource issues. The CCC approved 100-foot buffers for UC Santa Barbara's Long Range Development Plan (LRDP). Native grasses are one of the most endangered and rare plants in California. EDC also encourages maintaining minimum buffer standards; the Goleta Community Plan update could be used as a model for creating flexible buffers. Relying just on CEQA to protect ESHA is not enough, the additional level of protection provided by the Coastal Act is also important.

The County uses the Department of Fish and Game Natural Heritage Commission's definition of native grasslands as 10 percent or higher coverage. EDC encourages the GavPAC to uphold or increase this level of protection. EDC would like the County to investigate the importance of designating chaparral as an ESHA, such as what was done in the City of Malibu.

Under the Coastal Act, ESHA cannot cause a taking of a landowner's property. He believes wildlife corridors meet the definition of ESHA. Take into consideration climate change when protecting environmentally sensitive areas.

**ACTION:** The GavPAC gave direction to Staff to develop policy to 1) extend ESHA mapping to inland areas 2) look at ESHA regulations in the zoning ordinance to ensure that it is consistent with the Coastal Act 3) any buffer policies shall be flexible and consider the purpose and context of the buffer as well as the use of the land next to the buffer 4) allow for maintenance and of existing non-conforming development located within sensitive habitat buffers. 5) use a hierarchy construct to consider additional habitat types or individual species that could be protected to a similar degree as ESHA.

McNabb moved, seconded by Van Leer and carried by a vote of 9-0.

## **8. Consideration of RSOS Planning Tools**

**Deliberation:** See Item 7.



## 9. Discussion of Long Term Meeting Schedule

**Deliberation:** The next GavPAC meeting will wrap up deliberations on Resource Stewardship and Open Space, followed by deliberations on Transportation, Energy, and Infrastructure. Additional discussion on the proposed North Rail Corridor improvements will occur at the next GavPAC meeting and will allow for the Committee to direct Staff regarding the content of its responsible agency review comment letter.

The Visual Resources Subcommittee will also be reporting back to the GavPAC on their progress at some point, which will need to be worked into the long term meeting schedule.

Feeney requested that Staff try to contact a LOSSAN representative to further inform the GavPAC on the North Rail Corridor improvements. If anything, Staff will report back to the GavPAC with more information at the next meeting after contacting technical representative from Caltrans and LOSSAN.

**Public Comment:** None

**Meeting Adjournment** – 9:03 p.m.

