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# Gaviota Coast Planning Advisory Committee

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## *APPROVED MEETING MINUTES MEETING No. 37*

*Wednesday June 29, 2011  
Vista de Las Cruces School Auditorium*

**Meeting Called to Order:** By Chair Kim Kimbell at 6:30 p.m.

### **1. Roll Call**

**GavPAC Members Present:** Baer, Boise-Cossart, Bowman, Kimbell, Lloyd, McGinnis, McKenna, McNabb, Feeney, Tautrim (arrived at 6:40 p.m.), Van Leer

**GavPAC Members Absent: None**

**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 Associate Planner

Bret McNulty, Long Range Planning, Planner

### **2. Administrative Briefings:**

Brian Tetley informed the GavPAC that he would be making a presentation to the Central Board of Architectural Review (CBAR) on July 8th to update them on the work of the Visual Sub-Committee regarding the visual principles and draft policy defining critical view shed. Tetley announced staff changes with Katie Haldeman leaving the County and expressed regret at her leaving and gratitude for Haldeman's good work as a member of the project team. Tetley introduced Bret McNulty an experienced planner in Long Range Planning who is joining the project team. He noted McNulty recently worked on the recently completed Los Alamos Community Plan. Chair Kimbell thanked Haldeman on behalf of the GavPAC for her good work and for keeping the PAC organized.

**ACTION:** Boise-Cossart moved to commend Haldeman for her for work with the GavPAC and wish her the best in her next endeavors, seconded by Van Leer, and carried by a vote of 10-0, Tautrim absent.

### **3. Public Comment:**

None

### **4. Meeting Minutes Review and Approval**

The GavPAC reviewed the minutes from Meeting No. 35 on June 7<sup>th</sup>, 2011 and Meeting No. 36 on June 15, 2011.

**ACTION:** Feeney moved to approve the Meeting No. 35 minutes with modifications, seconded by Baer, approved 10-0, Bowman abstained.

**ACTION:** McGinnis moved to approve the Meeting No. 36 minutes with modifications, seconded by Bowman approved 10-0, Feeney abstained.

The Meeting No.34 minutes with modifications will be reviewed during the next meeting.



## 5. Agricultural Subcommittee Report

Van Leer briefed the GavPAC on the process by which the committee determined the list of activities that would be recommended as appropriate for exemption. He clarified for the record that the list of activities is not the sole list of allowed uses and that all currently exempt and allowed uses remain. The committees list of activities were developed using the guiding principle of what is appropriate for the Gaviota Coast and currently have no exemption, are currently either not permitted, or have onerous permitting requirements deterring people from applying. The problem is that there is no scalability in the current process. These activities are not at an industrial scale and that is opportunity for start-up business. Scalability became another guiding principal and the committee focused on exemptions and added some additional standards in the permit tiers. The GavPAC reviewed each of the use categories and deliberated and asked questions about the uses in each beginning with Outdoor Recreation.

### Deliberation:

**Outdoor Recreation:** McNabb inquired about the intent for wastewater treatment for campgrounds and Van Leer responded that the intent was not to provide exempt uses that would require waste discharge on the property, portable waste discharge would be allowed. McNabb asked whether horseback riding would be rental or owned and Van Leer answered that it was not defined. Feeney asked how limits on vehicle trips would be monitored. McGinnis responded monitoring would be through neighbor complaints. Tautrim described the purpose of the exemptions to address what is currently broken with the system, he discussed how you can grow agricultural products, but product preparation is not allowed. He described how they tried to identify thresholds under which non-agricultural production activities would not have an impact on agricultural production and at what intensity these activities would have an impact. The discussion should focus on about the thresholds and zoning enforcement should be a separate discussion. He detailed how some non-agricultural endeavors are being proposed, as long as they remain under the thresholds which would trigger a permit and significantly increased costs and discussed how to assess the merits of the threshold. Tiering ensures that more intense uses would require a permit and receive the proper environmental review. McGinnis reiterated that the committee focuses on exemptions and not permits. Van Leer stated that the tiers were developed with visual principals in mind. Baer noted that some of these activities are already occurring on properties around the County without permits and not causing issues and they should be exempted. Boise-Cossart expressed concerns that if all properties were allowed to take advantage of the exemption for overnight camping how that would look and what problem is being addressed. She also wanted to know if that was the intent. Van Leer responded that there is a shortage of campsites and the thresholds would keep the scale small. McGinnis noted that the committee struggled with the size issue and solicited input from the PAC on the topic. Bowman pointed out you could have 15 sites and two cars that add up to 30 cars and only 10 trips allowed. The math does not add up. Baer noted that bicycle campers were part of the consideration and that staff was going to refine the description. Lackie noted that trips starting point to express the scalability and it would be more appropriate to use sites and not trips. McGinnis noted that the 10 trips in this category were not to be included. McKenna noted that vehicle trips are not a good measure and that each use should be considered. Baer and Van Leer solicited input from the PAC regarding the metrics that should be used, noting that trips or number of employees were some of the items they identified.

### Public Comment:

**Susan Petrovich:** Suggested that the title of the Permit Scalability document be clarified that it applies to "Agriculturally Zoned" land. She recommended clarifying in



~~–Fishing between commercial and “just inviting a friend over.”~~ In Campgrounds, why no tier one. If its tent camping, why are you locating outside the critical view shed. She recommends adding a new category of Fire and under number 5 clarify that plumbing is necessary for sanitation.

**Mike Lunsford:** He expressed concerns that new commercial uses are not demonstrated to be necessary and believes that the discussion jumps ahead of the conclusions that the uses are necessary in the first place. He inquired what baseline, economic or otherwise of what is going on now. He noted the process was started to look at how to protect the coast. He noted that there is no inventory or vision statement showing where we are going. He stated if the PAC adopts the changes to the County, they would go countywide. He noted there is no basis to jump into processing and tourism.

**Susanne Perkins:** She noted that the purpose is to provide supplemental income to support struggling agricultural and ranch uses. She believes that overnight stays are a great supplemental use as long as there is a low threshold to keep impacts low.

**Bill Georgi, Nojoqui Falls Ranch:** He was unwillingly drug into the coastal plan process. He would like to have vehicle trips analyzed, for example on Jalama Road you have large number of vehicles that impact adjacent uses. Their ranch is experiencing impacts from traffic on Nojoqui Falls Road with vehicles crossing the property. He supports allowing additional uses on agricultural land and provided examples. He also expressed support for RVs since they are self contained, have sanitation onboard and would have fewer impacts.

**Bob Field:** Discussed how the winery ordinance was the first in the county that added non-agricultural commercial uses to agricultural zoning. He discussed direction from the Board of Supervisors to planning as a number one priority to work on the winery ordinance. He is concerned about adding non-agricultural commercial uses without an adequate monitoring mechanism to keep them under control and provided examples of a winery in Santa Ynez that holds events without County oversight that they meet the permitted number of events. He noted that trust based systems will not work, and provided an example of winery representatives not being forthcoming regarding the number of events they are holding. Events are not being monitored by the County. He disagrees that scaling will address the issues and believes that monitoring, enforcement and a meaningful penalty are required.

**Subcommittee Responses:** Baer responded to Susan Petrovich’s comment noting that the issue of Fire Department review for fire code consistency is addressed in the footnotes. Van Leer responded to Mike Lunsford by noting that most of the activities three are non-agricultural related and the rest that benefit agricultural uses and are very much needed. For farm stands they are following the state guidelines which have clear standards to follow. Anyone who tries to go beyond the requirements would be required to get a permit. They are also trying to get more visitors to the farms to give tours so people understand what they do. As for non-agricultural uses, he provided examples of how the exemptions incorporate thresholds and detailed how in some instances, such as guest ranches, they did not allow an exemption and went right to a permit. He noted that he welcomes comments. Kimball emphasized that the actions are necessary to help assist agricultural viability by providing for supplemental income.

**Public Comment:**

**Mike Lunsford:** Reiterated his concerns that the decisions be fact-based.

**Les Freeman:** Noted that no one is making money in agriculture on the coast.



**Subcommittee Responses/Deliberation:** McGinnis asked for further input on campgrounds noting the intent is to provide additional opportunities, and avoid unintended impacts. Bowman described the challenges of operating a campground within the rules and the time spent monitoring guests is a significant issue. She believes additional discussion is warranted and that control and monitoring issues need to be addressed for the sake of the rancher. Tautrim noted that it is not an easy thing to do. These are intended to be back country, low-impact sites. These issues can be addressed in the purpose and intent. He does not want a land owner to be breaking the law accommodating a request from the Boy Scouts to use their land for camping. He noted that most of these uses are currently allowed with a permit. He also responded to Bob Field noted he believes enforcement is important, but that this discussion is not focus on enforcement. Currently, the system is complaint driven and can be improved. McGinnis, responded to Susan Petrovich, that there were no exemptions in Small Scale Guest Ranch category because there were too many considerations and that small scale camping was not allowed in the view shed because of the cars accompanying the use.

Kimball inquired of the GavPAC whether they had further modifications to the uses. Feeny expressed he did not have a problem exempting fishing and horseback riding. He agrees that in regards to 15 camps with 2 cars will add up to more cars. He would prefer 10 sites and one car per site or campgrounds should require a tier one land use permit. Caltrans will have a concern about trips on the highway. McKenna asked whether the users would be required to notify the county. Boise-Cossart would like an over-the-counter permit to be required and the number of campsites be reduced to five and limiting days per year to ninety. Kimball asked whether to forward the issue to staff to resolve

Tautrim recommended tabling the issue and sending it back to the agricultural subcommittee to resolve and bring back at a later date. The chair agreed and the item was tabled.

#### **Agricultural Production:**

Van Leer described the exemptions for greenhouses and clarified the number of greenhouses allowed and the cumulative number of structures allowed in response to questions from the GavPAC. Lackie noted that the Uniform Rules for Agricultural Preserves notes a distinction when there are multiple parcels between premises and parcels. McNabb requested more information about how the grading element affects what is going on. She also noted small and all animal keeping should be a category since it is a rural use. Van Leer noted that the discussion was on uses that don't already have exemptions, and therefore Bee Keeping and Small Animal Keeping could be removed from the list because they already exist and the committee members concurred. Feeny expressed that the previous concern over car trips and expressed that it's hard to know what is going on inside of buildings. He does not want to include unenforceable standards in regards to where a product is coming from and wants to know why we care where it comes from. Tautrim indicated that restricting the area which produce comes from is a cap on scale. Feeny noted that a cap on building size achieves the limits on scale. Van Leer, McGinnis and Tautrim pointed out the notes cite the Agricultural Commissioner's limits for transport of certain crops across boundaries to limit disease, such as sudden-oak death and that restricting where produce comes from also limits carbon emissions. Boise-Cossart asked for better definitions for greenhouses, is concerned about the term "structure" in regards to the use potential, and expressed support for the definition of product preparation.

#### **Public Comments/Questions and Responses:**



**Mike Lunsford:** Expressed concern regarding the size of structures and wishes to restrict the volume of use and believes that size would achieve that. He is concerned about visual impacts along the main corridor.

**Bob Field:** Expressed a need for the distinction between large and small impacts. He cited the lack of monitoring of winery events compared to frequent reporting on water quality and stated the key is to require the person with the privilege to pay for the monitoring.

**Susanne Perkins:** She would not place a 10,000 square feet condition the size of a barns, since it is not very big. Rather the burden should be on the property owner to protect the view shed through design and visibility. She is opposed to restricting horse use and would like the small animal exemption expanded.

**Susan Petrovich:** Questioned the purpose of having no new structures requiring a permit and understands the purpose of conversions and size limits. Baer responded that the focus is on exemptions and preparation facilities that could be accommodated in existing buildings, however new buildings would need a permit. Petrovich indicated permitting is more expensive.

**Bill Georgi:** Questioned the definition of critical view shed. Kimball explained that it is a mapped area from the highway and public view points. McKenna explained that the critical view shed is south of 101 and extends to the ridgeline north with exceptions for brief views of some interior valleys and clarified that agricultural buildings are exempt. Tautrim indicated that it applies to residential buildings only. McKenna clarified, that a building can be located in the view shed if you can use natural landforms to ensure it can't be seen its fine.

#### **Plant Nursery/Farm Stands and Firewood Processing**

Van Leer reviewed the uses and discussed the appropriateness of nursery use and the addition of scalability and deferring to state guidelines for farm stands. Tautrim discussed existing buildings and electricity needs and farm stands. He described a trend toward local food movement and that farm stands were difficult to permit. He cited the new state regulations for farm stands which are more permissive than local rules. He expressed a desire to allow sales of artisanal goods. Van Leer noted that you currently cannot grow native plants, these rules will allow that. The existing sizes for the farm stands in the coastal zone is limited to 200 square feet and inland area 600 square feet to address scalability.

#### **Public Comments/Questions and Responses:**

**Susan Petrovich:** Questions why commercial plant nurseries are not allowed in the coastal zone and inquired why a new building is not permitted. Kimball noted that the discussion is in regards to exemptions but it does not apply to new structures.

**Mike Lunsford:** Definitions of incidental or subordinate should use an economic measure. In regards to firewood sales, his concern is in regards to tree cutting on properties and having an unintended impact. Van Leer noted there are rules applicable to. McGinnis expressed that limits should be added to limit use native trees for firewood only. Van Leer noted trimming oak trees is beneficial.

#### **Agricultural Processing**

Kimball inquired whether the GavPAC had comments or questions, seeing none, opened public comment.

#### **Public Comments/Questions and Responses:**



**Susan Petrovich:** Noted a typo in the table on number 4. Van Leer noted it should be deleted from the table.

**Les Freeman:** Noted that slaughtering is subject to strict federal regulation. Lackie noted that the Gaviota agricultural processing overlay is a tool to apply to certain uses and could benefit the agricultural community. He noted that processing beyond the raw state is not currently allowed. During the Uniform Rules language defining the activity was developed, and although not adopted, is a good starting place.

### **Educational Experiences**

Kimball opened the discussion by members of the GavPAC. McNabb inquired as to why educational experiences were included in rural recreation. She supports it and inquired as to whether the County has a Visitor Serving Zone District. Lackie clarified it is its own zone district with regulations. Tautrim pointed out the problem they were addressing is the conditional use permit required for educational experiences, such as teaching children about farms is too strict. In response to a question about the definition, Lackie noted a need to make an edit. McGinnis noted an edit to the text.

### **Public Comments/Questions and Responses:**

**Susan Petrovich:** Inquired whether English as a Second Language trainings that are very beneficial to agriculture that is not a school be considered.

**Mike Lunsford:** Definitions of incidental are again needed. Not clear if you are limiting to education facilities or for profit. He asked for clarity regarding exemption and Tier I and between commercial and non-commercial. Baer clarified it could be for profit or not for profit. Tier I is defaulting to existing zoning.

**Bob Field:** Described temporary special events that were described as incidental to relatively minor agricultural uses that resulted in a defacto rezone to commercial. Agrees that an economic test (hours, square feet) as to what is incidental.

**Susanne Perkins:** Described an example of having urban children attend a foaling on the ranch. She supports bringing people out to experience farms and ranches.

**Ann Coates:** Provided an example of the Botanical Gardens charging a stipend for tours. She hazarded that such fees and profits should not preclude this type of activity.

Tatum and Field clarified that the winery noted in Field's example was actually not permitted but denied by the County. McNabb sought further clarification regarding equipment definitions. Lackie described non-agriculture related temporary uses such as pipe storage or crab traps identified during the exempt use discussions. Bowman noted that should be a time limit to storage. McKenna cited the exemption for non-agricultural storage and expressed that he would rather see zero (none).

**Mike Lunsford:** Described an example of pipeline storage at Refugio State Beach that destroyed a section of coastal sage and recommended there be a requirement to restore storage sites after construction.

**Les Freeman:** Stated that requiring staging areas to be located far from a project site is not practical.

Kimball noted the PAC is focusing on exemptions not permits for projects that would include temporary storage areas. Boise-Cossart inquired further regarding storage. Baer noted the subcommittee went in the direction of limiting storage to certain areas. Tautrim inquired as to whether storage areas should be located outside the view shed. Boise-Cossart expressed that this exemption would allow permanent commercial storage uses in the view shed.



**Linda Tild:** Expressed that she did not want storage areas located in the view shed. Lackie described current regulations and Van Leer expressed a clear understanding of the issue and direction on the issue.

### **Small Scale Guest Ranch**

Kimball opened the discussion by members of the GavPAC. McGinnis described the committee's efforts to avoid permitting a building and having it convert to a guest ranch. Tautrim noted the intent was to keep the use subordinate to the principal agricultural use and asked for input from the GavPAC. Lackie added that the numbers of persons came from state regulations and that the state Department of Conservation approves of guest ranches as a use on agricultural preserves.

### **Public Comments/Questions and Responses:**

**Nathan Korman:** Asked and Lackie verified that currently a CUP is required. The speaker expressed a concern that the 5 year requirement be abused, such as a barn that could be converted to a guest ranch. Van Leer noted the intent to avoid abuse. Tautrim noted this is a potential loophole.

**Anne Coates:** Recommended including the word "habitable" to the existing structure description to avoid unwanted conversions.

**Susanne Perkins:** Supports the changes and provided an example of a small guest ranch on an equestrian facility outside the County that generates revenues and is a huge benefit to the owner. She noted that it did not generate a lot of traffic.

**Michael Lunsford:** He notes that the previous example the use is not agriculture, in that it does not produce food and fiber. It would result in hard work that is a diversion from the primary agricultural production. The use was not approved as part of the Uniform Rules for a reason. He sees an advantage in small scale home stays, but is concerned about the scale and questioned whether if you had multiple parcels you could have multiple facilities and should be clarified.

**Susan Petrovich:** Noted she was on the Uniform Rules committee and expressed that the committee was moving in the right direction on the issue of farm stays. They are happening all around the country and supports agricultural viability. She also expressed that she thought that stays of four or fewer guests should be exempt and would avoid permitting costs, be manageable for property owners and have no impacts.

**Bill Georgi:** Expressed support for the approach and the way the language is structured. He questioned the viability of reconstructing a barn into a habitable structure. He wanted to know if a provision could be added that says "...or legal parcel." He noted that they opted to not renew their agricultural preserve contract when the Uniform Rules did not allow the use.

**Bob Field:** Noted there was no restriction on these uses in the Uniform Rules. The proposal was one per parcel, raising the question whether people with multiple parcels could build multiple units. The issue of building age and adding the term "habitable" begins to close the loophole. He believes that a habitable building could be converted and expanded and that they need to be supplemental. He doesn't believe they don't pencil out.

**Les Freeman:** Expressed the purpose of the committee was to support agricultural uses on the coast. He would like to provide for future generations. He asked that the committee be careful about what they are doing.

McKenna does not see 15 persons as being incidental and believes the "per parcel" issue needs to be addressed. Boise-Cossart agrees and would like to add limitations to the number of days and that multi-generation uses be addressed. McNabb noted these are not



—exemptions and the existing permits will still be in place. Multiple parcels would not get a permit. Tautrim noted his support for the local food movement and industrialization of food. The impact to the agricultural use is the issue, therefore no exemption. He would entertain discussing an exemption. He described working farms that had overnight stays and noted that agriculture was the primary use.

### Special Events and Temporary Uses

Kimball opened the discussion by members of the GavPAC. Van Leer described the committee's process in changing the existing permit requirement to allow for profit. Tautrim described that the county's existing standard deterred by not allowing for profit, we capped it at 10. Feeny expressed that the number of people and event days are too many to not require a permit. McGinnis agreed and expressed the intent was to allow for one day to set up, one day to hold event and one day to tear down. Tautrim and McGinnis solicited input. The GavPAC discussed the merits of certain constraints and benefits. McGinnis noted the current cap of 300 is in the regulations. She is interested in capping it further.

### Public Comments/Questions and Responses:

**Nathan Korman:** Event should be defined.

**Bill Georgi:** Noted it is a way of bringing in extra income and cited examples and his support.

**Bob Field:** He supports the concept. Each event day is counted as an event by the county. He suggests that to protect the Gaviota Coast they need to make the definition for events and address the incidental, supplemental question.

**Michael Lunsford:** He wants better definitions and appropriate scale. Do it small if you do it all. There are enforcement problems too.

**Susan Petrovich:** She believes you should consider minimum parcel sizes. She also feels this is not a lot of events and that the scale is not too big.

**Les Freeman:** As a neighbor to the State Park he doesn't see a problem as long as they are not throwing trash and starting fires. Van Leer summarized the changes the Agricultural Subcommittee would address.

**Nathan Korman:** He believes ten events are just right. Baer noted the July 12 Ag Subcommittee meeting to discuss non-agricultural uses and invited public participation.

**9. Long-Term GavPAC Meeting Schedule:** Staff proposed to have two more meetings in July. July 6<sup>th</sup> discussion will be on the CCC's suggested non-agriculture LUDC use modifications and rural clustering tools. On July 13<sup>th</sup> staff would present a policy summary of GavPAC direction to staff, the Gaviota Terminal Company will make a presentation. The GavPAC discussed the topics and asked staff to bring a broader summary of incentives to landowners along with the clustering tools. The GavPAC tentatively rescheduled the July 13<sup>th</sup> meeting to July 19<sup>th</sup>.

**Adjournment** – 9:57 p.m.

Signed Charles D. Kimbell Date 1/25/12  
GavPAC Chair Kimbell

