
Gaviota Coast Planning Advisory Committee

APPROVED MEETING MINUTES MEETING No. 38

Wednesday July 6, 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, Feeny, Kimbell, McGinnis, McKenna, McNabb, Tautrim, and Van Leer

GavPAC Members Absent: Lloyd

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

Bret McNulty, Long Range Planning, Planner

2. Public Comment: None

3. Administrative Briefings: None

4. Meeting Minutes Review and Approval

The GavPAC reviewed the revised minutes from Meeting No. 34 on May 25, 2011.

ACTION: McGinnis moved to approve the revised Meeting No. 34 minutes seconded by Bowman approved 10-0.

Chair Kimbell, with concurrence of the GavPAC changed the order of the agenda, moving **Item 6, Discussion of Incentive Approaches for Landowners** to become the next item on the agenda.

5. Discussion of Incentive Approaches for Landowners

Deliberation: Members of the GavPAC discussed the Cachuma Resource Conservation District (CRCD) and Natural Resources Conservation Service's (NRCS) Partners in Restoration inland and coastal permit process improvements.

Public Comment:

Susan Petrovich: Noted that permit process improvements are a good idea and should not be limited to wetland areas.

Deliberation: Feeney cited the Goleta Slough, discussed the difficulty in obtaining permits from the County and noted that agencies do not relax their permit requirements. Tautrim noted the need for streamlining is created by the system being broken regarding the permitting of beneficial projects. He supports the CRCD and NRCS approach and noted the County has adopted the program for inland areas and needs to do so for coastal areas.



Anne Coates, CRCD Director: Discussed how the CRCD and NRCS have been working with Brian Trautwein of the Environmental Defense Center (EDC) at the GavPAC Ag Subcommittee meetings to address their concerns and integrate their permit exceptions into the Gaviota Coast Plan.

Deliberation: The GavPAC discussed the merits of the inland practices list and their applicability to the coastal zone. McGinnis approved of the progress being made and Baer expressed a desire to review any additions to the program. Tautrim described the difficulty encountered during the process and noted it had been 8-10 year fight. Coates concurred and noted some issues related to the inland list and the Fish and Wildlife Service's Biological Opinion. Baer noted it would not be good to add the list at this time, but it would be considered in the future.

ACTION: Motion by Kimbell, seconded by Van Leer to direct staff to prepare a policy supporting the Cachuma Resource Conservation District (CRCD) and Natural Resources Conservation Service's (NRCS) Partners in Restoration inland and coastal permit practices to the extent feasible along the Gaviota Coast.

Deliberation: The GavPAC discussed potential objectives and incentives were identified by the GavPAC and staff input them in real time on the screen. Lackie noted the items listed would be integrated into future policies and implementing measures. Kimbell discussed using a matrix to track policies and implementation of incentives. McGinnis inquired regarding staff resources available to track and apply for grants to provide financial incentives. McKenna supported the use of list or matrix to organize policy objectives and incentives.

Lackie described the next steps in the GavPAC's process. At the next meeting, staff would provide the GavPAC with a list of the all the policy directions culled from previous meeting minutes. The GavPAC would review the list and provide comments at the next meeting, and then staff would take the policy direction and the lists of incentives and implementing actions and organize them appropriately. The list would be provided back to the GavPAC after the break for further review.

6. Discussion of Development Clustering Tools

Lackie briefly reviewed the agricultural cluster concepts in the transmittal including inter-planning area transfers or transfers within larger landholdings and turned the discussion over to the GavPAC for opportunity to provide input to staff in regards to what the incentive is trying to achieve.

Deliberation: Kimbell directed the discussion toward general concepts and asked that discussions of policy be applicable widely in the plan area. He asked for objectives. McKenna discussed examples where residential developments were permitted that have been sited on ridgelines, long and intrusive access roads, and noted he wants to avoid increased density. He wants more clustered, less intrusive development. Tautrim noted that there are opportunities to achieve better siting on parcels through incentives to locate entitled development in more desirable locations. Kimbell questioned the use of clustering as a policy mandate. Lackie described the use of clustering and the ARC overlay to avoid parcelization. The ACD ordinance looked at large holdings to try to preserve active agricultural areas in perpetuity and cluster development. Bowman asked if we are encouraging landowners to cluster existing entitlements or add additional entitlements as incentives. Lackie clarified it could be both limited to the zoning requirements. Baer wants the discussion to include transfer of development rights to other parts of the region.



Public Comment:

Anne Coates wants to include habitat banking and warned against overreliance on clustering which could lead to more impacts due to topography.

Susanne Perkins cited examples of ranches in conservation easements in Colorado and Santa Ynez and noted the need for incentives to keep large ranch holdings intact.

Susan Petrovich noted that similar past projects have not worked in the County.

Deliberation: Van Leer noted that clustering creates impacts on habitat by increasing activity. Tautrim noted mandating clustering would not work, but could work in certain places. McKenna asked if there is an option to provide a permit path for clustering. McNabb noted an example where clustering would remove active agriculture if it were mandated and have to carefully consider where it would work.

Public Comment:

Les Freeman: Clustering increases impacts in small area.

Deliberation: Bowman noted clustering is a tool and is part of a larger transfer of development rights discussion. Kimbell believed it was impossible to make TDRs feasible locally. McKenna raised issues of feasibility of clustering under the Map Act. McGinnis asked if the USFS has applied for joint grant funding with the County. Kimbell asked if the GavPAC wanted to replace the ARC ordinance. Feeney raised doubts that the Board of Supervisors would approve small lots for clustering. He discussed an example of transfer of building rights not currently available under the Williamson Act rules. Kimbell asked to add building rights transfers to be added to the list. Tautrim noted it should be available as a tool. McGinnis does not support additional density. Lackie noted the most recent TDR included pilot projects that increased density. Bowman suggested it be placed in the objectives and incentives list for future consideration. The GavPAC discussed clustering and determined to move it to the incentives list.

Break from 8:00 p.m. through 8:15 p.m.

7. Discussion of Coastal Commission Non- Agricultural LUDC Modifications

Tetley summarized the LUDC revisions that led to the Board of Supervisors rejection of the Coastal Commission's recommended Non-Agricultural LUDC modifications. Tetley detailed the principal permitted uses and clarified the permit requirements for uses. He noted the differences between appealable and non-appealable uses, described the location of the appeals zone boundaries and answered questions from the GavPAC. In response to GavPAC questions, Langle clarified that the CCC set up a series of criteria, including residence occupied by the owner, house size and development area limitations. If your development qualified, it would be a principal permitted use of the property and would not require a Coastal Development Permit nor would the permit be appealable to the Coastal Commission. However, if you did not adhere to the criteria, then you would become a non primary permitted use subject to coastal permit review before the County Zoning Administrator appealable to the Coastal Commission. If you are within the appeals jurisdiction, the criteria do not apply and all permits are appealable. The effect is that for projects considered non-principal uses currently outside the existing appeals jurisdiction would become subject to appeal.



Van Leer asked whether the exemptions being deliberated by Agricultural Subcommittee would become subject to the CCC criteria. Lackie indicated the outdoor recreation uses being considered for exemption would be non-principal uses. McGinnis noted the CCC staff has been receptive to the GavPAC recommendations for agricultural viability. Van Leer did not want to accept the CCC non-principal uses. McNabb noted the CCC does not recognize previously permitted uses that are in existence. The GavPAC discussed non-conforming uses under the coastal permit process. Langle clarified that if uses are determined to be exempt in the LCP and certified by the CCC then they are not subject to the criteria.

In response to questions from the GavPAC, Langle indicated that existing uses could be grandfathered in.

ACTION: Van Leer made a motion and McNabb seconded, directing staff to prepare a policy to "grandfather" in all existing structures and uses.

Deliberation: The GavPAC discussed legal non-conforming structures and making them conforming and defining which structures were to be deemed conforming. The distinction between permitted and non-permitted uses was discussed.

The GavPAC instructed staff to bring back suggested policy language for making non-conforming uses conforming and tabled the motion.

8. Long-Term GavPAC Meeting Schedule: The July 19th meeting topics will include a presentation on the GTC site, a summary of the policy actions taken during past GavPAC meetings, and the CCC LUDC modifications would be tabled for a later meeting after the break. If another meeting is necessary it will be discussed on July 19th.

Adjournment – 9:40 p.m.

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

