



## COUNTY OF SANTA BARBARA AGRICULTURAL ADVISORY COMMITTEE

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October 12, 2018

Board of Supervisors  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

Dear Chair Williams and Honorable Members of the Board:

Subject: Gaviota Coast Plan

The Board of Supervisors created the Agricultural Advisory Committee to provide advice in order to help maintain and enhance agriculture as a viable industry in Santa Barbara County.

Farming and ranching are an integral part of our County's history and heritage. The stewardship provided by our ranchers and farmers assures that this identity and ethic will endure for future generations. Equally important is the recognition that agriculture and ranching are the County's leading industry, accounting for its leading tax revenue source and employing the largest numbers of workers in the local community through direct employment and the many support companies upon which agriculture depends.

In accordance with our responsibility to advise the Board of Supervisors on policies, ordinances, and projects, that have broad implications to agriculture, the Agricultural Advisory Committee (AAC) offers our recommendation and comments to the Gaviota Coast Plan that the California Coastal Commission (CCC) recently adopted.

First, the AAC would like to take this opportunity to acknowledge and express our deep appreciation for the hard work of County Planning staff as well as Supervisor Hartmann and her staff in addressing our concerns and advancing reasonable amendments to the Modifications suggested by the Coastal Commission. This hard work resulted in compromise policies on most of our issue areas that will help support the long-term viability of agriculture in the Gaviota Plan coastal area.

However, a few issues remain.

Modifications to the County's Plan approved by the CCC in three areas represent 1) a loss of the County's local land use authority, 2) a threat to existing agricultural practices, and, 3) a threat to existing and future legal non-conforming uses and development rights. Your Board, in its July 17<sup>th</sup> letter to the CCC offered reasonable policy amendments to these three issues. However, the CCC declined to modify these policies

at your request.

Accordingly, the AAC recommends that in order to address several important policy matters that negatively impact agriculture you Adopt County staff's proposed amendments to the suggested modifications and Resubmit the amended Gaviota Coast Plan for certification as a new LCP Amendment. These policies are described herewith below. We recognize the importance of getting the Plan certified and moving forward with the LCP updates and believe that because the issues are so few and so narrowly focused, the withdrawal and resubmittal process can be achieved on an expeditious basis.

**Expansion of ESH designation – CCC Modifications #2 and 13**

Policy NS-4: We encourage your Board to retain the County's proposal to retain the word "rare" as a qualification for ESH in Policy NS-4. The Coastal staff's new definition essentially establishes any cluster of vegetation as ESH. In fact, the Commission staff's justification for this expansive approach claimed in part that agriculture is a significant threat the ESH and that even disparate assemblage of vegetation qualifies as ESH. This language now declares all vegetation as ESH and as a result, is fundamentally a rezone of the Gaviota Plan Area.

**Flexibility of Buffers in ESH – CCC Modification #2**

Dev Std NS-2: The modification to Dev Std NS-2 and CZO Section 35-440.3 eliminates the County's flexibility to adjust ESH Setbacks and Buffers based on actual conditions on the ground. The Board discussed this issue at length and agreed that an ESH setback or buffer could be adjusted upward *or downward*, based on a biological opinion and the site conditions. The CCC staff's proposed modification to the Gaviota Coast Plan stating there cannot be an adjustment of the buffer downward unless the property owner would be denied reasonable use of the land is unreasonably constraining, especially for agriculture, and, undermines the very idea that this is the County's Local Coastal Plan.

This new policy now places many of our existing agricultural structures and improvements, and even dwellings, into the category of legal non-conforming. This means that in addition to making it much more difficult to secure fire insurance, there is a very real probability that we may not be able to receive permits to maintain, repair or replace these previously legally permitted structures.

**Protection of Legally Permitted Structures – CCC Modification #2**

The Coastal Commission did correctly accept language to amend both Dev Std NS-2 and CZO Section 35-440.3 that protects existing development rights at El Capitan Canyon Campgrounds. The visitor serving use at El Capitan Canyon Campgrounds is an important recreational asset to all of Santa Barbara County.

In fact, the AAC believes that this revision is a responsible approach to protecting existing, permitted development. As a matter of fairness, it is the AAC's position that any landowner who has secured a Conditional Use Permit or Coastal Development Permit should enjoy the same protections that their CUP or CDP provides. Below is our recommended language to amend Dev Std NS-2 and CZO 35-3440.3:

*Dev Std NS-2: ESH Setbacks and Buffers and CZO Section 35-440.3*

*Legally existing development at ~~El Capitan Canyon Campground~~ within the Gaviota Plan Area may be maintained, repaired, replaced, and/or reconfigured provided that it does not result in a decrease in a buffer established under ~~the~~ an existing Coastal Development Permit or Conditional Use Permit.*

This equitable recommendation does not single out one landowner or put other others at risk.

**New Definition of Coastal Resources and Permit Requirements for Agricultural Cultivation and Grazing – CCC Modification #13, Section 35-430, D.2 and 35-430, D.4**

We also have a remaining concern with proposed modification to CZO Section 35-430.D.2 and 35-430, D.4 which limits “existing” agriculture to a 20 year time period and requires a permit to re-start an agricultural use which places an unreasonable burden on landowners to prove historical use. This could be impossible, especially in the case of grazing where land disturbance is minimal and generally undetectable. Consequently, we feel that there is a due process concern here involving the responsibility to prove historical use on the landowner’s shoulders.

The AAC recognizes that the County, the Planning and Development Department and the community have spent a significant amount of time and resources working on this Plan. We also understand that withdrawing and re-submitting the Gaviota Plan is the County’s only available remedy to fix what we consider to be serious flaws. We encourage the Board of Supervisors to support these recommendations and to make sure that these issues are addressed.

Sincerely,



Paul Van Leer, Chairman

**Committee Members**

Bradley Miles  
Ron Caird  
Sharyne Merritt  
AJ Cisney  
Randy Sharer  
Deborah Adam  
Claire Wineman  
Paul Van Leer, Chair  
June Van Wingerden  
Brook Williams  
Andy Mills, Vice Chair  
Jason Sharrett

**Representing**

1<sup>st</sup> District Supervisor, Das Williams  
2<sup>nd</sup> District Supervisor, Janet Wolf  
3<sup>rd</sup> District Supervisor, Joan Hartmann  
4<sup>th</sup> District Supervisor, Peter Adam  
5<sup>th</sup> District Supervisor, Steve Lavagnino  
California Women for Agriculture  
Grower-Shipper Association of SB and SLO Counties  
Santa Barbara County Farm Bureau  
Santa Barbara Flower & Nursery Growers' Association  
Santa Barbara Vintners  
Santa Barbara County Cattlemen’s Assn.  
California Strawberry Commission