



December 2, 2013

Mr. Salud Carbajal, Chair
County of Santa Barbara
Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

RE: Initiation of Draft Gaviota Coast Plan for Environmental Review

Dear Chair Carbajal and Members of the Board or Supervisors,

Turenchalk Planning Services works with several property owners on the Gaviota Coast and we have followed the Gaviota Plan very closely and attended many of the meetings. As you deliberate on the initiation of the Gaviota Plan for Environmental Review, we ask that you consider the following issues:

Incentives: All along, one of the major tenets of the Gaviota Plan has been one of recognizing the historic stewardship role provided by the property owners within the Plan area. As has been stated throughout the Gaviota Plan process, the primary success of the Plan will be achieved through a robust voluntary incentive plan that will encourage landowners to continue and, in many cases, expand on their stewardship roles. The beginnings of such an incentive plan was created by a GAVPAC subcommittee and recommended by the GavPAC for inclusion in the Plan with the intent that the details would be finalized during environmental review. Some have said that the incentives program went too far. Others have stated that it did not go far enough. Regardless, County Staff felt that the incentive program as presented would be too difficult to analyze under CEQA, and therefore simplified it significantly, such that the only incentive left is a Residential Second Unit (RSU) and the only actions that can be taken for this “incentive” are different forms of conservation easements (agricultural, open space, trails, etc...).

There are several issues with this approach including the fact that an RSU may not be a desirable incentive and/or a conservation easement may not be feasible on every property. Having such a narrow incentive program is inconsistent with the desire for an incentive-based Plan as it severely limits owner participation in the incentive program. We urge you to expand the incentives program by reinstating the program recommended by your GavPAC and having it reviewed as part of the CEQA document. During this process there can be an analysis on the pros and cons of the suggested incentives and corresponding actions. Ideally, there would also be recommendations for items that can be added to the Program to make it even more beneficial to the ongoing stewardship of the Gaviota Coast.

We also ask that you support the inclusion and/or adoption of other Planning Tools that would promote environmentally beneficial practices. These include the Cachuma Resource Conservation District’s Partners in Restoration Program, the County’s Agricultural Permit Streamlining Ordinance Amendments, and the development of a Mitigation Bank and In-Lieu Fee program as well as some form of a “safe-harbor” policy which will enable and encourage

landowners to not only protect, but also to enhance resources on their properties without fear of future repercussions for their actions.

MT-Zoning: Some are suggesting that rezoning lands above 40% (or, some say, 30%) with a Mountainous Zone Designation similar to what is found in the Goleta Community Plan would help to project against development on steep slopes and the potential for erosion and impacts to the watershed that could be associated with such erosion. However, as County Staff has pointed out, unlike in Goleta and other areas of the County, steep slopes are not limited to one area, and in fact occur through the Plan area, with many properties being made up of both very steep slopes and relatively flat land. Imposing a blanket rezone may or may not cover all of the steep areas in the Plan area, and is very likely to cover some areas without steep slopes, resulting in a weak solution the problem of development on steep slopes.

More importantly, the MT zoning does more than simply provide provisions for dealing with steep slopes, it also removes the stated intent of the land use on the property from agriculture to resource protection, which has several implications and could affect the potential for a property owner to apply for agricultural grants or participate in the RCD's Partners in Restoration Program. Additionally, the current exemptions from permits for agriculture on slopes of less than 40% only applies if the property is zoned for agricultural use, which means that applying the MT-Zoning with a broad brush would remove that exemption from all of the parcels that include both steep and flat land and would require farmers and ranchers within that zone district to obtain permits for all agricultural work on their property.

A much better alternative is what has been proposed by your Staff, which is a set of targeted guidelines that would address development on steep slopes, and steep slopes only. Fortunately, as has been pointed out, those guidelines already exist - the Cachuma RCD's Steep Slope Standards are accepted erosion control practices that have been applied in Santa Barbara and Ventura counties. These guidelines are currently being updated by the Cachuma Resource Conservation District staff engineer pursuant to Best Management Practices created by the Natural Resource Conservation Service's (formerly the U.S. Soil Conservation Service) and in consultation with the University of California. This is a superior approach that allows agriculture to continue while utilizing the soil conservation experience of the County's partner agencies, the RCD and the NRCS. A combination of the existing grading and brushing ordinances along with the RCD's updated steep slope guidelines should be more than sufficient to ensure that any agricultural work performed on steep slopes is done in a manner that minimizes erosion and the subsequent effects on our watersheds, without having to create a whole new program or enact restrictive regulations on agricultural properties.

Visual Resources/Home Size: So much has been said on this topic as this was discussed at length by both your GavPAC and your Planning Commission as well as several members of the public. The short story is that you can have a really ugly, poorly sited 'small' house just and a sensitively located, aesthetically pleasing 'large' house and neither one of those can be created or avoided with an arbitrary house size cap. The key is in the design and siting guidelines, as well as appropriate incentives. Some are calling for an house size cap to then allow for the ability to add additional square footage as part of the incentive program. As a strong supporter of a more robust incentive program, and in the spirit of promoting voluntary stewardship over restrictions for owners to try to work around, I propose that you consider a list of incentives for property owners voluntarily limiting home size to a certain square footage (or, more appropriately, a certain FAR which is substantially less arbitrary) as an alternative to proposing an arbitrary cap,

and then allowing owners to exceed that if they do x, y or z. It is a nuanced, but very important difference, in that one action rewards the voluntary reduction and the other allows circumventing an arbitrary restriction by performing an action.

Additionally, the fact that the current Comprehensive Plan Visual Policy 2 does not create any flexibility as it does not include the phrase “where feasible” is a very important one for you to consider. Currently we represent a property owner that has had both an exemption and a Land Use Permit appealed because a water tank and agricultural barn intrude slightly into the skyline, from one view point along a public road. Additionally, the appellant claims that the fact that the structure is no longer visible due to the fact that landscaping along the public road has grown to obscure the one place where you could previously see the intrusion into the skyline, should not matter. They are taking the stance that the policy is clear that intrusion shall not occur and that County Staff’s historic allowance of landscaping to screen structures is inconsistent with this policy. The result is a property owner that has spent well over \$50,000 and gone through two Planning Commission hearings, and at least one more, in an effort to get two water tanks and a barn on an agriculturally zoned property. While this is an extreme example, it serves to show what can happen when you do not provide flexibility in policies.

Not only should the Gaviota Plan retain the term “where feasible”, but we feel that your Board should strongly consider amending the current Visual Policy 2 to be consistent and to provide the flexibility necessary (both with “where feasible” language as well as with a clarification that landscaping can be used to soften the visual impact of a structure and avoid intrusion into the skyline) to ensure that agricultural structures do not get caught in this situation in the future.

ESH: ESH in the inland area should continue to be limited to the natural extension of the riparian corridor as proposed by the GavPAC. Additionally, strong attention should be given to how ESH is handled in the Plan area in order to avoid an environment where property owners view ESH as a liability rather than asset. Lastly, it is insulting to insinuate that exempting agriculture from ESH “could result in widespread degradation an elimination of ESH throughout the Plan area” as one of the public comment letters suggests. This flies in the face of the hundreds of years of land stewardship we have seen on the Gaviota Coast. In order to ensure the protection of our agriculture, it must remain exempt from the ESH Overlay provisions. In keeping with the incentive-based approach to the Plan, we suggest that you consider a series of incentives that would result in voluntary protection of ESH and other natural resources rather creating policies that place a burden on our farmers of trying to figure out what is and is not ESH and how to run their agricultural operations so as to avoid it.

Plan Initiation: There are many policies and Ordinances in the plan being included for the purpose of environmental review to allow your Board to make a final decision on Plan elements with the benefit of the results of environmental review. As such, these new policies and Ordinances should receive CEQA review before they are essentially implemented. Additionally, many of the new restrictions and policies being proposed are balanced by more flexibility in other policies, particularly with regard to agriculture. The problem with initiation by resolution is that for the next several years, as the plan makes its way through CEQA review, County adoption and ultimately Coastal Commission approval, all new development will have to be consistent with both existing and proposed policies and where there is a conflict, the more restrictive will apply. That means that all of the restrictions proposed by the plan would essentially be in place, without the benefit of any of the flexibility that is such a key component of the plan.

Thank you for your consideration of these issues as you deliberate on the initiation of the Gaviota Plan for environmental review. Overall, the Plan has a strong potential to continue and, more importantly, expand and enhance protection of agricultural, natural and cultural resources in the Gaviota area, and consideration of these issues will only further those goals.

Sincerely,

A handwritten signature in blue ink, reading "Eva Turenchalk". The signature is fluid and cursive, with the first name "Eva" and last name "Turenchalk" clearly distinguishable.

Eva Turenchalk, AICP
LEED® Accredited Professional
Turenchalk Planning Services