



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Mindy Fogg, Interim Deputy Director
Long Range Planning Division

DATE: August 24, 2016

RE: Gaviota Coast Plan – Memorandum for August 31, 2016 Planning Commission Hearing

At the July 27, 2016 hearing, the County Planning Commission considered the Gaviota Coast Plan (GCP), received testimony from the public, and asked questions of staff regarding the Draft Final Environmental Impact Report (EIR), the Draft Final GCP, and the proposed ordinance amendments, and continued the hearing to August 31, 2016. This memo responds to the Planning Commission's questions. Staff recommends that the Planning Commission consider these responses and new information and provide additional direction to staff.

Staff will return at a subsequent hearing with revised documents (ordinance amendments, plan policies, etc.) as necessary to reflect the Planning Commission's direction and recommendation to the Board of Supervisors. Staff will also prepare a Revision Letter to the Final EIR addressing any changes to the GCP and ordinance amendments recommended by the Planning Commission, including some revised responses to comments on the Draft EIR.

I. Response to Letters Received on July 27, 2016

The Planning Commission directed to staff to consider and respond to certain issues raised in three letters submitted for the July 27, 2016 hearing. These letters were submitted by the Environmental Defense Center (EDC), the Law Office of Marc Chytilo, and the County Riding and Hiking Trails Advisory Committee (CRAHTAC).

The Final EIR is a complete, accurate, adequate, and good faith effort at full disclosure under CEQA. With the preparation of a Revision Letter to address any changes to the GCP recommended by the Planning Commission and to further address certain comments on the Final EIR as discussed below, the Final EIR is adequate for adoption of the GCP.

A. *Environmental Defense Center*

The EDC submitted a letter dated July 26, 2016 that reiterates its primary concerns regarding 10 issues with the Draft EIR. The following discussion restates these issues and responds to each. A revised response to comments will be incorporated into the Final EIR.

1. *The FEIR's Cumulative Impact analysis remains deficient because it fails to include potential impacts from the Phillips 66 Rail Spur Project.*

Upon further review, the Phillips 66 Rail Spur project will be added to the list of projects considered under cumulative impacts and the cumulative impacts analysis will be clarified as needed in the Revision Letter to the Final EIR. The pending Phillips 66 project is located within the County of San Luis Obispo and is currently undergoing hearings before the San Luis Obispo County Planning Commission. If approved, trains carrying oil would pass through the Gaviota Coast Plan Area along the Union Pacific Railroad (UPRR). The County of San Luis Obispo prepared an EIR that determined significant and unavoidable cumulative impacts to several resources, including Agricultural Resources, Air Quality and Greenhouse Gases, Biological Resources, Hazards and Hazardous Materials, Public Services and Utilities (fire protection and emergency services), and Flooding and Water Resources (water quality). Based on staff's preliminary review, the addition of the Phillips 66 project to the GCP EIR's cumulative impacts analysis is not expected to substantially change the conclusions of the EIR and the GCP's contribution to cumulative impacts is expected to not be cumulatively considerable.

2. *The FEIR must address impacts caused by the Plan's inconsistent application of the Mountainous Zone District.*

The Land Use Element of the Comprehensive Plan defines the Mountainous Area (MA) land use designation, including criteria for where it would be appropriate to apply the designation. However, the Comprehensive Plan does not mandate that all lands meeting the criteria must be designated MA and the County may use discretion in its application. Zoning proposed under the GCP is applied consistently. The Mountainous-Gaviota (MT-GAV) zone is applied to lands with the MA land use designation and the Agriculture-II (AG-II) zone is applied to lands with the Agriculture (A-II and AC) land use designations. Therefore, the Board of Supervisors initiated plan is not a misapplication of the MA land use designation and there is no inconsistency between the GCP and the Land Use and Development Code (LUDC).

CEQA requires an analysis of the environmental impacts of a proposed project. In this case, the project (the GCP) proposes to designate and zone public lands within the Los Padres National Forest as MA and MT-GAV, respectively. Parcels that would be zoned MT-GAV would become more protected as the number of uses allowed are fewer than allowed under the AG-II zone, or require a higher level of permit. The GCP proposes to

zone private lands as AG-II, consistent with the existing A-II and AC land use designations for private lands. Some of these lands are already zoned AG-II. The others are designated with outdated Ordinance 661 agriculture zones. No substantive change in allowed uses would result from these rezones and thus, no increase in potential impact levels. The Final EIR adequately analyzed the impacts of these land use and zoning designations and determined impacts to land use plan consistency (Impact LU-3) to be less than significant (Class III).

3. *The FEIR fails to analyze the land use impacts of allowing oil and gas development, pipelines, mining, electrical substations and other incompatible uses in the MT-GAV Zone.*

The Final EIR does not fail to analyze impacts associated with uses allowed under the proposed MT-GAV for several reasons. First, CEQA requires an analysis of the environmental impacts of a proposed project. The GCP does not propose oil and gas development, pipelines, mining, electrical substations or other uses listed for the MT-GAV. The GCP also does not propose to allow new such uses (oil, gas, pipelines, etc.) in the MT-GAV zone that could not be pursued now under current zoning. It is not reasonably foreseeable to anticipate how many of these uses might be proposed within the Los Padres National Forest or whether any of these uses would be proposed.

Second, the uses proposed for the MT-GAV are the same uses that are allowed in the other MT zones of the County (MT-GOL and MT-TORO) as well as within the Resource Management zone (RMZ). With the exception of pipelines, these uses are conditional, that is, they would only be allowed with a Conditional Use Permit after careful consideration and environmental review for a specific project proposal. Whether any of these identified uses would be proposed for the lands to be designated MT-GAV (all public lands within the Los Padres National Forest) is too speculative for analysis in a Program EIR.

Third, as discussed in the Final EIR's response to comments, a Program EIR for a community plan considers the impacts of future development under a reasonable scenario of buildout over a 20-year planning horizon. It would be speculative to assume and analyze impacts of unknown development that could be proposed for all possible uses. The number, type, and scale of such projects, and individual project details are unknown and not foreseeable, and thus, too speculative for analysis.

4. *The FEIR should include a mitigation measure requiring mapping of ESH in the Gaviota Plan Area.*

As discussed in response to comment DEIR 17-21, the Final EIR does not include a mitigation measure requiring mapping of ESH because the GCP already includes Action NS-3, which directs the County to map riparian habitat and add it to the ESH Overlay (a task to be accomplished with adoption of the GCP), and Action NS-7, which directs the

County to seek funding and finish mapping biological habitats. Additionally, project-level mapping would be required on a case-by-case basis during review of project applications. More detailed habitat mapping at this time is infeasible given the size of the Plan Area, the number of parcels under private ownership, and the number of vegetation types identified as ESH in the Plan Area. While mapped ESH provides a tool to assist in locating and avoiding environmentally sensitive habitats, the ESH-GAV and ESH (Coastal Zone) overlays require the protection of the habitat under the provisions of the overlays wherever the habitat occurs. Thus, ESH protection measures are not limited to mapped habitat only.

5. *The FEIR failed to disclose and mitigate impacts from the unprecedented annual removal of ESH allowed under the ESH-Gaviota Overlay Ordinance.*

The proposed ESH-GAV Overlay zone proposes to allow up to 5,000 square feet of sensitive vegetation removal and/or removal along 50 linear feet of creek bank within a 12-month period. This allowance differs from other community plan's ESH regulations, which would allow for one-time removals only. However, the EIR analyzes the potential impacts of development buildout over a 20-year planning horizon, including fuel/vegetation management and clearance to maintain defensible space around structures. The EIR also analyzes the effects of the proposed ESH protection policies of the GCP and the proposed ESH-GAV Overlay regulations, which would reduce potential impacts to biological resources from future development under the GCP. Staff recommends that the provisions of the ESH-GAV Overlay be revised to remove the annual removal allowance. This revision would be consistent with typical County ESH provisions that allow for one-time removals only.

6. *The FEIR did not mitigate significant impacts to biological resources caused by the ESH-Gaviota Overlay Ordinance's exemption for agriculture.*

The EIR analyzes the potential impacts of development buildout over a 20-year planning horizon, including fuel/vegetation management and clearance to maintain defensible space around structures, as well as the effects of the proposed ESH protection policies and ESH-GAV Overlay regulations, which would reduce potential impacts to biological resources from future development under the GCP. The EIR also analyzes agricultural uses and activities that would be exempt from the provisions of the ESH-GAV Overlay in its assessment of significant impacts to biological resources. Exempt agricultural activities include those activities that are exempt from permits. Currently, agricultural activities in the Inland Area are not considered development and are not subject to permits. The proposed GCP and ESH-GAV Overlay would not change these requirements. New agricultural buildings that require permits would not be exempt from the ESH-GAV Overlay. The GCP's Natural Resources Stewardship and ESH policies and the LUDC ordinance amendments creating the ESH-GAV Overlay do not substantively change the effects on environmentally sensitive habitats resulting from agricultural activities, but do mitigate effects associated with new development, including

new agricultural buildings, fuel management beyond the minimum required by County Fire, and indiscriminate sensitive vegetation removal that is not part of exempt agricultural activities. While the EIR incorporates mitigation measures to reduce impacts to biological resources, the EIR concludes that residual impacts would be significant and unavoidable.

EDC suggests a mitigation measure that would require ESH apply to agriculture but with broader allowances before requiring permits. However, the County maintains policy objectives to protect and support agriculture as well as biological resources, and the GCP incorporates both of these objectives. To apply the ESH provisions to agricultural uses that are exempt from Land Use Permits would be a departure from how agriculture is treated in most community plan ESH overlays. For example, ESH-TORO does not apply to activities “directly related to an agricultural use on a lot with an agricultural zone designation,” and in Goleta and Eastern Goleta Valley, the ESH-GOL Overlay does not apply to rural agricultural zones. EDC’s suggested mitigation measure in an area where agriculture constitutes the primary land use would not meet County and community objectives to support agriculture.

7. *The FEIR did not respond to EDC’s comments concerning the FEIR’s impact analysis and mitigation of the Plan’s ESH-Gaviota Overlay Ordinance application on a per-holding, per-habitat or per-parcel basis.*

The proposed ESH-GAV regulations are modeled after the regulations of other community plan ESH overlays, all of which are applied on a per parcel (i.e., legal lot) basis. The EIR analyzes the potential impacts of development buildout over a 20-year planning horizon. The EIR also analyzes the effects of the proposed Natural Resources Stewardship policies of the GCP and the proposed ESH-GAV Overlay regulations, which would reduce the potential impacts of future development to biological resources. The EIR requires mitigation to further reduce impacts but concludes that residual impacts would be significant and unavoidable. Therefore, the EIR analysis is adequate. Staff does not recommend applying a different standard of review to Gaviota.

8. *The FEIR should include a full analysis of the impact of water diversions from streams on biological resources and species.*

As introduced in the response to comment DEIR 4-9, the EIR prepared for the GCP is a Program EIR that analyzes potential impacts of plan buildout and implementation and provides program-wide mitigation measures. As a Program EIR, the level of detail included in the project description is general, as individual development project details are not available or would be too speculative for a cogent analysis. With regards to water diversions from streams, the Gaviota Coast Plan does not contain any regulations that would encourage or discourage this use. Whether a new residential development or agricultural operation would be served by stream water rather than groundwater, or how many projects might do so, is unforeseeable at this time. Therefore, the EIR did not

include a full analysis of the impacts of stream water diversions on biological resources. However, stream water diversions are regulated by the State and are not allowed without permits from the County. As discussed in response to comment DEIR 4-9, a Program EIR does not relieve future development projects under the proposed GCP from compliance with the requirements of CEQA. Individual projects may require a more precise, project-level analysis to fulfill CEQA requirements. The lead agency shall determine the level of review needed, and the scope of an analysis will depend on the specifics of the particular projects.

9. All Alternatives in the EIR Must Ensure Consistency with the Coastal Act.

Some language in Alternative 1 misstated the purpose and intent of Alternative 1, which resulted in an inconsistency in the EIR between Alternative 1 and the policy consistency section identified by EDC. The intent of Alternative 1 is to provide additional policy language and ordinance amendments that seek to further enhance consistency of the GCP with the Coastal Act and the County's Local Coastal Program. One can revise policies or ordinance provisions to enhance consistency but that does not mean that the original proposed language is inconsistent. Ultimately, it is the final adopted version of the GCP that must be found consistent with the Coastal Act. Alternative 1 will be clarified to remedy this misstatement.

10. Alternative 3 Must be Removed, As Currently Proposed, or Revised to Substantially Lessen or Avoid the Plan's Significant Impacts.

CEQA's mandate is to include a range of project alternatives that "would avoid or substantially lessen *any* of the significant effects of the project" [emphasis added], not avoid or substantially lessen *all* of the significant effects of the project. Successfully implementing any one of the public benefits identified in the Board of Supervisors-initiated incentives program, including the additional benefits identified in Alternative 3 would generate beneficial effects to recreation, biological resources, or cultural resources, thereby offsetting (or reducing) other impacts of buildout to these resources. In addition, as discussed in the response to this comment in the Final EIR, any Residential Second Unit (RSU) permitted under the incentive program would be required to comply with specific development standards (including clustering of detached units with the primary residence) and all of the policies of the GCP designed to reduce impacts of development. Such development would also be required to comply with the GCP's Design Guidelines.

B. Law Office of Marc Chytilo

The Law Office of Marc Chytilo submitted a letter dated July 26, 2016 commenting on several issues regarding the EIR and the Draft Final GCP. The following discussion restates six of the letter's seven issues and responds to the concerns incorporating information requested by the Planning Commission. The seventh comment states that the EIR failed to study alternatives to the exemption of agriculture from the provisions of the ESH Overlay. The EIR analyzed a

reasonable range of alternatives and is not required to analyze all alternatives proposed by the public. Other comments regarding the seventh issue are addressed in response to EDC issue number 6 above.

1. *The EIR Fails to Identify and Analyze the Potentially Significant Impacts of Incentivizing RSUs on Agriculturally zoned Land.*

The EIR adequately considers the potential impacts of the proposed GCP, including the incentive program under Action LU-4, Action LU-5, and Action LU-6, which would allow RSUs on AG-II zoned land under limited circumstances. As discussed in the response to comments, including responses to DEIR 4-9 and DEIR 20-22, the EIR analyzes the impacts of future buildout that would be allowed by the GCP under a reasonable worst-case scenario over a 20-year planning horizon. The EIR does not describe impacts that may be generated by every possible accessory structure or conditional use that might occur because such details are unforeseeable and thus, too speculative for analysis.

Similarly, RSUs would only be allowed on agriculturally-zoned land if a landowner decided to pursue such development in exchange for providing one of the public benefits offered by the incentive program. The program is entirely voluntary and requires a landowner to make a significant contribution to benefit the public and further other plan objectives. For reasons discussed in more detail below, it is speculative to presume how many landowners might pursue this voluntary program, and thus, too speculative for analysis.

Two factors currently limit the number of parcels eligible to participate. First, the County proposes to move forward with only one component of the program at this time: the offer of a trail easement in exchange for applying for a RSU, which would limit the number of eligible parcels to those with a proposed trail corridor depicted on the PRT maps. A future ordinance amendment would be necessary to implement the habitat restoration, agricultural or conservation easements, or historic preservation components, which would be subject to CEQA compliance as part of an amendment process.

Further limiting incentive program participation, approximately 60,321 acres within the GCP area (76% of privately-held land and 60% of total land) are under Williamson Act contracts for agricultural preserves. The County's Uniform Rules for Agricultural Preserves and Farmland Security Zones allow for limited residential opportunities on contracted land. RSUs on AG-II zoned land are not currently identified as an allowed housing type on contracted land. Thus, these uses would not be allowed on AG-II zoned contracted land unless the Uniform Rules are amended in the future.

The letter also states that RSUs allowed under the incentive program would create a disincentive to participate in the Agricultural Preserve Program, causing landowners to cancel contracts, and thereby leading to long-term agricultural viability impacts. The

Williamson Act offers a significant incentive for landowners to maintain their lands in agriculture by providing reductions in property taxes. Landowners leaving a contract must typically enter into the nonrenewal process, which takes nine years from the time the process begins. During that time, property taxes are raised periodically but the land must remain consistent with the uses allowed under the Uniform Rules until the contract fully expires. It is unlikely that the RSU benefit a landowner may garner from participating in the incentive program would offset the higher property taxes a landowner would pay upon leaving the Agricultural Preserve Program. These issues further demonstrate how speculative it would be to presume how many contracts may not be renewed in order to develop a RSU in exchange for a trail easement or other public benefit action, when the use would not be allowed for nine years.

Finally, as discussed in the response to comment DEIR 17-27, any RSU permitted under the incentive program would be required to comply with specific development standards (including clustering detached units with the primary residence and other standards identified under GCP Action LU-6 and listed in the ordinance amendment) and all of the policies of the GCP that would reduce impacts of development. RSUs would also undergo design review and follow the GCP's Design Guidelines.

2. *The EIR Overstates Impacts from Recreational Facilities.*

As explained in the response to comments to DEIR 4-13 and DEIR 20-15, the EIR's analysis of impacts resulting from the buildout of the PRT is adequate and the EIR's assumption of the worse-case scenario for analyzing these impacts is sound. The GCP incorporates policies, development standards and actions that would reduce impacts associated with siting and constructing trails within the general corridors depicted on the PRT maps. In addition, mitigation MM PR-1 requires adopting Trail Siting Guidelines concurrently with the GCP. As discussed in the EIR, it is the uncertainty regarding the precise, final, on-the-ground locations of trails that leads to the conclusion of significant impacts because not all of the trail siting and construction measures built into the GCP and the Trail Siting Guidelines may be feasible to reduce impacts to less than significant. All feasible measures have been incorporated; thus, it would be speculative to develop site-specific mitigation when site-specific details are unknown.

3. *The EIR Fails to Address Impacts of Residential Buildout on Established Public Use.*

The letter states that the EIR must include an analysis of the potential impacts of residential buildout on historic public recreational use, and include mitigation measures to preserve the public's ability to access historically used areas. Responses to comments to DEIR 4-6 and DEIR 20-13 adequately addressed these concerns. Although it is possible that a future development project has the potential to lead to closure of an informal beach access point, it is speculative to presume that implementation of the GCP would result in closure of an informal access way. An analysis of potential impacts of such closure in a Program EIR would be speculative for several reasons. First, a relevant

analysis would require project- and site-specific details of any given proposal. Second, all opportunities for retaining an informal access point and acquiring it as a formal, dedicated access easement would be assessed during individual project review, as required by the existing Local Coastal Program and the proposed GCP. Third, the timing and location of any future development application submittal is uncertain. Finally, the GCP includes new and enhanced policies and actions, including development incentives, to encourage dedication of easements and increase opportunities for easement acquisition.

4. *Inadequate Analysis and Mitigation of Visual Resource Impacts to Residential Buildout.*

The letter raised two concerns regarding visual resource impacts: that a maximum house size limit is necessary to reduce visual impacts and that two visual resources policy edits would make them more effective. To address the first concern, the Planning Commission requested staff return with additional information regarding development trends associated with house size within the Gaviota Coast Plan Area.

Attachment B includes housing size data for the Plan Area. The data is presented for dwellings permitted prior to Fall 2010, and for newer dwellings permitted up through the present day. Housing size is presented in two different ways: 1) dwelling size for “living area” only, and 2) dwelling size for living area inclusive of garage and basement square footage.

The EIR analyzed the impacts of residential development on visual resources and determined that the policies, actions, development standards, and site design hierarchy of the GCP would reduce impacts. In addition, the EIR identified mitigation that requires adoption and implementation of Design Guidelines that would mitigate visual impacts to less than significant levels. As these impacts would be mitigated to a less than significant level, additional mitigation such as the proposed maximum house size is not required.

Regarding the request to modify two policies, the Critical Viewshed Corridor (CVC) Overlay is proposed to provide greater protection of ocean and mountain views from Highway 101 (Policy VIS-12), and Policy VIS-13 has been drafted to screen development as seen from Highway 101, consistent with the purpose of this overlay. However, the Planning Commission has the discretion to recommend changes to Policy VIS-13 to state that development within the CVC shall be screened to the maximum extent feasible as seen from public viewing locations rather than from Highway 101.

Staff has also reviewed the proposed edit to Policy VIS-2 and recommends deleting “outside of the Critical Viewshed Corridor” from the policy. The edit would ensure Policy VIS-2 is most consistent with Coastal Land Use Plan Policy 4-3.

5. *Inadequate Mitigation for Agricultural Resource Impacts.*

The EIR determined that the impacts to agricultural resources (direct impacts resulting in conversion of agriculture to other uses and indirect impacts due to land use incompatibilities) would be less than significant. Therefore, mitigation is not required. These less than significant impacts are due in large part to the policies, actions and development standards put forth by the plan to locate development where it would not impact the agricultural resources. It should be noted that zoning does not require the land to be put to a certain use. Whether a property is developed with a large or small house or no house at all, a landowner cannot be forced to farm simply because the land is zoned for agriculture. Therefore, the letter's proposed mitigation is not required.

6. *Unaddressed Inconsistency Between the Proposed Plan and Adopted Plans and Policies and Associated Land Use Impacts.*

The letter identifies an inconsistency between proposed GCP Policy VIS-3 and adopted Land Use Element Visual Resources Policy 2 and Coastal Land Use Plan Policy 4-3. As cited in the letter, the adopted policies state that "structures ... shall be sited so as not to intrude into the skyline as seen from public viewing places." Proposed Policy VIS-3 modifies this policy direction by providing an exception "where feasible." Staff recommends "where feasible" be deleted from Policy VIS-3.

C. *County Riding and Hiking Trails Advisory Committee*

In its letter dated July 27, 2016, CRAHTAC recommended the addition of a new subsection to the Parks, Recreation, and Trails chapter of the GCP to specifically address parks and open space, including a new policy and a new action item. The language proposed by CRAHTAC would provide additional direction to the County to encourage potential future acquisition of four properties for parks and open space. Two of these (Dos Pueblos Canyon and Edwards Point) are already designated and would continue to be designated with the Proposed Public or Private Park/Recreational Facility Overlay, a land use overlay. CRAHTAC requests that the other two properties (Las Flores/Coral Canyon and Gaviota Marine Terminal) also be designated with this overlay. P&D and County Parks staff has reviewed the proposed policy and action. The Planning Commission has the discretion to recommend additional policies which support its recommendation to the Board of Supervisors. If the Planning Commission directs staff to incorporate additional policies, staff will return with refined language for a final recommendation to the Board of Supervisors.

II. EIR Errata

The Planning Commission directed staff to make corrections regarding three items in the Draft Final EIR.

1. The Sherpa Fire (approximately 7,474 acres), which started on June 15, 2016, and was not fully contained as the Draft Final EIR went into production, will be added to Table 4.9-2 on page 4.9-6.
2. The response to comment DEIR 12-11 on page 9-171 included an incorrect reference to DEIR 2-25. The correct response to the comment regarding the permit history of the Agriculture – Residential Cluster (ARC) Overlay is provided in response to comment DEIR 12-25.
3. The Draft Final EIR states on page 4.6-21 that the entirety of the Plan Area serves as a major wildlife movement corridor and contains numerous corridors throughout for a variety of species. This statement has been corrected to read as follows:

The entirety of the Plan Area serves as a ~~major wildlife movement corridor~~ habitat linkage and contains numerous corridors throughout for a variety of species.

Once the Planning Commission makes its recommendations to the Board of Supervisors, staff will prepare a Revision Letter to the EIR to address any Planning Commission-recommended project modifications and incorporate the errata discussed herein.

III. Response to Ordinance Questions

The Planning Commission directed staff to address questions regarding seven ordinance amendment topics. Please refer to Attachment A for a summary of recommended modifications to the ordinance amendments. Staff will prepare specific ordinance amendment text reflecting the Planning Commission's recommendations prior to the final Gaviota Coast Plan Planning Commission hearing.

A. Coastal Zone – Categorical Exclusion Process and Coastal Development Permit Exemptions

The Planning Commission requested additional information regarding the Categorical Exclusion process for the Coastal Act and more information regarding staff's recommendation to require permits for development under the Gaviota Agricultural Tiered Permit Structure.

The Categorical Exclusion Process is a provision of the California Code of Regulations (14 CCR §13240 et seq or to the last section) that governs the procedure of the California Coastal Commission in considering the exclusion of any category of development or category of development within a specifically defined geographic area from the Coastal Development Permit requirements of the Coastal Act. A two-thirds vote of the Coastal Commission is required to exclude said category of development when the Coastal Commission finds that the category meets criteria of PRC, Section 30610(e). It is a separate and distinct process from amending a certified Local Coastal Program. Exclusion of any category of development cannot be

accomplished as part of the Local Coastal Program Amendment that would adopt the GCP. However, it can be pursued as a separate work program.

Regarding Coastal Development Permit exemptions, at the July 27 hearing, staff recommended that new uses proposed under the Gaviota Agricultural Tiered Permit Structure (e.g., closed system aquaponics, small scale composting and processing, firewood processing and sales, product preparation, tree nut hulling, farmstand, and fishing operation) be allowed with a Coastal Development Permit (CDP) rather than be exempt for one practical reason. In the Coastal Zone, development is defined broadly and includes the following:

... the placement or erection of any solid material or structure; ... change in the density or intensity of use of land, ... change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, ...

Development requires a CDP unless exempted. Exempted development is defined in the Coastal Act Section 30610. Thus, staff believes that the Coastal Commission would not certify the Article II Ordinance Amendment if these uses are proposed to be allowed with an exemption. Therefore, staff recommends minimizing the issues that would need to be addressed when the Gaviota Coast Plan goes before the Coastal Commission for certification.

B. Residential Second Unit (RSU) Incentive Program

As outlined in Attachment A, there are two options to address the Planning Commission's concerns regarding additional dwelling units allowed through the incentive program including consistency with the stated purpose of the RSU section and application of urban-style development standards to the Rural Area. Option 1 would clarify the purpose and develop separate development standards for the incentive program within the RSU sections of the ordinances. Option 2 would remove the proposed regulations for the incentive program from the existing RSU sections of the ordinances and change references to a new use type to avoid any confusion between RSUs allowed in the Urban Area from RSUs that would be allowed under the incentive program. The proposed regulations would be incorporated into new subsections of the LUDC and Article II under the new Gaviota Coast Plan Overlay. Staff would revise development standards for RSUs under the incentive program and consider a combination of appropriate standards from the existing RSU regulations and standards from the expired Residential Agricultural Unit program.

C. Small Scale Campgrounds

The Planning Commission requested additional information regarding the provision of services for small scale campgrounds and whether additional development standards should be incorporated into the ordinance provisions. "Campground" is defined in the LUDC as a site for temporary occupancy by campers, which may include individual campsites and accommodations for recreational vehicles (RVs).

Current proposed ordinance amendments would allow a maximum of 15 campsites, up to two vehicles per site, and no electrical hook-ups. Under the current proposal, they would not be allowed within the CVC Overlay. The intent of the amendment is to allow a small scale campground use with a LUP/CDP that would supplement the primary use of the property for agriculture. It is within the Planning Commission's discretion to recommend a smaller scale of use including fewer campsites, placing limitations on the size of RVs, limiting the use to either RVs or tents, and/or prohibiting campfires. However, in any of these circumstances, potable domestic water and wastewater services would be required.

Staff consulted County Environmental Health Services (EHS) staff and confirmed that regardless of size, a campground must provide potable water and wastewater disposal. Temporary facilities or storage tanks that are periodically pumped (such as portable facilities or facilities found at typical forest service campgrounds) are not allowed. County Fire would require a certain amount of vegetation maintenance within the campsites to avoid fire ignition from campfires or vehicles and may require other development standards depending on specific campground locations, possibly including, but not limited to, a certain amount of water storage and infrastructure for fire suppression and/or all weather roads. These requirements can be incorporated into the ordinance amendments.

D. Guest Ranch/Farmstay

The Planning Commission raised five questions regarding the proposed small scale Guest Ranch/Farmstay ordinance amendment.

1. A definition for "guest ranch/farmstay" is proposed and would be located in the LUDC's glossary and Article II's definitions, consistent with standard ordinance formats. The proposed definition distinguishes this small scale use from the larger guest ranch that is only allowed with a Conditional Use Permit. Staff recommends deleting references to "guest ranch", in favor of using "farmstay", to further distinguish between a small scale farmstay and larger guest ranches, which are currently allowed with a major conditional use permit.
2. To clearly indicate that food service is not available to the general public, staff recommends that "food service" be revised to clarify that food and meals would be served only to registered guests of the farmstay.
3. Current proposed ordinance amendments limit the number of guests to no more than 15 guests per night and the operation must not constitute the principal land use of the premises. Staff recommends clarifying that the maximum number of guests refers to those persons who stay overnight.
4. The ordinance amendments refer to Uniform Rule Two to provide the guidelines for compatibility of a guest ranch/farmstay with agriculture. Staff recommends adding a new standard that the farmstay will be beneficial to and inherently related to the agricultural

use of the property, and that the primary purpose of the farmstay establishment is the guest's education and active participation in the on-site agricultural activities.

5. The ordinance amendments require a guest ranch/farmstay be housed within a single existing permitted or nonconforming habitable residential structure. Staff recommends that only legal dwellings existing as of the effective date of the ordinance may be used.

E. Farmstand Definition and Critical Viewshed Corridor (CVC) Overlay

The ordinance amendments include a proposed definition for farmstand:

A stand, which may be of permanent or temporary construction, that sells farm produce and other incidental items.

The draft ordinance amendments include many development standards addressing farmstands. The Planning Commission inquired whether a farmstand would be subject to the Gaviota Coast Plan Design Guidelines. A farmstand would be limited to a maximum size of 800 square feet in the Inland Area and 600 square feet in the Coastal Zone. The draft ordinance amendments propose to exempt single agricultural structures with a gross floor area of less than 5,000 square feet from design review and the provisions of the CVC Overlay. A farmstand would qualify for this exemption. The Planning Commission could modify the exemption to require farmstands be subject to design review and the Gaviota Coast Plan Design Guidelines.

F. Composting Setback

Staff has reviewed the proposed 200-foot setback from adjacent lots for a small scale composting operation and recommends clarifying that the setback does not apply if the adjacent lot is under the same ownership as the composting operation. To address concerns raised by the Planning Commission regarding composting odors, staff recommends requiring a 300-foot setback from any residences located on adjacent lots under separate ownership.

G. Redundant Code Language

Staff reviewed the proposed ordinance amendments and found three opportunities to remove redundancies in the proposed language. Proposed changes will be reflected in the final draft ordinances for Planning Commission consideration prior to the final GCP Planning Commission hearing.

IV. Response to Plan/Policy Questions

The Planning Commission directed staff to address two questions regarding the Draft Final GCP.

A. Domestic Water Resources Policy

The Planning Commission asked staff to review policy language proposed by Shute, Mihaly & Weinberger, on behalf of the Surfrider Foundation, in its comment letter on the Draft EIR (Letter 23 of the EIR response to comments, page 9-363). The proposed policy language states:

***Policy TEI-X: New Domestic Water Sources.** Professional engineering or other studies are required for permit applications for new water wells or other water sources. These studies must demonstrate that such groundwater or stream withdrawals will not have adverse direct or cumulative impacts on coastal resources, including groundwater basins, aquifers, and streams, and shall include as necessary, long-term monitoring programs, in-stream flow studies, or hydrologic studies. Such studies shall provide the basis for establishing safe sustained yields from these sources. Wells or water sources shall be at least 100 feet from property lines, or a finding shall be made that no development constraints are placed on neighboring properties.*

There are several existing County permits and procedures that must be followed in order for private water sources to be used to provide domestic water. County EHS requires and reviews all testing of groundwater wells to determine whether the source is adequate to serve the proposed development. P&D also requires permits if the well would serve more than one domestic connection. P&D also requires permits for stream diversions. Finally, the County's Environmental Thresholds and Guidelines Manual includes groundwater thresholds that provide a methodology based on safe yield to address impacts associated with using groundwater from both alluvial groundwater basins and consolidated rock (or bedrock) aquifers. Therefore, staff does not recommend incorporating the policy language into the GCP.

B. Trail Siting Guidelines and Design Guidelines

The Planning Commission asked whether there are guidelines to address trailhead design and aesthetics. Section III.A of the Trail Siting Guidelines provides general direction for trailhead location and practical design; however, these guidelines do not address aesthetics such as whether landscaping should be included around parking areas. The proposed ordinance amendments require design review for new structures. Therefore, if a trailhead were to include a kiosk or restroom building, then design review by the Central Board of Architectural Review would be required and design of structures would need to follow the Gaviota Coast Plan Design Guidelines.

Regarding an additional comment about the Design Guidelines, a list of constraints to consider for potential development sites is numbered (Section I.B of the Design Guidelines). However, using a numbered list is not intended to signify a hierarchy or preference when considering these constraints. Staff will revise this section to replace the numbers with bullets.

V. Additional Considerations

A. Fire Hazards – Trails and Campgrounds as Potential Ignition Points

Staff consulted with County Fire Department staff, who presented data that trails and campgrounds present a low incidence rate of wildfire ignition. Most wildfires start alongside roads. Thus, the risk of wildfires starting along new trails or campgrounds is low. In addition, as mentioned in the discussion of campgrounds under Section C.3 of this staff report, standards can be added to the ordinance for small scale campgrounds to either prohibit campfires or to manage vegetation around campground fire rings to minimize the potential for a wildfire to ignite from a campfire. County Fire staff will attend the August 31, 2016 hearing to answer any further questions the Planning Commission may have regarding this issue.

B. Cultural Stewardship – Staff Archeologist Recommendations

P&D's staff archaeologist has reviewed the Cultural Stewardship chapter of the GCP and the Cultural Resources chapter of the EIR and recommends minor edits to the policies, actions and development standards to ensure that terminology used is consistent with State law (Assembly Bill 52) and CEQA Guidelines and County procedures for addressing historical resources. Staff will present these edits at the August 31st Planning Commission hearing.

ATTACHMENTS

- A. Summary of Recommended Modifications to Ordinance Amendments
- B. Housing Size Data

ATTACHMENT A

Summary of Recommended Modifications to Ordinance Amendments

COMPOSTING (CLUDC Section 35.21.060.C.2; CZO Section 35-460.G):

- Increase the proposed setback from 200 feet to 300 feet.
- Clarify that the setback only applies to dwellings located on adjacent lots under a different ownership than the composting operation that were existing at the time when the composting operation was permitted.

CAMPGROUNDS (CLUDC Section 35.42.240.D.1; CZO Section 35-460.J):

- Add RV size limits; e.g., currently RV/trailers allowed to be stored on a lot accessory to a residential use are limited to 8.5 feet in width, 13.5 feet in height and 40 feet in length
- Add requirements for potable water, septic disposal, and reduction of fire danger

CVC OVERLAY ZONE HEIGHT RESTRICTION (CLUDC Section 35.28.070; CZO Section 35-102G):

- CVC overlay zone height restriction supersedes zone height limitation (see Section CLUDC 35.28.020.B.3; CZO Section 35-53)

ESH-GAV (CLUDC Section 35.28.100.C.1.a.(1):

- Delete reference to removal of vegetation within a 12-month period

FARMSTAY (CLUDC Section 35.42.240.D.3; CZO 35-460.J.3):

- Delete references to guest ranch in favor of using the term “Farmstay”
- Clarify that food service means food and meals served to registered guests
 - (5) ~~Food service is only available to registered guests of the operation, and the cost of any food service is included in the total price for accommodation and not be charged separately.~~
Food may only be served to registered guests of the operation which may include meal service at any time, and the cost of any food provided is included in the price of the total price of the accommodation and not charged separately.
 - (a) Food may also be available to registered guests on a self-serve basis.
- Clarify that the maximum number of guests that can be accommodated refers to all persons who utilize the overnight accommodations
 - ~~The maximum number of guest that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms.~~
The operation shall provide overnight transient accommodations to no more than 15 persons who shall be shall be accommodated in no more than six bedrooms.
- Add new standards to clarify that the Farmstay operation will be beneficial to and inherently related to the agricultural use of the property, and that primary purpose of the farmstay establishment is the guest's education and active participation in the on-site agricultural activities
 - (6) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and:

- (a) The primary purpose of the operation is the guest's education and active participation in the on-site agricultural activities.
 - (b) The operation is beneficial to and inherently related to the agricultural use of the property.
 - (c) ~~the Guest ranch/ farmstay~~ The operation does not constitute the principal land use of the premises.
- (7) Lodging and meals associated with the operation are incidental and not the primary function of the operation, and the ~~The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).~~
- Clarify that only legal dwelling existing as of the effective date of the ordinance may be used for farmstays
 - Add requirement that signage must comply with existing regulations on signs in agricultural zones, and shall not specifically advertise the Farmstay operation

INCENTIVE PROGRAM/RESIDENTIAL SECOND UNITS (CLUDC Section 35.42.230; CZO 35-142):

- There are two options to address the Commission's concern that the additional dwelling units allowed through the incentive program are not consistent with the stated purpose of the residential second unit section which is to encourage a more efficient use of specified residential and agricultural zones and provide housing opportunities for the elderly, low-income and other economic groups.
 - **Option 1:**
 - Add a new subsection to the purpose section that is specific to the Gaviota Coast Plan area and addresses dwelling units allowed through the incentive program
 - Develop separate development standards for the Gaviota Coast Plan area that more directly relate to rural, rather than urban and inner-rural areas
 - **Option 2:**
 - Move text revisions regarding the Gaviota Coast Plan area land use incentive program from Section 35.42.230 Residential Second Units to a new Community Plan Overlay titled "Gaviota Coast Plan area."
 - Change references to residential second units to a new use type and revise the AG-II use table as appropriate
 - Develop specific development standards that are more appropriate for rural areas (combination of existing Residential Second Unit standards and Residential Agricultural Unit standards)
 - Clarify that clustering is required unless the structure exists as of the effective date of the ordinance.
 - Include additional findings for detached residential units (presently included in the Residential Agricultural Unit Section 35.28.110.I.1.f)

REDUNDANT CODE LANGUAGE

- Revise sections that are specific to the Gaviota Coast Plan area as appropriate to delete redundant language in sections

ATTACHMENT B

Summary of Single Family Dwelling (SFD) Sizes on the Gaviota Coast

To produce summary statistics of Single Family Dwelling sizes, County Staff reviewed the building permit history for each parcel in the planning area prior to October 2010, and then reviewed all building and land use permits issued in the planning area between October 2010 and August 2016. The sections below provide building size data for SFDs (1) built before October 2010, (2) built between October 2010 and August 2016, and (3) pending as of August 2016. The information includes figures for the square footage of (1) living space only and (2) living space combined with garage and basement area.

1. SFD Data: Until October 2010

The tables below provide housing size statistics for homes in the Gaviota Coast Planning Area that were built before October 2010. Where building permit records were insufficient to determine dwelling size, dwelling size was measured from aerial photos. The right table includes garage and basement areas in the statistics; the left table includes only living space in the statistics.

Gaviota Coast Planning Area	
Until 10/2010	
Living Space	
Statistic	Square Feet
Largest SFD	9430
Smallest SFD	537
Average SFD	2639
Median SDF	2278
Total Number SFDs Built	162

Gaviota Coast Planning Area	
Until 10/2010	
Living Space + Garage + Basement	
Statistic	Square Feet
Largest SFD	10566
Smallest SFD	896
Average SFD	3060
Median SDF	2644
Total Number SFDs Built	162

2. SFD Data: Built, October 2010 to Present

The tables below provide housing size statistics for Single Family Dwellings permitted and built in the Gaviota Coast Planning area between October 2010 and August 2016. The right table includes garage and basement areas in the statistics; the left table includes only living space in the statistics.

Gaviota Coast Planning Area	
10/2010 - present	
Living Space only	
Statistic	Square Feet
Largest SFD	9591
Smallest SFD	864
Average SFD	3381
Median SDF	2703
Total Number SFDs Built	14

Gaviota Coast Planning Area	
10/2010 - present	
Living Space, garage, basement	
Statistic	Square Feet
Largest SFD	14096
Smallest SFD	940
Average SFD	4426
Median SDF	3205
Total Number SFDs Built	14

3. SFD Data: Pending, August 2016

The tables below provide housing size statistics for SFDs that are pending as of August 2016. The right table includes garage and basement areas in the statistics; the left table includes only living space in the statistics.

Gaviota Coast Planning Area	
Pending (08/2016)	
Living Space Only	
Statistic	Square Feet
Largest SFD	6369
Smallest SFD	1737
Average SFD	3274
Median SFD	2649
Total Number SFDs Pending	12

Gaviota Coast Planning Area	
Pending (08/2016)	
Living + Garage + Basement	
Statistic	Square Feet
Largest SFD	7471
Smallest SFD	1737
Average SFD	3838
Median SFD	3401
Total Number SFDs Pending	12