

**From:** Gaviota Ranchers  
**To:** [Williams, Das](#); [Wolf, Janet](#); [Hartmann, Joan](#); [Adam, Peter](#); [Lavagnino, Steve](#); [sbcob](#)  
**Subject:** Comments for Gaviota Coast Plan CCC Proposed Modifications  
**Date:** Sunday, July 15, 2018 12:14:24 PM

---

## Gaviota Neighbors Group

July 14, 2018

Santa Barbara County Board of Supervisors  
*via e-mail:* [sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)  
123 Anapamu Street, Fourth Floor  
Santa Barbara, CA 93101

RE: Departmental Agenda Item #3 – Gaviota Coast Plan

Dear Chair Williams and Honorable Members of the Board of Supervisors:

The neighbors of the Gaviota Coast Plan Area have followed and participated in the public process of creating the Gaviota Plan since its inception in 2009. Collectively, we represent 95% of the private lands within the Gaviota Plan Area.

Several of our neighbors were appointed to the GavPAC and dozens of us have attended the public hearings and community workshops. Initially, we were encouraged by the high degree of public participation as we worked together to update the County's Local Coastal Plan (LCP) for this area. Unfortunately, on some very important issues to us as landowners and agriculturalists, the County is again at odds with Coastal Commission (CCC) staff because of the Suggested Modifications the CCC staff have proposed.

We believe that the CCC staff has presented several Suggested Modifications that go far beyond the Gaviota Plan that was adopted by the County.

Disagreements with the CCC staff's Suggested Modifications are not a new matter. Other jurisdictions have experienced similar issues. One example is Marin County which is taking the time to work through their priority issues including the protection of agricultural practices; the acknowledgement of accessory uses; expanding principal permitted uses; and, pushing back on the CCC staff's proposed expanded ESH designations. Another example is Los Angeles County which took years to adopt its LCP for the Santa Monica Mountains. In fact, they worked through a solution to ESH designations and permitting that established three distinct permitting tiers based on vegetative sensitivity and did not adopt the type of language the CCC has proposed for Santa Barbara County that would create broad and complete ESH protection across its entire Gaviota Plan Area.

It is with this background that the neighbors of the Gaviota Plan Area submit our comments on the CCC staff's Suggested Modifications for the Board of Supervisors to consider:

Environmentally Sensitive Habitat (Suggested Modification #2)

We understand that the CCC staff's Suggested Modification to Policy NS-2 would prohibit any disruption to habitat while allowing public trails in these sensitive areas. The impact of trails on ESH must be considered and avoided and trails be treated as any other development, not given a "free pass" as CCC staff proposes. Their proposed language would also prohibit fuel modifications activities, disallow a landowner to repair or maintain their infrastructure, including ranch roads and agricultural watering systems, and only after the submittal of an Economically Viable Use Determination, could a landowner claim that the reasonable use of a property is at risk.

We believe that is Suggested Modification to Policy NS-2 is an over-reach of local control and County's existing ESH polices and is certain to result in ESH designation for practically the entire Gaviota Plan Area. Importantly, it is in conflict with the Coastal Act by expanding resource protection at the expense of agricultural preservation. Also, please remember that in addition to the Fire Department's 100 foot clearance requirements for defensible space, insurance companies, if they will provide fire insurance at all, typically require 200 to 300 feet of clearance. The proposed CCC policy would jeopardize the ability for many with existing homes to obtain fire insurance, and would make building new homes impossible in many cases. This would have the effect of a "backhanded downzoning" which would deprive some landowners from reasonable development of their land. We ask that defensible space requirements of the County Fire, CalFire, and/or insurance companies be allowed in this policy.

Regarding Policy NS-4, we would encourage the Board to continue to decline CCC staff's suggestion to declare all chaparral and vegetation in the Plans Area "rare" and to **support County staff's proposed alternative language presented in their draft letter dated July 17<sup>th</sup>, 2018 as presented in the Staff Report released July 12<sup>th</sup>.**

Economically Viable Use Determination (Suggested Modification #13, #4 and #8)

The CCC staff wrote an entirely new Section to the Coastal Zoning Ordinance (Section 35-480) and Policy to the Gaviota Plan (Policy LU-2) which forces a landowner to present an Economic Viability Use Determination if they wish to challenge CDP conditions and assert that the conditions do not provide for a reasonable use of their property. We believe that this test constitutes a landowner's only recourse if a CDP is denied and/or a taking has occurred (trails, agriculture expansion, structure, ESH identification). The required submittal includes over 12 items of information which are an intrusive, expensive and an overbearing burden on any landowner. **We request that these Suggested Modifications be deleted and all references to an Economic Viability Use Determination within the Gaviota Plan be removed.**

### Time Limit on Agricultural Operations (Suggested Modification #13)

The CCC staff's Suggested Modification to Section 35-430.D of the Coastal Zoning Ordinance (CZO) which places a ten year time horizon for historical agricultural operations and cattle grazing is arbitrary and generally impossible to prove, particularly for cattle grazing. This approach impedes the flexibility necessary for agricultural operations and does not support or encourage innovative agriculture such as carbon farming. Again, we believe that this Suggested Modification is in conflict with the Coastal Act by expanding resource protection at the expense of agricultural preservation. We appreciate the Board of Supervisors agreeing to the balanced compromise that was adopted by the CCC in 2010, agreed to by the GavPAC and proposed by County Staff in its draft July 17<sup>th</sup> letter to the CCC. ***Please support the County Staff recommendation.***

### Principal Permitted Uses (Suggested Modification #13)

The CCC staff's definition of Principal Permitted Uses severely limits the allowed uses that are considered principal uses to the AG-II zone districts and will result in greatly expanded requirements for a CDP. There was no discussion regarding an allowance or exemption for other compatible uses in the AG-II lands. Additionally, we oppose the exclusive exemption for recreational uses/trails. These uses should not be exempt and, again, this creates a conflict with the Coastal Act by creating a preference for recreation over agriculture preservation and resource protection.

### Trails Expansion (Suggested Modifications #2, #6, and #13)

We understand the strong interest to provide additional recreational opportunities in the Gaviota Plan Area. Unfortunately, the CCC staff emphasized public trails at the expense of agriculture preservation and resource protection. Trails are proposed to be allowed in agricultural and natural resource settings (Suggested Modifications #2 & #13). Furthermore, CCC staff now describes and considers the California Coastal Trail a trail "system" (Suggested Modification #6) and includes a directive that this trail "system" will include inland trail segments (Suggested Modification #4). As landowners of the Gaviota Plan Area, we must be clear that these are not modifications that support our agricultural operations, protect natural resources and will not encourage cooperation among stakeholders for new trails. Also, Trails policies need to recognize educational and other managed access programs as legitimate public access, especially in areas of ESH where unmanaged access is ill advised.

### ESH Setbacks and Buffers (Dev Std NS-2)

The CCC staff's Suggested Modification to Dev Std NS-2 rejects the County's authority to adjust ESH Setbacks and Buffers based on actual site conditions. The GavPAC and your Board all agreed that this approach provided landowners and County staff the ability to propose buffers, upward or downward, that are appropriately sized based on a biological opinion. ***We ask that the Board of Supervisors retain the original language to Dev Std NS-2 and its***

## ***control of this issue.***

### Biological Report Requirement for CDP (Section 35-430.C.3)

This Suggested Modification by the CCC staff virtually guarantees, when coupled with the Suggested Modification to Policy NS-4, that every CDP application in the Plan Area will require a biological report. It is so broadly written that on a lot which may potentially support a rare species, wildlife corridor or ESH, the landowner must conduct a burdensome biological report. ***We ask that Policy NS-4 be rejected and this broad requirement not be adopted.***

### Categorical Exclusions

This issue was discussed during the GavPAC process and most recently, during the GavPlan Workshop held on July 3<sup>rd</sup>. At least 10 counties have received Exclusion Orders covering a variety of traditional agricultural practices including the allowance to repair and replace agricultural fences, water line systems, roads and septic systems. Regardless of the process required, we believe that categorical exclusions for these and other specific agricultural practices would provide certainty and have significant benefit to our general operations. We encourage you to include a comment about the Board's interest in pursuing categorical exclusions in your letter to the Commission.

### Conclusion

As landowners and neighbors directly affected by the outcome, we have cooperated in the decade long endeavor, supported the local planning process, and provided input and leadership. We believe the importance of the final result necessitates that the County takes the time to get these complex issues right and to minimize the unintended consequences.

Our goal is to continue agricultural operations, maintain our existing improvements and protect the natural and cultural resources located throughout the Plan Area. Even now, before Plan adoption by the CCC, we have been adversely affected in many ways, including the ability to obtain fire insurance.

### **Summary of Our Recommendations:**

**Please support all eight requests detailed in County Staff's draft letter to the CCC as presented in the July 12<sup>th</sup> Staff Report. In addition, please 1) add language to NS-2 to provide for the ability to establish defensible space as required by CalFire, County Fire or insurance carriers; 2) include recognition of educational and managed recreational access programs as an alternative to trails in ESH; and, 3) We encourage you to include a comment about the Board's interest in pursuing categorical exclusions in your letter to the Commission.**

Finally, we would like to offer our deep appreciation to County Staff for all the time and effort

involved in analyzing all of the material from CCC staff and arriving at reasonable solutions that considered the needs of the local community.

Thank you for the opportunity to comment. We appreciate your attention to these important issues and hope that our comments are taken as constructive recommendations to protect the interests of your Gaviota neighbors and all residents of Santa Barbara County.

Sincerely,

Gaviota Neighbors Group Coastal Committee

Cc via e-mail to:

Supervisor Williams - [dwilliams@countyofsb.org](mailto:dwilliams@countyofsb.org)

Supervisor Wolf - [jwolf@countyofsb.org](mailto:jwolf@countyofsb.org)

Supervisor Hartmann - [jhartmann@countyofsb.org](mailto:hartmann@countyofsb.org)

Supervisor Adam - [peter.adam@countyofsb.org](mailto:peter.adam@countyofsb.org)

Supervisor Lavagnino - [steve.lavagnino@countyofsb.org](mailto:steve.lavagnino@countyofsb.org)