

## Lenzi, Chelsea

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**From:** Petrovich, Susan <SPetrovich@bhfs.com>  
**Sent:** Friday, November 04, 2016 8:51 AM  
**To:** Board Letters  
**Subject:** Comment Letter with Enclosures -- re Gaviota Coast Plan  
**Attachments:** 20161104084713862.pdf; Las Varas Original and Ranch Road Trail Exhibits\_(15205111\_1).nrl; Incentives Working Group - Final with cover 2-24-14.pdf; gaviota coast plan Trail Siting Guidelines june 11 version mark wilkins....docx

Please distribute to staff and all Supervisors and include in the Administrative Record.

Please confirm receipt.

Thank you,

Susan

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November 4, 2016

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**VIA EMAIL TO BOARDLETTERS@CO.SANTA-BARBARA.CA.US**

Chair Peter Adam and  
Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

RE: Gaviota Coast Plan -- November 8, 2016 Hearing

Dear Chair Adam and Honorable Board Members:

Brownstein Hyatt Farber Schreck represents the owners of the Las Varas and Edwards Ranches, located within the Gaviota Coast Plan (Plan) area.

We concur with the comments of the Santa Barbara County Cattlemen's Association and like to add a few of our own. We sincerely urge you to reject the Plan as proposed and refer it back to staff and the Planning Commission for revision consistent with these comments. If that is not possible, we ask that you instruct your staff to make the changes proposed in this letter.

We do want to emphasize an important point regarding the participation of the all-volunteer, Board-appointed Gaviota Planning Advisory Committee (GavPAC) and Gaviota Coast community members in the preparation of the Plan. The GavPAC and its subcommittees conducted hundreds of hours of hearings to take public input and to arrive at compromises that would result in the best possible land use plan for the Gaviota Plan Area. Many Gaviota residents, property owners, and their representatives participated in these hearings. All of this volunteer work was undertaken to craft principles and creative approaches for future land use planning that will encourage viable agriculture while retaining the unique character of the Plan area and while providing for public access in a manner that will not damage sensitive resources or threaten long-term viability of agriculture. The participants seemed unanimous that the long-term objective was to ensure that what we see today in the Plan area will be what we see into the distant future. All participants concur that retaining agricultural productivity ensures that the beauty of the Gaviota Coast will be maintained into the future.

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The GavPAC's vision was to protect and enhance the rural community and a healthy, sustainable working landscape. As stated in the Plan, "The Gaviota Planning Advisory Committee (GavPAC) has recognized that the recreational trail component is a priority in crafting the PRT. The GavPAC addressed trail issues in the spirit of cooperation and respect for divergent viewpoints, balancing the interests of both the public and private property owners."

The Plan states (p. 4-7) that the Trails Guidelines will include "location guidelines and design standards for specific trail segments; and policies and guidelines to incentivize completion of the network." The GavPAC trails subcommittee produced just such a document. The staff gutted it so it would just address limited design standards while avoiding any mandate for the County to take responsibility for trail safety and maintenance. Gutting the Trails Guidelines significantly changed the product from what the Plan describes. We enclose a copy of the GavPAC subcommittee's proposed Trails Guidelines so you can see how significantly they differ from what is now being proposed, particularly regarding responsibility for designing, monitoring, and maintaining the trails so they are safe and do not constitute a nuisance, to avoid over-use and abuse, and to close segments until they can be brought into compliance with these requirements.

The Plan before you does **not** accurately reflect the recommendations or vision of the GavPAC in many aspects, but particularly regarding the trail routes proposed and most particularly regarding the trail routes through the Las Varas and Edwards Ranches.

***The Environmental Impact Report Is Woefully Inadequate and Proposes Alternatives that Fail to Meet the Specifications and Intent of the California Environmental Quality Act***

We and members of the community, particularly people living and working in the Gaviota Coast Plan area, commented at length about the inadequacies of the Draft EIR. For the most part, these comments received no substantive response and resulted in no substantive changes to the Draft EIR.

In the interest of keeping this letter brief, we enclose an Attachment that lists continuing inadequacies, including but not limited to, the failure to analyze feasible alternatives that meet the requirements of CEQA that alternatives "describe a range of reasonable alternatives to the project . . . which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project."

For an EIR that includes so many significant unmitigable environmental impacts of the proposed trail system, while at the same time intentionally ignoring other significant environmental impacts (e.g., erosion, destruction of wildlife habitat and increasing wildland fire potential), one would expect the EIR to include alternatives that propose

fewer trail segments or that propose trail alignments that avoid or minimize impacts to agriculture and visual, sensitive natural and cultural resources. Not this EIR. Its alternatives not only fail to reduce the impacts of increased public trails – they double-down and increase those impacts! The alternatives also fail to accomplish basic Plan objectives, including preservation and protection of agriculture. That results in alternatives that do not meet the basic requirements of CEQA, which provides:

An EIR shall describe a range of reasonable alternatives to the project . . . which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. . . .

The alternatives to the project should include an alternative that eliminates, modifies, and relocates trail segments that impact other resources within the Plan area, including agricultural resources. In fact, that alternative can be found in the GavPAC's recommended trail map.

On Las Varas, for example, the trail route recommended by the GavPAC would largely follow the ranch road route with an alternative route along the beach. Both routes would provide access across the entire property from east to west. THAT is a proposal that would be a reasonable and feasible alternative, allowing the ranch operation to continue uninterrupted by the public. It isn't the trail proposed by the property owner in its recent application, but it would avoid the kind of complete disruption of the current agricultural operation that would result from implementation of the trail routes included in the current version of the Plan.

We enclose an attachment that demonstrates the location of the GavPAC-recommended trail.

Other feasible alternatives that would "avoid or substantially lessen" impacts of the Plan include:

- An expanded "incentives" program that includes the many actions and incentive measures set forth in the GavPAC subcommittee's proposal
- More policies and actions from the County's Agricultural Element
- Additional agricultural accessory or support uses to augment the Ag Tiered Permit Program, particularly increasing the range of low-impact recreational uses allowed without planning permits (health and fire permits might still be required, depending upon the use)
- Policies and actions that establish and promote a fuel reduction program that includes routine prescribed burning, fuel breaks, and fuel load reduction through brush clearing and creation of mosaic vegetation

patterns. These programs have been established in many parks throughout the western States and in National Parks to re-introduce fire as a preservation measure for sensitive vegetation and habitats. Details of these programs are available on park websites. A few hours of research would educate the DEIR writer on how these programs reduce the risk of catastrophic fires that scorch everything in their paths but allow cooler fires to burn and clear underbrush, particularly dead material, that causes such devastating damage when it burns.

- Relocation of the proposed trail network so it follows the routes recommended by the GavPAC after substantial public input and hours of thoughtful analysis.
- Elimination of trail segments along the edge of coastal bluffs and on steep hillsides. Bluff top trails cause significant damage to sensitive vegetation, are unsafe for hikers and equestrians because the coastal bluffs are 30-50 feet high and notorious for becoming undercut by wave action and sloughing off without warning. Trails on steep hillsides have significant visual impacts and are subject to erosion that not only impacts geology and soils, surrounding native vegetation, and archaeological sites, but also results in stream sedimentation and potentially significant visual impacts.
- Elimination of any trail segment that crosses through land that is currently in agricultural production, whether crops, orchards, or actively grazed land. These trails have potential for significant adverse and unmitigable impacts, as described in this letter.
- Inclusion of a policy that trails through and abutting properties with agricultural operations shall be closed from dusk to dawn to reduce the potential for vandalism, theft, livestock rustling, and fruit poaching.
- Inclusion of a policy that prohibits the opening and operation of any public access that does not include construction **and on-going monitoring and maintenance** of fencing substantial enough to provide permanent and effective separation of the public access from the adjacent agricultural operation. Fencing can be designed to provide wildlife access while discouraging humans and their dogs. The policy should include a requirement that any fencing between public access and an agricultural operation shall be monitored and maintained in a safe and intact condition at all times that the access remains open to the public. If the fence is not so maintained, the policy should mandate closing the access until the fencing is restored. Trails through private property must be constructed,

monitored and maintained because they are not public lands – the property owner must still live with their consequences.

- Deletion of the following LCP policies and provisions, all of which have potential for significant adverse, unmitigable impacts upon agriculture, biological resources, and cultural resources: (a) Table 3-5 reference to a coastal park at Edwards Point; (b) Policy 7-2 requiring that all development between the first public road and the ocean must grant vertical public access to the mean high tide line -- this requirement has been declared to be unconstitutional under Nollan v. California Coastal Commission (deletion of the policy does not preclude imposition of the requirement in appropriate instances, but as written it requires imposition in virtually every situation); (c) Policy 7-3 mandating that all development between the first public road and the ocean grant lateral easements for public access along the beach/shoreline, for the same reason as stated above for Policy 7-2; (d) Policy 7-18 references to Edwards Point (these references are directly contrary to the mandate of Policy 7-14 re siting camping north of Highway 101 where feasible and that statement in Policy 7-13 that says that recreational facilities shall be “compatible with the rural character of the area,” Coastal Act policies prohibiting conversion of agricultural land to non-agricultural development and interference with agricultural viability, and proposed Plan Goal AG-I.A and policies AG-I.A, AG-I.C, and AG-1.D.1); and (e) Policy 7-25 mandating that trail easements be required on any parcel where a project is proposed. None of these are compatible with the rural character of this area. When the LCP was crafted and adopted, the southern part of Santa Barbara County was growing exponentially. From the view of the public and decision makers of the time, it was reasonable to assume that residential development and ranchettes would continue to march up the coast. In that context, it was reasonable to assume that there would be a demand for increased recreational facilities to respond to the increased population on the Gaviota Coast, a coastline that no longer would be rural. The agricultural land owners on the Gaviota Coast frustrated those expectations by acting, as they had for decades before, as true stewards of the land and they retained the rural character that everyone treasures. The context has changed; the population growth and conversion to residences and ranchettes didn’t materialize. With the Plan restrictions, those changes won’t materialize. So the antiquated policies must go in order to provide an alternative that mitigates many of the potentially significant impacts of the trails aspect of this Plan.
- Significant deletion of habitat types from the ESHA list and revision of Policy NS-2, NS-4, NS-7, NS-9, and DevStd NS-2 to expressly exempt all

agricultural activities, rangeland improvement projects, fuel load reduction activities, and prescribed burns.

- Expand the list of agricultural activities that are exempt from the ESHA policies included in the Plan. As currently worded, the only agricultural activities so exempted are those requiring no County permit. The Grading Ordinance provides for the County permit that most likely will be applied to agriculture and, while the Grading Ordinance exempts some agricultural operations, even the amount of material moved to groom an existing agricultural road following winter storms can trigger a permit requirement. In short, the exemption has some use but is severely limited and will be of little help to most cattle ranchers whose access roads can be steep and can suffer significant rain damage, thereby triggering a grading permit requirement, which triggers application of the ESHA restrictions.

The failure to include alternatives that comply with CEQA is just one of many major inadequacies of the EIR that make it subject to legal challenge. Please see our attachment.

***The Latest Version of the Gaviota Coast Plan includes Proposed Revisions that Increase the Significant Adverse Impacts to Agricultural Operations, particularly the On-going Agriculture on Las Varas Ranch and Edwards Ranch***

For the sake of brevity, we will refer to both ranches as “Las Varas.”

On Page 4-4, language has been added to the Plan that directly contradicts the objective of the Gaviota Coast Planning Advisory Committee (GavPAC) to balance private property interests with public access objectives. Under “Prescriptive Rights,” the Plan includes a lengthy discussion of prescriptive easements and implied dedication. What this discussion fails to acknowledge is that prescriptive easements attach to individual claimants and pertain to their own historic use of the easement claimed. Implied dedication is an entirely different concept and, because it affords to the public at large a permanent right to use the easement area whether or not the members of the public have ever even been there before, let alone could claim 5 years of continuous usage. The test for implied dedication is far more stringent than a test for an individual’s prescriptive rights. None of this is revealed in the discussion and, as such it is confusing, misleading, and just plain wrong. It has no place in a long-lasting part of the Comprehensive General Plan and the Local Coastal Plan. It should be deleted.

Proposed Action REC-9 calls for the County to identify parcels of “coastal open space in the Gaviota Coast Plan Area that are suitable for conservation.” This suggestion has potentially devastating impacts upon the marketability and value of all agricultural lands

in the Plan area. Applying such a designation on any private property places a stigma on the land because it will be clear to all that the property is targeted for condemnation or other involuntary conveyance of the land to public use. This kind of cloud on title and on marketability does not belong in this Plan.

Action LU-4 is the final remnant of what was a comprehensive incentives program proposed by a subcommittee of the GavPAC. We attach a copy of the complete proposal, which admittedly requires further enhancement. An incentives plan was one of the keystones of the GavPAC's concept of accomplishing through voluntary acts by property owners objectives that could not be reached through regulation. In short, by providing an incentive plan, the County could persuade landowners to do things that it could not force them to do. The quid pro quo – a private benefit in exchange for a public interest benefit – could accomplish preservation and enhancement of the Gaviota Plan area. Sadly, the program was not met with enthusiasm from County staff, so we urge your Board to support a more robust incentives program.

Development Standard LU-7 should be deleted. Nowhere else in the County and, from what we can ascertain, nowhere else in the State, is this requirement for a recorded disclosure statement required. Place this stigma on properties simply because a rural part of Highway 101 runs through it, is completely inappropriate and unjustified. As air quality improves statewide, which it has done steadily over the past 50 years, this kind of imposition upon property owners will live on once it has been recorded against the title to their real property. It is wrong-headed and doesn't accomplish any positive result. Neither the County nor the property owner can control emissions from passing vehicles on a State Highway. All this proposal will do is frighten people who currently live within 500 feet of the highway. Does the County propose to impose this requirement upon all properties bordering other highways? If not, why is this one highway in this one Plan area being singled out for disparate treatment? This is wrong and should be rejected.

***The Trails Proposed in the Plan Will Result in a Loss of the Very Resources that Make the Gaviota Coast Such a Unique Jewel on the Coast.***

Rural property owners have discovered that public trails make bad neighbors. Although most trail users strive to leave as little a footprint as possible on the land, others either are completely clueless in this regard or intentionally cause damage or otherwise abuse the trail system.

Trails on or adjacent to cultivated and livestock grazing areas can result in significant liabilities:

Trails can introduce harmful pests, weedy and other invasive species and diseases.

Trails can compromise food safety.



Trail users can threaten the integrity of agricultural and rangeland operations by trespassing off the trail, spooking livestock, or trampling crops.

Trails can expose trail users to a wide variety of hazards associated with agricultural activities, including but not limited to exposing them to chemicals that are vital to agricultural productivity but harmful to humans and their dogs or horses.

Trails provide open access to vandals, cattle rustlers, fruit poachers, and thieves. Trails expose property owners to legal liabilities in the event recreational users suffer injuries from accidents on trails or from conflicts with livestock, ranch guard dogs, and with other trail users.

We urge that your Board either eliminate the trail designation on Las Varas unless and until the property ceases to be in agricultural production. This would be the action most consistent with the County Comprehensive General Plan Agricultural Element.

If that option is not acceptable, we urge that the only trails shown on the GavPlan for Las Varas are the trails proposed by the GavPAC – a north-south running trail along the east side of the property, crossing under the railroad tracks through the existing tunnel; a trail running east-west along the sandy beach; and a trail running roughly east-west along the existing ranch road. No other trails should be proposed in this Plan. If the property should change in character to the degree that it is no longer agricultural, the County will have the opportunity to re-examine the trail map at any time.

Policy VIS-2 – staff has modified this provision in a manner that is inconsistent with the entire concept of a Critical Viewshed Corridor. This Corridor comes with its own comprehensive set of restrictions and guidelines, which is precisely why this visual policy should not be revised in the manner proposed by staff. As modified by staff, this policy applies throughout the entire Plan area and undercuts the integrity of the Corridor regulatory scheme. The GavPAC's intent with this policy was to have it apply wherever the Corridor requirements did NOT apply. The proposed addition of a definition for the term "visually subordinate" creates yet another issue. This definition hasn't been vetted by the public because of this late addition. The use of the term "partially visible" would seem to rule out structures that are fully visible. What does an applicant do if the entire site is visible from a public viewing place such as a trail that is located above the property? We urge you to delete the definition and allow the BAR to determine what is visually subordinate in the entire context of a site plan and of existing structures, land features, and the like.

Finally, the Trails Guidelines included as an Appendix to the Plan should be those proposed by the GavPAC subcommittee, not the ones proposed by County staff.

**Conclusion**


The journey of this Plan through the GavPAC, through County staff, and through multiple public hearings has resulted in a document that no longer reflects the desires of the very community that originally fostered it. The GavPAC was a balanced group of interested community members and their representatives, coming from a wide spectrum of viewpoints.

The GavPAC produced a set of concepts that, if they had all been incorporated into the Plan, would have more closely reflected what the community desired to ensure the long-term viability of agriculture, the sustainability of coastal resources, the preservation of natural beauty, and public access that was compatible with all of the above.

The Plan as now proposed fails to implement these concepts in a manner that balances all of these concepts. They are grossly out of balance because of an apparent belief that the more public trails the area must carry, the better for all, regardless of the significant adverse environmental impacts.

We believe that the Plan should be returned to the Planning Commission for further work to achieve the balance mandated by the Coastal Act, to comply with the California Coastal Trails Act mandates, and to ensure that agricultural, natural resources, visual resources, and cultural resources are not damaged and destroyed by trails. If the Board is considering adopted the Plan before the end of this year, we urge the Board to make the changes set forth in this letter before considering final adoption of the Plan.

Sincerely,



Susan F. Petrovich

Attachments: Attachment -- List of proposed Plan changes and EIR inadequacies  
Las Varas trail map reflecting trail proposed by GavPAC  
GavPAC incentives subcommittee report  
GavPAC trails subcommittee proposed trails guidelines

**ATTACHMENT TO NOVEMBER 3, 2016 LETTER  
TO SANTA BARBARA COUNTY BOARD OF SUPERVISORS  
FROM SUSAN F. PETROVICH  
RE GAVIOTA COAST PLAN AND RELATED EIR**

*Gaviota Coast Plan Issues*

The Plan improperly includes live oak woodlands as protected ESHA, and the EIR fails to identify and analyze the potentially significant impacts of this designation on agricultural land, particularly grazing lands. Rangeland improvement activities often include oak tree removal. The EIR admits that live oak woodlands do not meet any of the criteria for inclusion in the protected category, yet it fails to propose the most obvious mitigation measure for the agricultural impacts – removal of live oak woodlands from the protected ESHA.

The Alternatives presented, other than Alternative 3, do not “describe a range of reasonable alternatives to the project . . . which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”<sup>1</sup> The EIR lacks any meaningful disclosure that complies with the CEQA mandate that, if “an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed.”<sup>2</sup> These are fundamental flaws that can be cured only by revising the EIR to include an entirely new set of project alternatives and recirculation of the EIR for public comments.

Policy NS-2 provides language that is flexible for recreational uses; it should be equally applied to rangeland and agricultural cultivation. Specifically the first sentence should be rewritten to read. “Environmentally Sensitive Habitat (ESH) areas and important or sensitive biological and natural resources shall be protected to the maximum extent feasible except when this conflicts with Ag Policies AG-3. Fire Hazard Reduction Programs and AG-3.B Grading and Brush Clearing”

Policy NS-3 should be rewritten as follows, “Natural Resources Enhancement. Support voluntary and incentive based efforts as developed by the GavPAC and Incentive Group to restore and enhance Environmentally Sensitive Habitat (ESH) areas and important or sensitive biological and natural resources within the Gaviota Coast. Property owners’ actions to preserve, protect and encourage ESHA protection, biodiversity and good soils management shall not be delayed, unduly costly, or otherwise adversely affected by increased ESH buffers and will be considered in evaluating the net environmental benefit to the land.”

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<sup>1</sup> CEQA Guidelines section 1512.6.6 (a)

<sup>2</sup> CEQA Guidelines section 15126.6 (d)

Development Standard NS-2: ESH Setbacks and Buffers: "Mapped riparian ESH-GAV overlay areas shall have a development area setback buffer of 100 feet from the edge of either side of the top-of-bank of creeks **or the existing edge of riparian vegetation, whichever is further**. This is a significant expansion of current policy and creates a potentially constantly moving buffer area depending on annual rainfall and other climatic conditions that influence riparian vegetation and subjects a landowner to an uncertain standard.

**The edge of the buffer should be the top of the bank.**

Development Standard NS2: ESH Setbacks and Buffers permits public recreational trails within these areas. Development Standards are intended to implement policy objectives. This Development Standard is wholly inconsistent with the purpose of Policies NS-6, NS-7, and NS-9, which is to preserve intact habitat, stream quality, and riparian vegetation. Trails and recreational facilities are development and cannot be given a free pass simply because they are desirable to a specific constituency or interest group.

Development Standard NS-3: Rare Plants. This section is vague and inconsistent with sound policy and good governance, providing staff with far too much power of discretion, and **should be deleted in its entirety**.

Development Standard NS-4: Sensitive Wildlife Species, is vague and inconsistent with sound policy and good governance, providing staff with far too much power of discretion, and **should be deleted in its entirety**.

Definition of Agriculture – Because the current wording of this definition has been revised in a manner that introduces ambiguity, we propose that the definition be revised so that it includes only language currently in the Comprehensive Plan: "The purpose of an agricultural designation is to preserve agricultural land for cultivation of crops and the raising of animals. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported. The integrity of agricultural operations shall not be violated by recreation or other non-compatible use."

*The above language is taken straight from the Agricultural Element of the Comprehensive Plan. No words have been added and none deleted from the relevant sections of the Ag Element.*

Policy NS-6 – change the word "identified" to "mapped." There is significant doubt that there are wildlife corridors in the Plan area, but to the extent they might exist, the policy should be confined to mapped areas that are described in Action NS-2 (on 2-17). The potential results of the failure to clearly map wildlife corridors if they are to be included in the Plan is evidenced by the EIR Responses to Comments, Response #21-43, stating that "the entirety of the Plan Area serves as a major wildlife movement corridor and

contains numerous corridors for a variety of species.” The entire Plan area is a wildlife corridor? Or it comprises numerous corridors? Which is it and how does a property owner or a County regulator identify these “numerous corridors”?

Policy NS-7 – must add to the 4th line, after “provision of essential public services”; “and private access requirements.” Having access to one’s private property is every bit as important as providing essential public services.

Action NS-3 – if riparian corridors are to be added to the ESH-GAV overlay, property owners are entitled to know, prior to adoption of the Plan, where the overlay will be – they must be mapped. The Plan can be amended later to add new mapped areas as appropriate, but the initial overlay area should be mapped prior to plan adoption.

DevStd NS-2 – delete “or existing edge of riparian vegetation” because this cannot be determined as of the time of Plan adoption and can change markedly over the years.

DevStd NS-3 – change line 3 to read, “Permits for any project in the Gaviota Coast Plan Area, rare plant surveys focused on the proposed areas to be disturbed by the project shall be conducted.” This eliminates the potential that someone later interpreting this wording will require surveys that encompass the entire parcel upon which the project is located. These parcels tend to be very large and there is no justification for requiring surveys that extend beyond the disturbance areas associated with the project. *Similar language already appears in other Development Standards in the Draft Plan. See, e.g., DevStd C, which includes the following sentence: “The survey shall include all areas of the project that would result in ground disturbance.”*

DevStd NS-4 – the same change should be made to this Development Standard for the same reason.

DevStd NS-5 – change to read, “If potential jurisdictional wetlands or waters are found within or adjacent to the proposed areas to be disturbed by the project in the Plan Area, and have potential to be disturbed by implementation of the project, . . .” Same reason – if the project won’t disturb the area, there is no sound reason for requiring these surveys.

Policy AG-I.A – This language does not accurately reflect the Ag Element language, which reads: “Land designated for agriculture shall be preserved and protected for agricultural use. The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.” The Ag Element language should be retained in full and not modified or partially redacted.

Policy AG-1.H – This language, too, has been modified from the Ag Element. It should read: “To increase agricultural productivity, the County shall encourage land improvement programs.”

The following provision of the Ag Element has been completely eliminated and should be included in the Gaviota Coast Plan. It is Policy I.E. of the Ag Element: "The County shall recognize that the generation of noise, smoke, odor and dust is a natural consequence of the normal agricultural practices provided that agriculturalists exercise reasonable measures that minimize such effects."

Action AG-3 – the 40% threshold for steep slope regulation recommended by the GavPAC should be restored.

Last full paragraph includes pseudo-legal language regarding prescriptive rights, historic "informal trails," implied dedication, "public prescriptive easement," and an incomplete discussion of legal rights that is not accurate because of its brief presentation of a complex legal issue. For example, the discussion doesn't provide any standards or identifying factors for "informal trails." Are these trails on open, unfenced public lands only? The EIR suggests that the term includes trails across the Gaviota Marine Terminal property and the Las Varas Ranch, both of which are privately-owned, not open to the public, and are fenced and posted for No Trespassing. Neither can meet the standards of implied dedication set by California case law. The EIR Responses to Comments, Response #21-65 states that "The County of Santa Barbara does not promote or condone trespassing on private property." If this "informal trails" discussion remains in the Plan, one can only conclude that the County not only promotes and condones trespassing, but it rewards it by recognizing "informal trails." As written, this discussion does not belong in the Comprehensive Plan unless it is greatly expanded to present the complete status of the law on this subject and more specific information as to what kinds of trails (e.g., examples of locations) and the kinds of lands where they would be sited.

Planning for the California Coastal Trail – what is lacking from this discussion and must be added for accuracy and balance is the language from the California Coastal Trail Act (SB908): "Section 1(b) (b) The California Coastal Trail shall be developed in a manner that demonstrates respect for property rights and the proximity of the trail to residential uses, and that evidences consideration for the protection of the privacy of adjacent property owners."

Second bullet under Recreational Trails should read "To avoid to the extent feasible and mitigate the use of trails on agricultural operations, natural resources, cultural resources, private property, security and privacy." The County cannot manage the public's use of trails without substantially more resources than it budgets to provide. But, the County can implement appropriate measures to avoid and mitigate the impacts of the public's use.

The current Plan deletes, many times over, the use of the word "willing" from the discussion of dedications of trails over private property. The GavPAC stressed that trails should be acquired through negotiation between the County and willing private property owners and the initiation draft of the Plan included that word. The word "willing" should be restored each place it was omitted. There is no environmental

reason for the omission – it is a staff suggestion only.

Action REC-8 has been added since the initiation draft Plan. This Action item would have the County identify trails routes that cross over the railroad tracks, yet there is no stated limit on how and where these trail routes would be identified, or the funding to ensure that crossing over are by bridge and under are by tunnels. This is a recipe for disaster. There are enough deaths and injuries from pedestrian/train collisions in this County each year without exacerbating the situation by inviting the public to trespass in the name of “public access to the beach.”

Policy REC-17 – this policy mandates that the State-owned lands have restrooms and adequate parking, but this entire section includes absolutely no such requirement of such facilities for County-owned trail easements on private property and County land. To be fair and balanced, the policy should require that the County undertake to take the same responsibility for health and safety at its trailheads.

Action REC-9 – this is a new addition since Plan initiation and aggressively proposes trails and recreational facilities in the name of “conservation.” Introducing the public (through trails and camping) into sensitive habitats, including the blufftops in the Gaviota Plan Area, and promoting public trail connectivity through sensitive habitats such as the coastal areas and the National Forest, may be a trail user’s goal, but it is not conservation. This should be re-written to add a dose of common sense, including requiring that trail locations be balanced against preserving sensitive habitat areas.

Action LU-4 – Land Use Incentive Program. This program was far more expansive when the GavPAC subcommittee proposed it. Because the GavPAC process was abruptly shortened, after it was well underway, the GavPAC had no time to complete the incentive program, but a copy of the last version is attached. The GavPAC asked that staff flesh these steps out and come up with a more polished version. Instead, the result was a pitifully short version that doesn’t satisfy anyone. This needs more work, but that work should be a top priority and not be put on indefinite hold as so often happens with Action items included in adopted Plans.

Policy VIS-14 should be revised, because so many mature trees that currently form the viewshed from Highway have been destroyed or severely damaged by fire and drought, to read: “Non-agricultural landscaping, other than replacement of existing landscaping damaged or destroyed by fire, drought, or similar natural cause, when mature, shall not obstruct public ocean views, or mountain views from Highway 101.”

New language has been added to Policy VIS-6 Design Review. That new language should be stronger. Rather than using the word “consider,” the proposed new language should use “apply.” Consider means that the guidelines can be considered and rejected. Apply means that they must be applied to the analysis of the proposed design. That was the GavPAC’s intent.

Action TEI-2 has been completely gutted. An action item that simply requires seeking funding does not implement the Policy. The original language should be restored so the Action calls for the actual preparation of the Transportation Corridor Management Plan.

### Gaviota Plan EIR Deficiencies

CEQA requires that an EIR be a full disclosure document, not a sales pitch for a particular point of view. The EIR does not meet that standard because the writer(s) is/are so heavily biased. Alternative 2 is not what the landowner community and environmental community worked out in the GavPAC process over many meetings and Trails Subcommittee meetings with, it is worth mentioning, significant compromises on the part of both groups. Because of the obvious bias of the EIR writer(s), Alternative 2 fails to properly disclose and analyze the significant impacts of the proposed expanded trails and recreation components in a number of ways:

- The use of “best case” rather than reasonable “worst case” analysis whenever analyzing the range and severity of impacts of the proposed trail system;
- Unsupported claim that trail impacts are less than significant in the Plan;
- Primary focus on maximum public use without required consideration for environmental and cultural resource protection, wildfire risk, and impacts on agricultural viability and private property rights;
- Proposal of an inappropriate urban type trail system and supporting infrastructure throughout the Plan area without disclosing and analyzing impacts or addressing need to mitigate these potentially significant impacts;
- Failure to acknowledge the County’s historical inability to patrol or maintain trails;
- The use of existing trespassing to excuse impacts and failure to analyze these impacts;
- Failure to acknowledge visual impacts on slopes and in fenced areas;
- Failure to consider relocation of trails as mitigation and unsupported claim that impacts are unavoidable;
- Failure to acknowledge significant increase in vehicle trips and emissions impacts of travel to and from trails and recreation facilities;
- Inadequate analysis of historical and cultural resource impacts;
- There is an unsupported assumption that there will be adequate water availability and quantity for increased public use, as well as the unquestionable significant impacts of waste water treatment and sanitary facilities necessary to support an aggressive trails system;
- Failure to acknowledge or analyze impact of trails on biological resources, introduction of invasive weeds, disturbance of nesting birds, and impacts to wildlife corridors and movement;
- Failure to acknowledge or analyze trail impacts on ag viability and operations;



- Inconsistent proposals for at grade RR trail crossings and increased at grade highway access for trail heads and facilities and failure to acknowledge the strong input that Caltrans provided in the GavPAC process that at-grade highway crossings are unacceptable;
- Absence of plans or policies for trail siting in the Plan to protect slopes, agriculture, private property, views, cultural resources, etc.;
- The false claim of programmatic mitigation for trail impacts in the Plan;
- False claim of trail siting in previously developed areas and adjacent to 101 and RR Right-of-Way. Bluff trails and facilities in particular are actually located on undisturbed and/or historic agricultural areas, and quite often on prime productive ag land;
- The failure to analyze impacts of unleashed dogs, trail traffic in riparian areas, disturbance of wildlife in canyons and densely vegetated areas, damage from unsupervised and unobserved users, fragmentation of habitat, reduction of habitat value on private land, access for marijuana cultivation and illegal drug smuggling, potential impacts on homeland security from increased access to remote areas (particularly seashore areas), contribution to erosion and sedimentation, water quality impacts from trash and sewage, requirements for emergency and fire services, increases in fire risks, urban influence of trailheads/parking/facilities including the impact to the night sky, lack of maintenance capabilities, damage to native grassland and sensitive habitat;
- The absence of discussion on the increased likelihood of fires from an influx of public users in high fire danger areas which exist throughout most of the Plan area other than the beach (see, e.g., the discussion of potential wildland fires from trail users – the EIR writer concludes that smoking and building fires would not be considered typical of trail users and would be considered an unlikely scenario.);
- The failure to address the long term, cumulative impact of recreational urbanization on the rural character of the Gaviota Coast.



**LAS VARAS RANCH  
MERGED & RECONFIGURED LOTS  
PROPOSE DEVELOPMENT ENVELOPES  
AND PUBLIC TRAILS**

- ① 55.0 AC.
- ② 58.7 AC.
- ③ 100.0 AC.
- ④ 147.5 AC.
- ⑤ 157.2 AC.
- ⑥ 1,115.0 AC.
- ⑦ 150.0 AC.



GAVPAC INCENTIVES WORKING GROUP  
c/o 317 East Carrillo Street  
Santa Barbara, CA 93101

February 24, 2014

Brian Tetley  
Long Range Planning Division  
123 East Anapamu Street  
Santa Barbara, CA 93101  
VIA EMAIL AND HAND DELIVERY

*Re: Gaviota Coast Plan Incentive Program*

Dear Mr. Tetley:

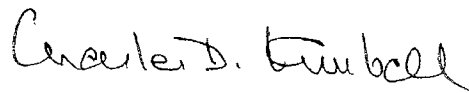
One of the major tenants of the Gaviota Plan was the need to provide incentives to insure the success of primary goals of protection and enhancement of agriculture and resources. This was confirmed in the Board of Supervisors' hearing initializing environmental review of the Plan.

As encouraged by Supervisor Farr, I, as GAVPAC chairman, organized and led an incentives working group which included Susan Petrovich, Eva Turenchalk, Sharyn Merritt, Sharyne Main, Andy Mills, Mark Chiconas and Anne Coates all of whom were involved in the GAVPAC process. We are pleased to present the attached incentive program for inclusion as an alternative in the EIR process.

While individual elements of the incentives program may have the potential to create impacts themselves, it is important to look at the Plan as a whole and recognize that it has the potential to enhance multiple resources and ensure achieving the goals of the Plan. Many of the incentives have self mitigating elements, such as square footage caps, as well as requirements that they be consistent with all elements of the Plan. The combination of the design elements and guidelines included with the incentives as well as the fact that the resource enhancement and protection provided with the program goes above and beyond what can be achieved with the Plan alone, and that results in an environmental benefit which far exceeds any potential for impacts from individual elements.

We spent multiple hours discussing the recommended elements of the Plan and offer to help answer any questions staff has in its review.

Very truly yours,



Charles D. Kimbell, Chair

CDK/dob  
Enclosure

# **GAVIOTA COAST PLAN INCENTIVES PROGRAM**

## **Recommendations by the Incentives Working Group**

### **Executive Summary and Introduction**

The introduction to the Gaviota Coast Plan (“GCP”) eloquently identifies a Plan objective as being the “long-term preservation of Gaviota while providing reasonable equity to the private property rights of its stewards.” The menu of incentives described below recognizes that successful enhancement and preservation of all types of Gaviota resources may not be attainable through regulation alone and in fact, regulation alone could impair the Plan’s goals. A successful Plan must include a variety of incentives that will encourage landowners to take creative actions that promote and protect Gaviota’s vast resources and continue and enhance the historic land stewardship we have seen from owners on the Gaviota Coast.

The Incentives Program provides innovative approaches that offer (a) a direct reward for a property owner’s extraordinary contribution to the public benefit; and, (b) protections for the landowner who *voluntarily* engages in a “habitat enhancement and/or restoration action” that creates, expands, or enhances native habitat; and, (c) establishes a Conservation Fund that supplies financial assistance both to property owners who make qualifying long-term improvements without taking advantage of the incentives provided in the Incentives Table set forth below, and to non-profits and public agencies that undertake restoration projects. The Conservation Fund provides a motivation and mechanism for continued stewardship of the Plan area resources.

The success of the Incentives Program will require open minds, long-term vision coupled with cooperation from the County, the landowners within the Plan area, and the citizens of the County. Implementation will require changes to existing County policies and ordinances to support and motivate the Plan’s goals, including the Agricultural Preserve Uniform Rules, and replication of such programs as the Agricultural Residential Unit or the Residential Second Unit. Implementation also will require consideration of innovative programs adopted by other California counties (e.g., Streamline Processing). Other counties within California have adopted portions of these incentives, both inside and outside the Coastal Zone. To reduce County staffing and costs, portions of the program may be monitored by another public agency with jurisdiction over the activity.

The Incentives Program comprises four (4) separate menu items, each of which operates independently of the others. Together, these discrete elements provide public benefits while offering to property owners a range of options from which to choose.

The Incentives Program brings balance to the GCP by providing a comprehensive support structure to encourage innovative land use approaches. Together, these elements combined with the existing goals and policies of the GCP will lead to a far more successful implementation of the GCP and in many cases, will ultimately accelerate the long-term objectives to enhance, protect and preserve the Gaviota Coast Plan area.

The Five Key Elements of the Incentives Program are:

- 1) Voluntary Restoration and/or Habitat Enhancement Actions
- 2) Incentives Table
- 3) Large Ranches Program
- 4) Conservation Fund
- 5) Transfer of Development Rights (“TDR”) Pilot Program

**Voluntary Native Habitat Enhancement and/or Restoration Actions**

The County’s existing County policies and guidelines offer little support for voluntary actions that benefit native habitat and other resources. The intrinsic value of enhancing, protecting and preserving the wide range of resources on the Gaviota Coast requires a comprehensive program for voluntary private property owner actions that provide public benefits. Currently, County regulations and permit requirements tend to establish a disincentive for individual effort and sacrifice for the public benefit, particularly because habitat improvements can result in land use restrictions arising out of designations of listed species habitat and environmentally sensitive habitat (“ESH”). The permit process alone creates burdens and delays that operate as a barrier to habitat improvements programs. Long-term loss of use of the land is a more permanent disincentive to landowners. Historically, relatively few private voluntary conservation and enhancement projects have been undertaken, in part because of permitting obstacles.

Given the broad public appeal and public benefit for increased voluntary resource improvement, conservation, and enhancement, and for implementation of agricultural Beneficial Management Practices (“BMPs”), on the Gaviota Coast, the Incentives Program is an essential part of the GCP. County policy encourages and facilitates restoration of degraded landscapes within the Plan area, but fails to acknowledge the reality that its policies and regulations implementing those policies create disincentives to enhancing, creating, and preserving native habitats because establishing and protecting healthy native habitat subjects the landowner to regulations that inhibit or prevent future uses of the restored lands. Without this Incentives Program, the newly-created or restored habitat becomes environmentally sensitive habitat (ESH) and may not be disturbed by the type of development that the landowner later may wish to site on the property.

The Voluntary Native Habitat Enhancement/Restoration Actions are not related in any way to the Incentives Table. Actions undertaken to receive an Incentive as part of the Incentives Table are intended to be permanent and would not be subject to the Voluntary Native Habitat Enhancement/Restoration Actions below. The actions subject to this program are voluntary, self-funded habitat improvements undertaken by individual landowners who reserve the right to change or even remove those improvements at a later date, without penalty or further processing.

The Voluntary Native Habitat Enhancement/Restoration Actions shall be incorporated into the GCP and include the following:

- A. Recognition that even the temporary existence of healthy native vegetation (e.g., planting of vegetation that attracts and provides food or shelter for pollinators),

planted and maintained by a landowner who is not otherwise obligated to plant it, provides a boon to the environment. Later elimination of all or any part of the vegetation should not be punished, prohibited or required to be mitigated.

- B. The landowner shall be entitled to apply to the County for a development agreement, setting the then-existing condition of the area of the landowner's property that will be the subject of the agreement, as a baseline for ALL purposes, in exchange for creating new or enhancing existing native habitat, or restoring degraded habitats to a healthy and appropriate native condition. The application shall include a template agreement provided by the County, with all relevant information to be provided by the applicant and to which shall be attached an exhibit describing the activity proposed, allowing the form to be adapted to accommodate the voluntary program(s) that each landowner pursues. The County's charge for this process should be minimal.
- C. The application shall include a description, prepared by a qualified biologist retained by the landowner at his/her/its sole expense, of the area in which the designated action will occur and its condition existing upon the date of application and a sufficient description of the planned creation, enhancement, and restoration activity ("Baseline"). The agreement shall provide that any future improvements, development or other activity requiring a County permit shall be evaluated using the Baseline and not the current habitat condition. Removal, disturbance or degradation of all or any portion of the habitat to a condition that is equal to or better than the Baseline shall be deemed ministerial and therefore not a "project" subject to CEQA review, shall not require a permit of any kind, shall not be included in the environmental review of any project that might otherwise be deemed to create an impact upon the habitat in question, and shall not be required to be mitigated.
- D. Upon the parties' execution of the development agreement, all future applications for development within the area described in the development agreement shall be reviewed and evaluated, and buffers and setbacks calculated, as though the restoration had not occurred and in the context of the Baseline.
- E. The overriding purpose of Voluntary Native Habitat Enhancement and/or Restoration Actions is to assure landowners that any native habitat creation, enhancement, or restoration that they voluntarily undertake will not inhibit future development in the habitat in any way other than policies that would be applicable to the condition of the restored area as it existed at the Baseline.

**Introduction to Actions and Incentives Table -- Operation and Large Ranch Incentives Approach**

The Actions and Incentives Table ("Incentives Table") below sets forth certain GCP objectives and proposed incentives for accomplishing the objectives. Except where specific actions and incentives are matched to one another in the Incentives Table, actions and incentives are classified based upon (a) the benefit of the action to the public from the preservation and enhancement of resources and the perpetuation of viable agriculture in the Plan area, and (b) the benefit of the incentive to property owners who perform the actions.

The Incentives Program goals include:

1. Long-term conservation and enhancement of natural resources and agriculture.
2. Providing meaningful incentives that will encourage landowners not to subdivide their lands and, where feasible, to merge existing parcels, thereby preserving agricultural viability and environmental integrity.
3. Providing a mechanism for achieving permanent recreational, agricultural, and environmental enhancements in exchange for greater residential development than that allowed by existing zoning.
4. Clustering of residential units where appropriate to reduce impacts on resources and agriculture.
5. Providing a meaningful program for transferring development rights with bonus density within the Plan Area.
6. Recognizing and rewarding the inherent value of having owners of large landholdings participate individually, or landowners collaborating with their neighboring landowners by pooling their properties to enlarge the cumulative benefit of an action, to offer an environmental, agricultural, or recreational benefit of unique value and scale (e.g., a trail location or link of particular importance to the area-wide trail system, or an agricultural conservation easement that comprises several hundred acres).

The incentives in the Incentives Table are classified in a manner that acknowledges their intrinsic value, which goes beyond mere monetary value.

The classification begins with Class A, the highest and most desirable menu of actions and incentives. The classification includes Class B, the second most desirable category, with actions and incentives that are major but of less magnitude than those set forth in Class A. A landowner (or group of landowners who together desire to take advantage of the Incentives Table opportunities) who implements an action from one of these classes, as confirmed by County staff (with no County processing fees to the landowner), is entitled to select an incentive from the menu of incentives that fall into the same category or, in exchange for each action, two incentives from the lower category. For example, the property owner who implements a Class A action may choose an incentive from among all of the Class A incentives, or the property owner may choose two Class B incentives in exchange for each Class A action. However, an owner who implements two Class B Actions is not able to choose a Class A incentive.

A separate group of specific actions and incentives are set apart from the classes and tied together because they are uniquely suited as quid pro quo. These specific actions and incentives may not be mixed with those listed in Class A and Class B. and these specific

incentives and actions are in addition to, and apart from, those listed in Class A and Class B.

The Actions and Incentives Table applies, and is available, to the owners of all sizes of properties within the Plan area. However, the Incentives Program acknowledges that there should be additional levels of incentives to encourage owners of larger landholdings (those of greater than 500 acres in size), or individual owners who collaborate and join their properties together to total over 500 acres, to extend the public benefit of their actions and achieve a cumulative scale that surpasses what can be accomplished on smaller landholdings. This additional level of participation is referred to as the “Large Ranch Incentives” to acknowledge the increased beneficial actions that larger properties can undertake, and to balance that larger benefit with an appropriate Incentive.

Owners of properties falling into the Large Ranch category have the potential for implementing multiple beneficial actions simultaneously to earn enhanced incentives in exchange. Unlike the Incentives Table, which is intended to operate fairly administratively with little or no permitting requirements, the Large Ranch Program requires creativity and flexibility not present in the Incentives Table and would include the submittal of a Specific Plan or a Development Agreement between the participating landowners and the County. Following submittal, the range of actions and incentives proposed by the landowner(s) would be evaluated by staff on a case by case basis to ensure a balance between the actions and incentives. The actions and incentives included in the Incentive Table are not to be considered as a minimum baseline for any landowner(s) who elect to participate in the Large Ranch program and submit a Specific Plan and/or Development Agreement, nor should the Incentive Table be regarded as a standard for consideration and processing of Large Ranch proposals. Because the Large Ranch Program actions and incentives will be property specific, they are not analyzed in detail here, however, some examples include watershed-wide projects, large-scale habitat creation, enhancement or restoration projects, large acreages into agricultural conservation easements or conservation easements, vertical beach access trails, internal TDRs/clustering of development rights, and trails extended over ½ mile in length. In exchange for these larger scale actions, some examples of larger scale incentives include the ability to increase square footage of residential second units, approval of multiple additional residential units, the right to divide and sell, finance and lease additional residential units, bonus density for residential units, and large scale internal transfers of development rights.



**AGRICULTURAL & ENVIRONMENTAL ENHANCEMENT ACTIONS AND INCENTIVES**  
**GAVIOTA COAST PLAN WORKING GROUP RECOMMENDATION**

Class A Agricultural & Environmental Enhancement Actions	Class A Incentives
<ol style="list-style-type: none"> <li>1. <b>Conservation and/or Agricultural Conservation Easement</b> -- Protect and preserve habitat and/or agriculturally productive soils through the recordation of a Conservation and/or Agricultural Conservation Easement that preserves 70% to 90% of the premises, the percentage required being dependent upon the size of the premises.</li> <li>2. Perform a “major” voluntary habitat restoration project, including maintenance for 5 years, such as:               <ol style="list-style-type: none"> <li>a) remove a creek crossing that acts as a gray or red barrier to steelhead migration (as defined by CADFW) and restore and maintain the habitat for 5 years.</li> <li>b) relinquish a permitted in-stream diversion or significant reduction (in either ft<sup>3</sup> or time of year) in a permitted diversion deemed by CADFW to result in a “major” recharge of water to the stream.</li> <li>c) Remove non-native invasive species from an entire watershed area and maintain for 5 years</li> </ol> </li> <li>3. Dedicate a trail for public usage that is accepted by Santa Barbara County or County-approved land trust or other public agency.</li> <li>4. Dedicate and construct trailhead parking and other facilities on a trail offered for dedication and accepted by the County.</li> <li>5. Prepare, submit and implement for inclusion in the County database, a Watershed and Conservation Plan comprising the entire watershed area and including:               <ol style="list-style-type: none"> <li>a. ESHA mapping / BMPs defined</li> <li>b. Special status species ID /BMPs defined</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. One additional residential unit on a single legal parcel of 100 acres or larger, with a land division placing the additional residential unit on a separate legal parcel of no less than 50 acres in size notwithstanding the minimum parcel size, shall be allowed in addition to any other permitted use on the parcel.               <ol style="list-style-type: none"> <li>a. The additional residential unit may not exceed a total of 5,000 square feet in size (including garages and accessory structures) of which only 2,000 square feet can be habitable. Total square footage (including habitable) may be increased by up to 3,000 square feet in exchange for a contribution to the Conservation Fund of a sum equal to \$200 per square feet of additional residential foot. The contribution per square foot shall be increased by 2% per year, commencing with the date of Plan adoption by the County.</li> <li>b. The additional residential units may be separately sold, leased or financed and are not limited to occupancy by family members.</li> <li>c. The additional residential units may be occupy a site no greater than two acres in size.</li> <li>d. The additional residential unit shall be sited, designed and used in a manner that is compatible with agricultural use of the parcel and shall not compromise agricultural operations on the parcel or on neighboring parcels.</li> </ol> </li> <li>2. Two additional residential units on a single legal parcel of 100 acres or larger shall be allowed in addition to any other permitted use on the parcel.               <ol style="list-style-type: none"> <li>e. The additional residential units may not exceed a total of 5,000 square feet in size (including garages and accessory structures) of which only 2,000 square</li> </ol> </li> </ol>

<ul style="list-style-type: none"> <li>c. Restoration and enhancement plan for premises/habitats</li> <li>d. Cost analysis for full plan implementation</li> <li>e. Water quality BMPs</li> <li>f. Water conservation BMPs</li> <li>g. Riparian BMPs</li> <li>h. Invasive plant removal management plan with BMPs</li> <li>i. Erosion control plan with BMPs</li> <li>j. Road maintenance plan with BMPs</li> <li>k. Livestock management plan</li> <li>l. Soil health management plan</li> </ul> <p>6. Re-locate or remove an existing agricultural structure or operation, residence, or road away from sensitive habitat, involving at least 5,000 square feet of disturbance, and restore the disturbed area, maintaining restored vegetation for 5 years.</p>	<p>feet can be habitable. Total square footage (including habitable) may be increased by up to 3,000 square feet in exchange for a contribution to the Conservation Bank of a sum equal to \$200 per square feet of additional residential foot. The contribution per square foot shall be increased by 2% per year, commencing with the date of Plan adoption by the County.</p> <ul style="list-style-type: none"> <li>f. The additional residential units may not be separately sold or financed but may be leased to or occupied by family or non-family members.</li> <li>g. The additional residential units may be located within the same site as other residences on the parcel but if remotely sited, may not occupy a site more than one acre in size.</li> <li>h. All additional residential units shall be sited, designed and used in a manner that is compatible with agricultural use of the parcel and shall not compromise agricultural operations on the parcel or on neighboring parcels.</li> </ul> <p>3. One additional residential unit, meeting the same standards as above, shall be allowed in lieu of an allowed guest house, artist studio, cabana or agricultural employee residence on parcels that are 20 acres or greater and less than 100 acres in size.</p> <ul style="list-style-type: none"> <li>a. Could be new unit or conversion of existing structure provided the unit is compliant with current building and safety codes.</li> </ul> <p>4. Certify an existing unpermitted agricultural structure that is an allowed land use not fully permitted (i.e., these are not legal non-conforming structures), including agricultural employee housing, whether mobile homes or structures, and other development and improvements. The structure must meet all building and safety codes and requirements.</p> <p>5. Allow new farmstay/guest ranch structures with a LUP/CDP permit consistent with</p>
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	<p>parameters for farmstay/guest ranch included in Permit Tiering Ordinance.</p> <p>6. Expand list of commercial recreational uses allowable with a CDP or LUP to include zip lines and recreational activities that include the usage of ATV's, jeeps, and similar motorized vehicles (excluding motorcycles), which activities would include farm/ranch tours, hay rides, hunting, and the like, provided that the activities:</p> <ol style="list-style-type: none"> <li>do not generate more than 20 trips per day to the property,</li> <li>all participants will be supervised by a guide,</li> <li>the activities shall not compromise agricultural operations on the affected parcels or on neighboring parcels,</li> <li>the premises for the activities may be no less than 500 acres in size, and</li> <li>the activities will conform to the Good Neighbor Conduct Principles set forth herein.</li> </ol> <p>7. Transfer of Development Right that affords to the receiver site all of the benefits set forth in Incentive #1 above.</p>
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<b>Class B Agricultural &amp; Environmental Enhancement Actions</b>	<b>Class B Incentives</b>
<ol style="list-style-type: none"> <li>Perform a "moderate" voluntary habitat restoration project, including maintenance for 5 years, such as: <ol style="list-style-type: none"> <li>Remove an at-grade creek crossing (non-barrier to steelhead with or without subsequent bridge installation) and restore the habitat in the disturbed area, maintaining for 5 years.</li> <li>Relinquish a permitted in-stream diversion or significant reduction (in either ft<sup>3</sup> or time of year) in a permitted diversion deemed by CADFW to result in a "moderate" recharge of water to the stream.</li> <li>Allow an independent biologist approved by a regulatory agency to perform stream habitat mapping/surveying/steelhead</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>Reduction of one permit tier in agricultural permitting tier system (but not a full exemption) for activity of property owner's choosing.</li> <li>Allow a new or existing unpermitted agricultural worker trailer with a LUP or CDP, and no required time limit on the permit.</li> <li>Allow equestrian boarding and training facilities as a permitted use on premises of 20 acres or greater in size with a daily limit of 20 use-related vehicle trips (ATD) plus no more than four days per year of horse shows or clinics (or similar activity) for which there would be a limit of 100 ATD's per show or clinic. The horse shows, clinics and similar activities shall conform to</li> </ol>

<p>assessments on private lands for a period of 10 years.</p> <ul style="list-style-type: none"> <li>d. Remove at least 1 acre of non-native invasive plants from riparian area on property with a rating of A (CA Invasive Plant Council), revegetating as needed, and maintaining for 5 years.</li> <li>e. Remove at least 5 acres of invasive plants from non riparian areas with a rating of A (CA Invasive Plant Council), revegetating as needed, and maintaining for 5 years.</li> <li>f. Complete bank stabilization and revegetation project of at least 300 linear feet and restore the habitat in the disturbed area, maintaining for 5 years.</li> <li>g. Successfully plant native vegetation within riparian corridor, maintaining for 5 years – at least 300 linear feet</li> <li>h. Remove existing orchard or other intensive agricultural operation from areas adjacent to top of creek bank and restore the habitat in the disturbed area, maintaining for 5 years – greater than 250 linear feet</li> <li>i. In conjunction with a qualified agency, implement a voluntary water quality monitoring program to assess potential agricultural operation impacts on nearby streams and perform actions recommended by the agency to improve stream quality.</li> </ul> <p>2. Creation of new non-lined/earthen water storage (such as stock ponds/dams, infiltration dams, etc.) for livestock, irrigation, and suitable/accessible for wildlife usage that comprises no fewer than three (3) acre feet.</p> <p>3. Underground all onsite utilities within the Critical Viewshed Corridor.</p> <p>4. Prepare, and submit for inclusion in County database, a conservation plan that includes details for focused areas within the property and includes:</p> <ul style="list-style-type: none"> <li>a. ESHA Mapping &amp; BMPs</li> <li>b. Special status species ID</li> <li>c. Restoration and enhancement plan</li> </ul>	<p>the Good Neighbor Conduct Principles set forth herein</p> <ul style="list-style-type: none"> <li>4. Increase by fifty percent the square footage threshold for triggering the requirement for development plan review.</li> <li>5. Expand the list of commercial recreational uses allowable with a CDP or LUP to include recreational activities that do not include the usage of motorized vehicles. These activities would include farm/ranch tours, hay and carriage rides, hunting, historical tours, surfing lessons and competitions, and the like, provided that the activities: <ul style="list-style-type: none"> <li>a. The activities do not generate more than 20 trips per day to the property,</li> <li>b. All participants in the activities will be supervised by a guide,</li> <li>c. The activities shall not compromise agricultural operations on the affected parcels or on neighboring parcels,</li> <li>d. The premises for the activities may be no less than 500 acres in size, and</li> <li>e. The activities will conform to the Good Neighbor Conduct Principles set forth herein.</li> </ul> </li> </ul>
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<ul style="list-style-type: none"> <li>d. Conceptual cost analysis for full plan implementation</li> <li>e. Focused site specific BMPs</li> <li>f. Water quality BMPs</li> <li>g. Water conservation BMPs</li> <li>h. Riparian BMPs</li> <li>i. Invasive plant removal management plan with BMPs</li> <li>j. Erosion control plan with BMPs</li> <li>k. Road maintenance plan with BMPs</li> <li>l. Livestock management plan</li> <li>m. Soil health management plan</li> </ul> <p>5. In conjunction with a qualified agency, implement a water conservation assessment for irrigated agriculture that includes:</p> <ul style="list-style-type: none"> <li>a. Conducted every 3-5 years</li> <li>b. Distribution uniformity tests on Irrigation</li> <li>c. Pump/regulator tests</li> <li>d. Groundwater recharge analysis</li> <li>e. Stream flow assessment (if applicable for fish passage), and</li> <li>f. Implement 100% of the agency's recommendations within 3-5 years</li> </ul>	
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<b>Specific Agricultural &amp; Environmental Enhancement Actions</b>	<b>Specific Incentives</b>
<p>1. Create a deed restriction that covenants that the total area of habitable space for non-agricultural residences will not exceed 100 square feet per acre on the parcel, not to exceed 7500 square feet.</p>	<p>1. One to two additional residential units on a single legal parcel of 100 acres and larger shall be allowed in addition to any other permitted use on the parcel, provided that:</p> <ul style="list-style-type: none"> <li>a. The additional residential units may not exceed a total of 5,000 square feet in size (including garages and accessory structures). of which only 2,000 can be habitable. Total square footage (including habitable) may be increased by up to 3,000 square feet in exchange for a contribution to the Conservation Bank of a sum equal to \$200 per square feet of additional residential foot. The contribution per square foot shall be increased by 2% per year, commencing with the date of Plan adoption by the County.</li> </ul> <p>The additional residential units may not be separately sold or financed but may</p>

	<p>be leased to or occupied by family or non-family members.</p> <p>b. The additional residential units may be located within same site as other residences on the parcel but if remotely sited, may not occupy a site more than one acre in size.</p> <p>c. All additional residential units shall be sited, designed and used in a manner that is compatible with agricultural use of the parcel and shall not compromise agricultural operations on the parcel or on neighboring parcels.</p>
<p>2. Create a viewshed easement that restricts at least 95% of the premises' land area to open space and agricultural uses and prohibits the construction of any new above-ground structures other than fences, gates, roads, water troughs, cattle guards, utility facilities, livestock loading chutes, pole barns, water lines and tanks for agricultural purposes, and creek bridges within the Viewshed Corridor area.</p>	<p>2. The County shall execute a Development Agreement with the property owner authorizing twice the number of residential units otherwise allowed on the premises by applicable land use regulations, with all development related to the additional residential units being located outside the viewshed easement area.</p>
<p>3. Replace a Williamson Act contract with a Conservation or Agricultural Conservation Easement.</p>	<p>3. The County shall adopt financial incentives to assure the property entering into a Conservation or Agricultural Conservation Easement receives the same property tax treatment received via their Williamson Act Contract.</p>
<p>4. Merge two or more legal parcels into one.</p>	<p>4. Double the number of additional residential units allowed by zoning.</p>

**EXAMPLES OF ACTIVITIES ELIGIBLE FOR CONSERVATION FUNDS**

These are intended to serve as examples of the types of activities that could apply for Conservation Funds. Final determination of activities and priorities for funding will be determined by the entity managing the Fund and the associated citizen's committee.

1. Remove non-native invasive plants from riparian area on the premises and restore native vegetation as needed to prevent re-infestation.
2. Bank stabilization and revegetation project of at least 100 linear feet
3. Remove existing orchard from areas adjacent to top of bank – at least 100 linear feet
4. Remove minor existing agricultural uses and/or infrastructure from ESH buffer.
5. Allow perpetual access to premises for governmental or non-profit agency seeking to perform invasive plant removal or other restoration projects.
6. In conjunction with a qualified agency, implement and maintain sustainable agricultural practices such as increased soil organic levels, increased soil carbon levels, no till operation, and cattle exclusion fencing.

- |  |
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| <ol style="list-style-type: none"> <li>7. Native tree planting and protection or protection of naturally germinated native trees that thrive for no fewer than 5 years.</li> <li>8. Native grassland regeneration or preservation as part of a grazing operation.</li> <li>9. Installation of fencing for the purpose of excluding or managing livestock to protect the bed and banks of streams or other sensitive habitats.</li> </ol> |
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**WARNING: ACTIONS AND INCENTIVES LISTED ABOVE MAY REQUIRE PERMITS FOR IMPLEMENTATION**

**Good Neighbor Conduct Principles**

The purpose of the Good Neighbor Conduct Principles (“Principles”) is to identify, for each activity that identified above as being subject to compliance with these Principles, certain standards by which the described activity shall be conducted in order to continue in order to avoid or minimize the impact upon neighboring property owners:

1. **Noise** – noise levels from the activity shall not exceed 60 dB at any property line shared with a third party whose land is not part of the premises for the activity, either by ownership, lease, or consensual arrangement.
2. **Lighting** – to avoid glare and to minimize the light impacts upon any property owner whose land is not part of the premises for the activity, either by ownership, lease, or consensual arrangement, no lighting associated with the activity shall shine directly beyond any property line shared with a third party whose land is not part of the premises for the activity, nor shall glare be visible from a public right of way or from any property not a part of the premises for the activity.
3. **Parking** – all parking shall be provided onsite, except that off-site parking may be provided in a public lot or privately owned lot with the owner’s consent, with shuttling to the site of the activity. There shall be no on-street parking.
4. **Dust** – no dust generated by the activity shall travel beyond any property line shared with a third party whose land is not part of the premises for the activity, either by ownership, lease, or consensual arrangement.

**Principles for Implementation of Incentives**

1. For all additional residential units described in the table above, the property owner either may commence construction of the additional residential unit within two (2) years after recording the deed restriction or, at the property owner’s discretion, the County shall enter into a binding Development Agreement that ensures the property owner’s right to construct the additional residential unit at any time within 20 years following recordation of the deed restriction.
2. Performing one of the 18 Practices from the CRCDD Partners in Restoration Program will result in the streamlined permit process spelled out in the program in both the inland and coastal zone areas of the County.
3. Proposed Mitigation Bank (in addition to Conservation Fund):

Creation of habitat for the creation of a mitigation bank would result in monetary compensation when that habitat is used for mitigation on another property. Habitat could also be used for mitigation elsewhere on the subject property or nearby property.

## **Conservation Fund**

The Conservation Fund proposed in this program operates independently of the Incentives Table and provides needed funding for voluntary actions reviewed and approved through the process set forth below. The process is described below generally with specific activities to be determined by the entity operating the Fund.

The Conservation Fund provides a vital tool to implement conservation protection, restoration and enhancement projects by providing funding for these voluntary activities. Ecosystem services, biological restoration and improvement, and agricultural enhancements that could be achieved through these conservation measures have broad public benefit and appeal. Because these activities can be costly and do not provide a direct financial return, it is unusual for landowners to voluntarily undertake conservation actions. The GCP incentives program should include establishment and operation of a Conservation Fund, dedicated solely to the Gaviota Coast, to provide funding for the financial incentives listed in the Incentives Table as well as funding for conservation projects undertaken by non-profits and public agencies. An incentive that provides a benefit desired by a property owner can provide funding for valuable conservation projects that otherwise might never be funded. Conservation actions, while being worthwhile long-term investments, are difficult for many property owners to undertake because they offer little or no immediate return on cost but are expensive to complete. While sources exist for grant funding, these sources grow increasingly limited in size, and often require significant time, expertise and cost to patch them together.

The Conservation Fund is not a mitigation bank; its primary role is to raise and manage funds that will be offered for approved voluntary resource conservation projects through a grant process undertaken by the Conservation Fund, not by the County.

Unlike traditional “mitigation banks” that are mere exactions or conditions imposed upon land uses to offset potential project impacts on environmental resources, and generally are enforced and monitored by a land use regulatory agency, the Gaviota Coast Conservation Fund would be operated by a County-approved, independent non-profit entity. Grants will be based upon applications to improve and enhance the biological function, agricultural, and conservation value of the land and waterways. Funding would be provided from a variety of sources, including grants and private philanthropy, contribution actions set forth in the proposed Incentives Table and, with the County of Santa Barbara’s approval, mitigation payments generated by projects throughout Santa Barbara County where offsite mitigation is necessary because the applicant cannot provide full mitigation onsite.

Only projects consistent with the Gaviota Coast Plan will be eligible for receipt of Conservation Fund grants. The Fund would account to the County for any funds received as a result of a mitigation condition required by the County or as part of an incentive described in the Incentives Table.

To ensure transparency, funding criteria and disbursement decisions would be made by a community advisory committee in a public proceeding, including determining priority projects and activities, additional measures or actions to qualify for funding, monitoring requirements, proposal format and grant making process, and overall evaluation of the program.



### **Key Elements:**

- Gaviota Coast Conservation Fund (operated by a qualified local agency)
- Numerous Possible Funding Sources
- Advisory Committee Decision-making and Oversight
- Open and Transparent Reporting to Public and County
- Coordination with County for All Mitigation Funds
- Established Receiver Site Funding Criteria and Disbursement Schedule

### **Fund Structure:**

- Advisory Committee

The Committee would be responsible for setting criteria for funding priorities and use of funds, for reviewing proposed projects and selecting grant recipients, and for monitoring funded project progress and outcomes. Committee size, selection and length of service will be determined by the entity operating the Fund

- Fund Management/Administration Costs

An annual fee of \_\_\_\_\_% (to be determined by entity operating the Fund) is charged to cover administrative costs and associated services to manage the fund, work with community advisors, and disburse funding.

- Fund Disbursements

Once fund goals are achieved from various funding sources, disbursements from the Fund could happen on an established timetable (i.e., quarterly, twice per year or annually).

- Potential Funding Sources

- a. Incentives Table Implementation
- b. Grant Funds and Other Philanthropic Dollars
- c. County-sanctioned Offsite Mitigation Funds

Grant funding from state and federal conservation agencies, as well as large conservation foundations and funders, is potentially available for projects along the Gaviota Coast.

The Gaviota Coast Conservation Fund could attract additional donors to leverage funds for conservation enhancements in the Gaviota Plan area. A number of regional non-profit organizations actively seek philanthropic dollars from their donors for conservation efforts in this area, and the Santa Barbara Foundation is actively marketing for contributions to the LEAF Initiative to expand philanthropic dollars available for conservation activities.

### **Transfer of Development Rights**

The primary purpose of a transfer of development rights (TDR) program in the Gaviota Coast Plan Area is to encourage the long-term preservation of rural lands within the region.

A TDR program can support and enhance the goals and objectives of the County's Comprehensive Plan by further delineating urban/rural boundaries and providing measured

incentives for property owners to offer environmental and community benefits. TDR is inherently a "win-win" concept because property owners are appropriately compensated for making decisions that benefit the community at large and implement goals and policies of applicable area planning.

There are many successful examples of TDR in California and throughout the country, including a program in the County of San Luis Obispo. No two applications of TDR are exactly alike, in part because programs must be specifically tailored to meet the needs, challenges and opportunities that are unique to each planning area.

The TDR concept has been formally endorsed in County planning efforts for more than thirty (30) years, but has never been implemented successfully in this County. For example, in 1982, the County adopted Local Coastal Plan ("LCP") Policy 2-13, which calls for the specific application of TDR at the Naples property on Gaviota. The County adopted a limited TDR program in 2008, but it has not been implemented. Currently, the Draft Gaviota Coast Plan includes "Action LU-4: Develop Clustering and Transfer of Development Rights Tools":

Develop a rural clustering ordinance including incentives to encourage clustering of development (e.g., internal transfer of development rights, development agreements, etc.) to balance potential development rights with important coastal and inland land use issues. Potential public objectives include: maintain and preserve agricultural productivity; maintain and protect natural and visual resources; prevent fragmentation of the land; create open space; provide public benefits; and minimize infrastructure impacts.

The recommended Gaviota Coast Plan TDR program is adapted from a successful TDR program being operated by Monterey County to allow owners of highly-prized visually prominent properties along Highway One to forego development that will impact visual resources in exchange for moving the development "credit" to another site and to create a separate legal lot for that development credit, even where the resulting lot doesn't meet minimum zoning requirements as to size. That TDR program has been approved by both Monterey County and the California Coastal Commission. The recommended GCP TDR program incorporates an approach to reduce impacts to, habitat, agriculture, resources and open land and is not confined to visual impacts. The various approaches adopted by the GCP TDR program, for example, include the traditional form whereby development rights are transferred from one parcel to another, as well as a model focused on rural residential clustering.

Programs involving a transfer of development rights (TDR) have been controversial and, in many instances, unsuccessful, so the GCP TDR program is limited in scope and directly addresses the most common reason for TDR program failure – the inability to accomplish a transfer because of the impracticality of applying density credits to a "receiving site."

In other communities, decision makers, planners, and neighbors have found it easy to see a property's potential build-out to be reduced, but they have been less sanguine about increasing density of like value on another property in the same community. To overcome this potential obstacle, the GCP TDR is limited to the Plan area so that neither the "sending

site” nor the “receiver site” is located outside the Plan area. The program also contemplates the possibility that both the sending site and the receiving site will be within the same land ownership or will be within a consortium of neighboring land ownerships.

Successful implementation of Action LU-4 for the Gaviota Coast Plan Area or any TDR program developed by or for the Plan area will depend entirely upon the County and community being open to the concept, enticements for cooperative landowners, implementing ordinances, and the political will to shepherd the process to fruition.

## **GAVIOTA COAST PLAN TRAIL SITING GUIDELINES**

### **I. Introduction And Background**

The Gaviota Coast offers diverse opportunities as a coastal recreational destination of local and statewide importance. The agricultural heritage of the Plan area, its unique location incorporating elements of the Coastal Zone and of inland areas, its topographic and climatic variation from shoreline to valley to mountains, its incredible biological diversity, and its rich natural resources, make the Gaviota Coast Plan area unique among all of California. With over 3000 acres currently held as part of the State Park system, there are many opportunities to enhance the current trail system as it exists today. Public lands, combined with privately managed recreational areas and privately held land, offer the potential for a well-managed trail system where recreational opportunities, both coastal and inland, are abundant. Balanced with this unique opportunity is the need to protect, preserve and enhance sensitive habitat areas, agricultural viability, and the privacy of residents and landowners.

#### **A. Scope, Purpose, Goal and Objectives**

The scope of the Gaviota Coast Trail Guidelines is to complement and implement the trails provisions of the Gaviota Coast Plan and provide a model for trail siting and development across Santa Barbara County.

The major purpose of Gaviota Coast Trail Guidelines is to provide standards by which trails facilities, for recreation, transportation, health, and quality of life, can provide walking, hiking, biking, and horseback riding opportunities throughout the Gaviota Coast Plan's varied environments while protecting and preserving natural and cultural resources, agricultural resources, visual resources, and private property rights and security. To ensure that trail opportunities are provided within the Gaviota Coast Plan area, it is vital that these trails be located, designed and maintained so that they are safe for their users and their impact upon surrounding land uses and sensitive environmental resources is minimal.

The goal of the Gaviota Coast Trail Guidelines is to provide clear, understandable, objective standards for initiating, implementing and managing trails while attempting to satisfy the greatest number of users with the least amount of acquisition and construction cost per user.

For all trails within the Gaviota Coast Plan area, both in the Coastal Zone and in the Inland area outside the Coastal Zone, the objectives of the Gaviota Coast Trail Guidelines include:

1. Design and implement a network of trails in the Gaviota Plan area that provides a safe, valuable experience for the user while protecting and preserving natural, cultural, and agricultural resources, and protecting private property rights and security while providing public access to beaches, scenic vistas, wildlife viewing areas, recreational or interpretive facilities and other points of interest.
2. Increase public awareness of the complexity, practical considerations, costs and benefits associated with implementation of trails in the Gaviota Plan area.
3. Minimize the impact of trails on adjacent landowners, their security and privacy. The first priority is for trails to go through public lands or through the lands of willing sellers or donors.
4. Trail development should avoid or minimize (a) potential disruption and/or impacts to sensitive species and/or habitat and cultural resources, and (b) grading and site alternation.
5. Provide trail segments that serve various age groups and varying physical abilities.
6. Connect trails to other recreational resources whenever possible, including the County's trail system, existing and proposed parks and open space areas, parking areas, and alternative transportation routes.

## B. Determination and Monitoring of Trail Capacity

Trails, like all recreational facilities, have a maximum carrying capacity that they can accommodate. When the use exceeds trail capacity, erosion and other damage occurs, the trail user has an inferior or even unsafe experience in a recreational setting meant to allow for enjoyment of the outdoors and the environment. The trail carrying capacity is, in part, determined by the design of the trail (see explanation of Trail Types below) but it is also impacted by other variables. A Class 1 trail may be overkill if there is not sufficient parking, restrooms, trash facilities, and other infrastructure to support the traffic volume

that it is designed to handle. Part of the evaluation process of determining the type of trail to build should incorporate the feasibility/availability of adequate and appropriate support facilities such as trailheads, public access and parking, need for sanitation and water, and signage that informs the trail user as to the type of trail, its length, its difficulty, its constraints, and other relevant information that prepares each user for the experience and warns inexperienced users of potential challenges and hazards.

Trail use that is heavier than that for which the trail is designed will result in trail, resource and property damage, and potential short-term or long-term trail closure. Trail use by users who are inexperienced or ill-equipped for the experience can result in heat exhaustion, dehydration, lost hikers and potential damage to the environment.

Carrying capacity for every trail shall be determined before the trail is opened, and shall be based upon the following criteria:

- a. Determine the vision for the trail use and desired conditions. Analyze current uses and conditions. The goal is to identify resource conditions and constraints, potential safety issues, and any protective measures that are needed to maintain the resources and public safety.
- b. Identify and evaluate alternatives. Through analysis of resources and social impacts an evaluation can be done to determine if there are other potential alternatives that are better able to handle the predicted usage. It is at this stage that specific visitor use capacity is identified and limits for the particular trail are determined.
- c. Develop measurable indicators and thresholds. Key indicators are identified that can diagnose whether the desired conditions for the trail are being met. These indicators must be measurable and have a direct relationship to at least one desired condition. (E.g. the number of exposed tree roots per mile of trail, the frequency of required repair, the health and condition of adjacent vegetation, the number of complaints received regarding the trail). Thresholds should be established to reflect the desired condition.
- d. Establish initial trail user capacities. Formulate trail user capacity based on analysis of conditions, alternatives, and desired future conditions.
- e. Monitor use and identify conditions: Through monitoring, an assessment can be made regarding degree of impact and changing

conditions over time. Thresholds and indicators are used to indicate whether an unacceptable condition exists.

- f. Adjust hours and days trail is open or establish upgraded facilities to correct problems. As monitoring reveals that conditions are approaching or have exceeded the established threshold for the trail, steps should be taken to close the trail during certain hours and/or days, or, alternative should be considered to adapt to the new demand. Upgrading the Class rating of the trails or increasing support facilities such as parking, restrooms, etc. may be warranted to address the changes that are causing the threshold to be met or exceeded.

Santa Barbara County Parks Department (Parks) staff or its designated agent(s) shall regularly monitor and maintain all trails open to the public in good and safe condition at all times. In the event that maintenance or repairs are required, Parks staff shall complete said maintenance and repair activities in a timely manner. Trails that cannot be maintained in a good and safe condition should be closed to public use.

The trails system should be set up to be responsive to the general population, communities, and user group needs. Implementing a periodic survey process will help the County to be certain that trails are provided in the best manner possible to the various user groups. Objectives of trail inspections will be trail safety and security, adjacent private property privacy and security, protection and preservation of agricultural operations and natural and cultural resources, compliance with use restrictions, visitor information and education, litter control, and maintenance. To the extent feasible, volunteers may perform certain aspects of trail supervision, but the primary responsibility for maintenance is the County's. Trail users should be provided with procedures, posted at trailheads, for reporting trail damage and unsafe or deteriorating trail conditions to Parks.

## C. Applicable Gaviota Coast Plan Goals and Policies

All trail development in the Plan Area shall be subject to the goals and policies set forth in the Gaviota Coast Plan, which are set forth below.

### **Trails and Coastal Access Policies**

**Policy REC-1: Trail Opportunity Preferences.** Opportunities to establish and enhance public trails, access, and recreational opportunities shall be pursued in the following order of preference: 1) public lands, 2) private lands of willing landowners, and 3) lands exacted as a result of the discretionary development

process, subject to state and federal law. (GavPAC Action- Revised Trail Policy Framework Mtg. 52).

**Policy REC-2:** Protect and Preserve Trail Alignments. All opportunities for public trails within the general alignments and locations identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and approval of development and/or permits requiring discretionary approval. [Note: Remove or clarify per GavPAC direction. GavPAC Action - Revised Trail Policy Framework Mtg. 52]

**Policy REC-3:** Siting and Design Considerations. Trail siting, design and maintenance should be low impact and foster sustainability. Planning for the location and intensity of use of public trails, access, and recreational opportunities within the Gaviota Coast plan area shall be conducted in accordance with the following:

1. Trail alignments as indicated on the PRT map(s) represent suggested alignments that provide connectivity to the planned trails system. These suggested alignments should not be construed as final trail alignments for construction due to the coarse scale of the mapping, and the lack of detailed, site-specific information. Precise trail alignments require detailed site review, analysis and approval in accordance with the principles and policies of this Plan.
2. Planning for the location and intensity of use of public trails, access, and recreational opportunities shall minimize impacts to wildlife corridors, agricultural, biological, historic and cultural resources while allowing some public experience of these resources. The potential impacts of public uses with regard to supporting infrastructure, resources impacts, and impacts anticipated from climate change, including sea level rise and bluff erosion should be considered when specific trail alignments are considered.
3. Planning for the location and intensity of use of public trails shall consider siting and design features to keep hikers, bicyclists and equestrians on the cleared pathways and to minimize impacts to sensitive habitat areas and environmental resources.
4. Planning for trails within the Gaviota Coast Plan area shall consider trail user safety by minimizing at grade crossings of the railroad, and utilizing existing Highway 101 interchange crossings to provide north/south trail connectivity.



5. Planning for trails within the Gaviota Coast plan area shall consider the potential impacts of trail development from the landowner perspective, and seek to avoid or minimize conflicts with surrounding land uses.

6. Proposed trail alignments should seek to avoid areas that are highly geologically unstable or especially prone to erosion. Trails along the coastal bluff should be established as "floating" easements to provide for landward movement of permanent trail access in response to bluff retreat.

7. When new trails or segments are established, the appropriate uses to allow under the County's multiple-use trail policy shall also be determined. Appropriate use determination will depend on the area setting, whether the trail is a primary trail or provides a loop or connection to other trails in the system, the terrain over which the trail crosses, and effect on the area resources. Trail design shall reflect these uses.

8. Community involvement in the maintenance and interpretation of public trails and access areas should be actively encouraged. (GavPAC Action-Revised Trail Policy Framework, Mtg. 52).

**Policy REC-4: Coastal Trail Siting and Design Considerations.** Siting, design and maintenance of the coastal trail and associated public access facilities should emphasize low impact designs and foster sustainability. In addition to the standards set forth in Policy Rec-3, the following shall be followed with respect to the specific siting and design of the trails within the Coastal Zone:

1. The coastal trail shall be as close to or on the beach as feasible consistent with all other planning and resource constraints. Vertical connector trails shall provide reasonably spaced and periodic connections between the bike trail and the beach/bluff trail.

2. Trails shall be located to minimize the impacts on fragile coastal resources, agricultural operations, and historic and cultural resources, and should account for future sea level rise and associated bluff retreat.

3. The carrying capacity of the land traversed by the coast trail should be considered in order to protect existing resources as required by the Coastal Act.

4. Vertical beach access should utilize natural topography as much as possible to avoid engineered structures. However, where necessary and appropriate, engineered solutions should be sensitive to the viewshed and existing resources, and should minimize the need for maintenance.

5. Establishment and enhancement of coastal access and trails shall recognize the multiple uses served, use intensity, and level of infrastructure along the coastline. Consider locating high intensity trail activities, such as cycling, in close proximity to the highway. Lateral and vertical hiking trails are low intensity uses which can generally be accommodated near the coastal bluff or on the beach, where appropriate.

6. Trailhead parking facilities should be located as close as possible to Highway 101, and sanitation and trash facilities should be considered at major trailheads.

7. Public access facilities should be provided with the necessary management resources such as policing, liability management, trail maintenance, appropriate and necessary infrastructure, waste management, signage, and upkeep of parking areas.

8. In areas where local landowners or agencies control the scale, location, and design of public facilities, such facilities should be built to serve the needs of residents and visitors.

9. Commercial visitor serving structures should be limited to essential services and should be designed and sited to minimize visual and resource impacts. Necessary public visitor serving structures related to public access (such as trail signs, kiosks, interpretive exhibits, parking, and restrooms), should be encouraged and should be designed and sited to minimize visual and resource impacts. (GavPAC Action- Revised Trail Policy Framework, Mtg. 52).

**Policy REC-5:** Encourage Trail Dedications. Private property owners shall be encouraged through the use of incentives and other measures to voluntarily offer opportunities for public access on private lands.

**Policy REC-6:** Interagency Coordination. The County should work cooperatively with the California Department of Parks and Recreation, Caltrans, and the US Forest Service to establish an effective network of inland and coastal trails where jurisdictions overlap. A Memorandum of Understanding (MOU) should be established to coordinate planning and funding of future trail implementation, environmental review, construction, and long-term maintenance.

## **Trails Implementing Actions**

**Action REC-1:** Develop Incentives. The County shall identify incentives for trail dedications from willing landowners, including reducing the permit requirement

for trail development, land swaps, allowances of additional agricultural uses, and reducing development standards for properties affected by trails development.

**Action REC-2: Managed Access.** The County should explore managed access as a potential concept to address public trail carrying capacity or resources concerns. The County should evaluate appropriate use limitations, if any, and provide a recommendation to the Board of Supervisors.

**Action REC-3: Encourage Trail Development Plans.** Consider adopting a policy to encourage specific plans for trail development on large landholdings and identify priority areas to focus future specific planning efforts.

**Action REC-4: Coast Trail Planning Coordination.** Identify issues and constraints related to coastal trail development, including the proximity of the trail to the ocean, and the California Coastal Conservancy guidelines for the coastal trail and coastal access. Identify preferred methods to achieve interjurisdictional coordination and planning.

**Action REC-5: Trail Siting Guidelines.** The County shall develop trail siting guidelines to assist in the siting, design, construction and implementation of proposed trail alignments. The guidelines will address general siting characteristics; biological, agricultural, visual, and historic/cultural resources; access control; trail construction and maintenance, as well as trail specific guidelines as appropriate. The trail siting guidelines shall be adopted concurrently with the Gaviota Coast Plan.

#### D. Trail Type Overview

Trailhead design and siting and trail design, siting and maintenance provide the key to a healthy and successful trail system that serves current users while providing a long-range public access resource for future generations.

Trails and their required trailheads will vary by type and setting.

Trails can be identified by general group or class, using specific criteria with predetermined values. Each trail should be identified and evaluated using these criteria and their respective point values. Based on this evaluation a trail design and maintenance standard can be developed.

See the attached Appendix A for more information as to trails types and the classification system used to match the appropriate trail type with the anticipated usage.

## II. Trail Implementation Measures

## A. Acquisition Options

Trail routes will be identified that meet a public need while recognizing the concerns of private property owners, safety requirements, land use concerns and environmental protection goals. Designated PRT trail alignments may fall on private, agricultural, industrial or County-owned lands, such as parks, open space preserves, land proposed for public acquisition, or other lands already under public or semi-public ownership, such as the state parks, gas, electric and water companies.

Implementation of the Gaviota Coast Plan for trails will require using a variety of methods for acquisition, development, operation and maintenance of trails. This County should look for opportunities to use both public and private lands for trail implementation. See the incentives set forth in the Plan for specific incentives that might be applied to trails.

Some of the tools for obtaining trail routes could include:

- Constructing future trails on existing public land or County-owned lands such as parks and open space preserves.
- Locating bikeways within or adjacent to public road rights-of-way
- Exploring opportunities for joint use agreements with public agencies other than parks and open space agencies (e.g. utility districts, school districts, Caltrans, water districts, etc.).
- Purchasing additional lands or trail easements from willing property owners.
- Obtaining gifts or voluntary dedication for trail easements from private property owners.
- Requiring dedication of trail easements on private land when discretionary approval by the County is being sought, and the proposed project will impact planned trail systems, provided that there is the necessary rough proportionality between the required dedication and the impacts of and/or benefits to the proposed discretionary project.
- Developing incentives for landowners to increase voluntary dedication of trails and/or easements (see Incentives provisions of Gaviota Coast Plan).
- Establishing development fees or assessment districts for the acquisition and maintenance of trails on public or private lands.
- Utilizing volunteer efforts, non-profit organizations, and/or land trust involvement for trail implementation.

- Encouraging non-profit organizations to seek funding from government and foundation sources, by sponsoring and/or partnering with non-profits on grant proposals.
- Indemnifying all persons granting a trail easement and to other landowners immediately adjoining a dedicated public trail.
- Establishing as many acquisitions and funding opportunities (both long-term and intermittent) for trail implementation, maintenance and operation as possible to insure economic viability for the County trails.
- Establishing a priority list for trail implementation based on the priorities states in the Gaviota Coast Plan, taking into account the cost to acquire, build and maintain the trails and the availability of funding.
- Considering development of an "Adopt-a-Trail" program, whereby citizens, companies, or groups provide the funding and/or labor to monitor, maintain, repair, and maintain trails.

#### B. Incentives for Trail Easement Dedication

See the incentives section of the Gaviota Coast Plan for additional proposals that may be applicable to trail dedications. Although many of the trail connections and trail easements will be acquired through the discretionary permit application process the County will look toward a variety of methods of trail easement acquisition options. As part of the Gaviota Coast Plan, trail implementation is considered a high priority and it is acknowledged, that with proper siting and design, trails will have high recreational value of countywide importance and minimal potential for environmental impacts.

Trail routes may fall on private property or public lands. Creative options for trails expansion would include exploring development the feasibility of new trails within parks, open space preserves, or other lands already under public or semi-public ownership, such as the gas, electric and water company-owned parcels and easements.

Some of the tools for obtaining trail routes could include:

- Constructing future trails on existing County-owned or other public land.
- Locating pathways within, or adjacent to public road rights-of-way.
- Exploring opportunities for Joint Use Agreements with public agencies other than (e.g. utility districts, school districts, Caltrans, water districts, etc.).

- Purchasing additional lands or trail easements from willing property owners.
- Obtaining gifts or voluntary dedication for trail easements from private property owners.
- Utilizing the incentive program for trail dedications, set forth in the Gaviota Coast Plan.
- Utilizing volunteer efforts, non-profit organizations, and/or land trust involvement for trail implementation.
- Encouraging non-profit organizations to seek funding from government and foundation sources for trail acquisition, construction, monitoring, and maintenance, by sponsoring and/or partnering with non-profits on grant proposals.
- Indemnifying all persons granting an easement or other landowners immediately adjoining a trail.
- Establishing as many acquisitions and funding opportunities (both long-term and intermittent) for trail implementation, maintenance and monitoring as possible to insure economic viability for County trails, including corporate sponsorships, and State and Federal grant programs..
- Implement the incentives program in the Plan, pursuing such programs as income tax deductions for charitable donations of trail easements and funds for constructing, maintaining and monitoring trails in the Plan area, Mills Act program, Natural Heritable Preservation tax credit program, and similar programs.

### C. Funding Sources

The County should seek to establish funding opportunities for trail acquisition, implementation, maintenance, and operation.

- Benefit Zones/Development Impact Fees
- Community Service Districts/Assessment Districts
- Corporate Sponsorships
- County General Fund
- Federal Grant Programs (including but not limited to):
- Land and Water Conservation Fund

- Surplus Real Estate Program,
- Surface Transportation Improvement Program
- Transportation Equity Act for 21st Century (TEA-21)
- Forest Reserve Funds
- Park Land Development Ordinance Fund
- Park Land Dedication Credit
- State Grant Programs (including, but not limited to):
- Environmental Enhancement and Mitigation Program
- Land and Water Conservation Fund
- Habitat Conservation Fund
- Per Capita I Program
- Recreational Trails Program (Non-Motorized Trails Grant Program)
- Riparian and Riverine Habitats Grant Program
- Coastal Conservancy
- Other Grant Programs

#### D. Program Costs

A network of new trails in the Plan area has implementation and ongoing costs that need to be identified and funded.

- Rural trail construction projects in the Plan area is subject to the County's customary environmental review and permit processes applied to comparable improvements such as new roads. The County shall establish a permitting fee structure for trails that is appropriate given their public benefit.
- Trail system management cost includes planning, design, operation, maintenance, administration, and overhead costs and will vary project by project.

### III. Design and Siting of Trails and Trailheads

#### A. Trailhead Selection, Design, Siting and Maintenance

In order to properly manage and develop the Gaviota trail system, opportunities will have to be created for both formal and informal trailhead sites. While some potential trails are sited to offer a formal trailhead, complete with ADA accessibility, bathrooms, parking and adequate trash facilities, other trails, due to their physical location and ESHA concerns are best served with an

informal trailhead, which may only include basic directional signage and a dirt trail suited for hikers only. Both the benefits and the challenges lay in the diversity of the Gaviota region and the trail opportunities that the area represents.

Trailhead design shall incorporate the following criteria:

- Trailhead parking areas should be pursued by the County at logical points to provide parking areas for vehicles, turning areas for horse trailers without blocking emergency vehicles or property owners' and residents' access to and from private lands, and sanitary facilities.
- Equestrian trailheads should be designed to provide for parking of multiple tandem axle vehicles, including room for offloading of livestock as well as space for ingress and egress.
- Parking and staging areas for equestrian use should not be paved or graveled with large rock as these surfaces are slick and provide poor footing for horses and handlers.
- All trail parking should be sited and designed to minimize disruption to neighboring properties and agricultural operations and to avoid creating an obstacle to emergency vehicular access.
- Vehicle barriers (e.g. steel access gates) should be constructed at trailheads to prevent unauthorized motor vehicle access and maximize public safety while allowing hikers, bicyclists, equestrians, and authorized motor vehicles to access the trails.
- Trailheads should be designed to allow for closure of the trail and the trailhead facilities as necessary to prevent or reduce damage or threats to ESHA, cultural resources, agriculture, and neighboring property owners' and residents' security, privacy, and safety.
- If at any time after a trail has been opened to public use, there are inadequate resources to monitor, operate safely, and maintain the trail, the trail shall be closed until it can be adequately monitored and maintained.

## B. General Criteria for Trail Route Selection and Design

Trail location criteria are intended to site trails and provide a safe and manageable recreational facility that results in minimum impact on the land and



its natural resources while avoiding to the maximum extent feasible, and where complete avoidance is impossible, mitigation to the maximum extent feasible, of conflicts with nearby land uses, while providing a visually pleasing and appropriately challenging experience, while requiring minimum maintenance and functionally providing for the trail's intended use and classification.

Equestrian trails should be avoided on the coastal bluffs to minimize the potential for bluff erosion and introduction of invasive plant seed, and other negative impacts.

The following general criteria shall be applied to the selection of any trail location:

- For all but the most remote and challenging Class III trails, terrain and elevation variety should not be extreme and should avoid sharp turns or switchbacks of more than 50 degrees. Except on Class III trails, trail grade should not be steeper than 10 percent (10 foot rise in 100 feet) with grades of 1 to 7 percent being the goal.
- Extreme terrain shall not be deemed suitable for trail location if its nature results in extreme erosion.
- Trail routes either should be suitable for year round use or the trail should be closed, completely or along certain reaches, during periods when use would be unsafe or would be damaging to the land, to resources, or to agricultural operations.
- Trail grades should follow a curvilinear alignment along the contours of the land rather than climb up and over steep topography.
- The ideal alignment will "fit" the trail to the ground and afford the user the best view from the trail while respecting the security and privacy of agricultural operations and private property owners impacted by the trail.
- Except on Class I trails and trails sited on or adjacent to the shoreline, long straight stretches should be avoided. All trails should incorporate some variation in grade.
- No trail grade should be so steep that erosion cannot be controlled without maintenance that becomes a problem.

- Trail grades should undulate to provide natural drainage and eliminate monotonous level stretches on Class II and Class III trails. Except on Class III trails, long steep grades that tire the user should be avoided where possible.
- Routes should be selected to minimize or eliminate the need for structures whenever possible.
- Except for Class I trails where paving is necessary to accommodate users safely, whenever possible trail materials will be natural stone, decomposed granite or native soil and terrain materials.
- When constructing multi-use trails, including road bikeways, siting and construction will be designed to reflect the rural character of the Gaviota Coast as much as possible.
- Before developing a trail, the carrying capacity should be determined, using the criteria set forth in these guidelines, and the trail shall be monitored routinely to ensure that the carrying capacity is not exceeded.
- Where determined to be appropriate based upon conditions, access limitations and controls and mitigation measures shall be imposed upon trails to eliminate or minimize impacts to adjacent agriculture, natural resources, or coastal dependent uses. The limitations may include such requirements as limited hours of trail use (i.e., closed from dusk to dawn), prohibitions on off-leash dogs, use solely when accompanied by a docent, use by permit only with a limit on the number of permits issued during a given time period to respect the carrying capacity of the trail, and similar provisions.
- Trails should be located on stable soils when possible. Structural containment of unstable soils should be limited to short sections and only done where relocation would create more environmental damage.
- Trails should not be routed over extended areas of exposed bedrock and should avoid areas with a high potential for erosion, talus slopes and rock slides.
- All trailheads and trail access points should include appropriate signage, reminding the public of the importance of preserving natural, cultural, and agricultural resources, respecting the privacy, security and private property rights of adjacent property owners and residents, and controlling

animals to prevent threats to agriculture, harassment of livestock, and the spread of invasive species and disease.

- The California Coastal Trail shall be developed first along the beach below the mean high tide line, to provide immediate enjoyment of this unique and pristine stretch of California coastline, with additional alignments and vertical routes developed as opportunities arise.
- The California Coastal Trail should utilize the beach below the mean high tide line as much as possible to minimize adverse impacts to the coastal bluffs and maximize the trail users' coastal experience.

### C. Protection and Preservation of Biological and Other Natural Resources

The Gaviota Coast Plan emphasizes the importance of protecting and preserving natural resources. The following guidelines ensure that trails will be sited, designed, constructed, and maintained in a manner that ensures protection and preservation of biological and other natural resources:

- Trails should be sited to avoid impacts on sensitive plant and animal areas such as:
  - Animal wallow areas
  - Grazing livestock
  - Wildlife breeding areas such as seal haul outs.
  - Endangered and species habitat. (Example: Gaviota tarplant)
- Trails providing beach access shall be designed to avoid degrading the coastal bluffs and coastal vegetation.
- Careful consideration should be given to avoiding placing trails proximate to bodies of water. Trails should be routed to overlook streams and lakes rather than following along the water's edge. Except in extremely remote areas, trails shall not be sited through creeks, but shall bridge all creeks.
- Trails located adjacent to bodies of water should avoid undercut banks.
- Trails should be routed around (not through) riparian habitat or other environmentally sensitive habitat areas (ESHA).

- Appropriate trail fencing shall be maintained intact at all times to avoid conflict between trail users and their animals and sensitive resources, agricultural operations, and private property land uses.
- Safe crossing should be provided wherever trails cross roads with special attention given to the safety issues that traffic noise and vehicular and bicycle movement can create for horseback riders.
- At grade crossing of railroad tracks and high volume roads shall be avoided.

#### D. Protection and Preservation of Cultural Resources

The Gaviota Coast Plan emphasizes the importance of protecting and preserving archaeological and historic resources, which are abundant in the Plan area. The following guidelines ensure that trails will be sited, designed, constructed, and maintained in a manner that ensures protection and preservation of cultural resources:

- For trails on, over, through or near cultural sites, standard measures imposed by the County upon development projects, including avoidance or, if avoidance is not feasible, Phase 2 subsurface testing and resource recovery, shall be applied to the siting and construction of the trails.
- When a trail cannot be sited to avoid a cultural site, appropriate mitigation shall be implemented to prevent damage to the cultural resources. Native Americans shall be consulted when a proposed trail has potential to impact an archaeological site of significance. Mitigation can include capping for archaeological sites and erection of protective fencing, landscaping, or other barrier for historical sites.
- Archaeological sites and a 50-foot buffer from the site boundary shall be fenced during trail construction to avoid inadvertent damage
- Any trail through a cultural site shall not be open to motorized vehicles other than emergency vehicles and vehicles required to construct, repair, and maintain the trail.
- When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical

resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code.

## E. Protection and Preservation of Agriculture

Agriculture is the primary land use within the Gaviota Coast Plan area and the historic land stewardship by agriculturalists is largely responsible for the Plan area maintaining such broad biological diversity and large expanses of relatively undisturbed land. Protection of agriculture and the preservation of long-term agricultural viability is key to maintaining the rural character of the Gaviota Coast. The following guidelines ensure that trails will be sited, designed, constructed, and maintained in a manner that ensures protection and preservation of agricultural resources:

- If a trail has been opened to the public and results in adverse impacts upon adjacent or proximate agricultural operations, trail usage shall be modified to eliminate if feasible, or substantially reduced if complete elimination is not feasible, the adverse impact upon agricultural operations. If trail usage efforts fail to accomplish elimination or substantial reduction of adverse impacts upon agricultural operations, the trail shall be closed until actions can be implemented that will result in elimination or substantial reduce of these impacts.
- Trail siting shall utilize existing topography and vegetative barriers to buffer agricultural operations from the trail for the safety of trail users and for preservation of agricultural viability.
- When trails are proposed to be sited through or adjacent to agricultural operations. Consideration should be given as to whether the trail is suitable for year-round use or should be closed seasonally to avoid conflict with agricultural operations (e.g., seasonal spraying, calving activities, etc.)
- If agricultural roads are identified for trail use, a separation of uses shall be provided as appropriate to ensure the safety of trail users and to support the continuation of the agricultural operation.

- Trail siting and maintenance shall minimize to the maximum degree possible introduction and spread of invasive plant species, fungus spores, and other pests that threaten agricultural viability.
- No trail shall be sited proximate to an agricultural operation unless trail design includes sturdy, secure fencing of sufficient height to exclude people and their animals from the agricultural operation and to protect the public from such operation. Adequate fencing and other precautions shall be in place to prevent vandalism, trespass, poaching, and similar access to neighboring properties prior to public use of a trail. Fencing design should be coordinated with the agricultural operator to provide fencing that meets the needs of protecting the agricultural operation but avoids installation of fencing where the operator considers it unnecessary or where a different fence design (e.g., no-climb wire rather than solid fencing or chain link) will accomplish the degree of protection needed to protect the agricultural operation from the public and the public from the agricultural operation.
- Where trails are sited on or adjacent to agricultural property with active agricultural operations, the agricultural property owners shall be consulted in the siting and design of the trail alignment, and of proposed fencing, to determine feasibility and compatibility with the agricultural operations and any land uses allowed by zoning.
- On agricultural lands, trails shall be sited to avoid bisecting the agricultural operation and avoid conflicting with the movement of livestock from one area to another within the landholding.

#### F. Avoiding Conflict with Private Property Rights, Security and Privacy

Private property comprises a large part of the Gaviota Coast Plan area. The following guidelines ensure that trails will be sited, designed, constructed, and maintained in a manner that ensures protection and preservation of private property rights and the security and privacy of owners and residents of privately-owned lands:

- Trail siting shall utilize existing topography and vegetative barriers to buffer existing residences and development envelopes from potential privacy impacts from the trail.

- Trails through or adjacent to private property shall be fenced to prevent trail users and their animals from accessing private property. Fencing also shall be installed and maintained as necessary to prevent damage to fragile coastal resources and agriculture and to prevent unauthorized entry onto neighboring property.
- Planning for trails on the Gaviota Coast shall include avoidance, where feasible, and minimization where avoidance is not feasible, of potential impacts of, and conflicts from, trails upon private landowners through the use of fencing, landscape screening, appropriate setbacks, signage, and other creative techniques.
- Where trails bisect private property, locked gates should be installed at appropriate intervals to allow the landowner to cross the trail easement from one side of the property to the other.
- Trails shall be sited and designed to minimize conflict with surrounding land uses (particularly agriculture), and private property owner privacy and security (e.g., site trails in a manner that avoids trail users walking along side or looking into private homes and yards).
- Where feasible, trails on or adjacent to private property should be sited along parcel boundaries at the greatest feasible distance from existing structures and designated development envelopes (even if undeveloped at the time of trail designation and construction) in an effort to minimize land use conflicts.

## G. Protection and Preservation of Visual Resources

Trails within the Gaviota Coastal area should reflect and enhance the rural character and visual beauty of the area while providing the trail user with an experience that enriches his/her understanding and appreciation of the agricultural and cultural heritage, as well as the environmental uniqueness of the region.

To that end, the following guidelines ensure that trails will be sited, designed, constructed, and maintained in a manner that ensures protection and preservation of visual resources:

- Trails in hillside, ridgeline and mountainous areas shall be sited and designed to avoid creating a scar that can be seen from public viewing places.
- All trail development shall be sited and designed to preserve unobstructed views of the ocean from Highway 101.
- On coastal lands in particular, public trails sited on private property shall be sited in a manner that avoids location within the view corridor between existing private residences and designated development envelopes and the ocean, and to avoid direct impacts on privacy and view corridors of existing and future residences located within development envelopes.
- Elevated bridge crossings shall be avoided.
- Public and private property view corridors shall not be obstructed or compromised to obtain access to coastal bluff alignments through the construction of *pedestrian bridge crossings over the railroad* or other fee property.
- Public and private view impacts of trails shall be analyzed and, if deemed to be potentially significant, alternative trail locations shall be pursued that avoid obstruction of public and private property views of the ocean and mountains.
- All trails, infrastructure, and supporting recreational facilities will comply with the Design Guidelines for the Gaviota Coast Plan area.

#### IV. **Trail Construction, Maintenance and Monitoring**

A trail is more than a route to a desired destination; it is an experience. Every trail project is unique and subject to varying conditions. Hence, it is best analyzed on a case by case basis. Once a preferred trail alignment is identified, the interconnected issues of carrying capacity, intensity of use, drainage and maintenance are factored into final siting and design decisions. A sustainable and well-designed trail will result in resource protection and user enjoyment.

The following issues must be considered when constructing, maintaining, repairing and monitoring trails and trail infrastructure in the Gaviota Plan Area:

##### A. Trail Support Features



## 1. Bridges

- Elevated bridge crossings shall be avoided.
- Bridge construction shall be of be designed and of materials that are compatible with the rural character of the Plan area, being as rustic as possible while being safe and utilitarian.

## 2. Fencing

- Where sensitive habitats exist near the trail, gates and barriers should be erected to protect ESHA. Where appropriate, provisions shall be made to allow for ongoing managed access in and adjacent to ESHA.
- Where possible and consistent with the objective the fencing, fencing shall be designed and installed to accommodate wildlife movement.
- Fences along the trail edge may not be required on all trails, but would be required, and designed, to address concerns about safety, property owner security and privacy, natural resource protection, and protection of agricultural operations.
- Trail fencing shall be designed to best accomplish the objective of installing the fence and shall be maintained in a safe condition at all times.
- Trail fencing shall comply with the Gaviota Coast Plan Design Guidelines.

## 3. Signage

- All trailheads and trail access points should include appropriate signage, reminding the public of the importance of preserving natural, cultural, and agricultural resources, respecting the privacy, security and private property rights of adjacent property owners and residents, and controlling animals to prevent threats to agriculture, harassment of livestock, and the spread of invasive species and disease.
- Trailhead signage should include the trail name, length, degree of difficulty, points on intersection and interest, hours of operation, emergency telephone numbers, availability or lack of sanitary facilities and potable water and the distance before reaching each, and a prohibition on overnight camping on trails leading into the backcountry without potable water and sanitation facilities.
- Signs should be rustic in appearance and preferably constructed of natural materials.

- Trail signs shall comply with the Gaviota Coast Plan Design Guidelines.
- Trail signs should include all use restrictions, rules, and availability or lack of ADA accessibility, dangerous conditions such as aggressive wildlife, dry fire season, and vertical clearances.
- Trail signs that identify and educate users about sensitive habitat, or historical points of interest are desirable.
- Trail users should be provided with posted trail etiquette rules. Each trail will have a trail specific set of rules. Typically, camping, hunting, and the building of fires will not be permitted. Some trails, particularly those adjacent to cattle grazing areas, are not appropriate for dogs and should be posted accordingly.

## B. Trail Maintenance

Trail maintenance is the process of keeping a trail at or near its original or intended standards, ensuring that the trail is safe for public use, does not damage the environment, and does not result in conflicts with adjacent land uses. The maintenance of a trail includes numerous efforts ranging from mowing and brush removal to replacement of damaged signs to reconstruction of the trail. When trails are built, managed and used properly, they become a community asset. A well-built trail will require minimal maintenance. Well-maintained and managed trails will encourage proper trail usage. Poorly constructed, maintained or managed trails can result in safety issues for users, environmental damage, and a threat to nearby private properties and agricultural operations.

General trail maintenance will include clearing the trail treads to allow access and provide adequate walking or riding surface, free from serious obstacles or hazards. Trail structures, such as bridges and drainage facilities, will be inspected for safety and maintained to prevent loss from erosion. Trail easement obstructions or hazards such as wind-fallen trees or fences, construction, grading and other such obstacles, debris or encroachments must be addressed in order ensure that the public can use the trail safely.

Temporary trail closure may be necessary during maintenance. The trails should be marked with a temporary closed sign to ensure user safety.

Maintenance concerns about trails located near private properties, including agricultural lands, must be addressed by:

- Establishing a mechanism for trail and pathway users to notify the County designated Trail Manager of repair or maintenance needs.

- Constructing trails with thoughtful design guidelines that streamline the maintenance and operations process.
- Standardizing trail amenities so that trail maintenance can be accomplished more efficiently.
- Encouraging the continued involvement of volunteer groups as an important supplemental aspect of trail implementation and maintenance.
- Providing periodic assessments of trail conditions to address surface material, drainage, vegetation clearing, signage, fencing, barriers and any necessary repairs.
- The timing and length of trail clearing and maintenance projects shall take into consideration the privacy of landowners and shall not interfere with agricultural operations.
- Trail maintenance and construction shall not begin before 8 a.m. and not last beyond 5:00 p.m.
- When constructing multi-use trails, including road bikeways, siting and construction will be designed and monitored to ensure that they reflect the rural character of the Gaviota Coast as much as possible.

### C. Trail Monitoring

Santa Barbara County Parks Department (Parks) staff or its designated agent(s) shall regularly monitor and maintain the trail in good condition at all times. Parks staff shall complete appropriate maintenance and repair activities in a timely manner.

The trails system should be set up to be responsive to the general population, communities, and user group needs. Implementing a periodic survey process will help the County to be certain that trails are provided in the best manner possible to the various user groups.

Objectives of trail inspections will be trail safety and security, adjacent private property security, ensuring that trail users are not disturbing cattle, poaching fruit, committing vandalism or theft on agricultural land, ensuring compliance with use restrictions, control of dogs, visitor information and education, litter control, and minor maintenance. To the extent feasible, volunteers will perform certain aspects of trail supervision. Trail users and trail stewards will be provided with posted procedures for reporting unsafe trail conditions and repeated violations of trail conduct to the appropriate agencies/authorities.



## **APPENDICES**

### Appendix A – Explanation of Trail Types

#### Class I Trails

Class I trails tend to be located relatively close to visitor serving facilities that provide sanitation and potable water and include handicapped-accessible, biking, equestrian, interpretive and hiking trails and are designed to accommodate a broad range of user type. Class I trails should be a minimum of 36 inches wide with a preferred width of 48 inches. These trails generally should be located on level land or gentle slopes. Trail beds along a precipice or hazardous area should be wider to provide greater safety for the user and to minimize erosion potential. Trail tread will vary from 30 inches to 48 inches depending upon the surrounding terrain, trees, vegetation, etc.

#### Class II Trails

Class II trails include hiking and equestrian trails that provide access to regions remote from developed visitor serving facilities and generally have no sanitation and potable water available. Native material is typically used for Class II trails. Trail bed will be a minimum of 24 inches wide. Along a precipice or hazardous area, it should be wider to provide for greater safety and to minimize erosion potential. Trail tread will vary from 18 to 24 inches depending on terrain and should include erosion control devices as necessary where steep slopes or erosion are present.

#### Class III Trails

Class III trails include lightly used hiking trails located in more remote areas where visitor serving facilities, sanitation and potable water are unavailable. Native material is used for trail tread. Structures such as turnpikes and puncheons should be minimized and only used as a resource mitigating measure. The trail bed shall a minimum of 18 inches wide. Along a precipice or hazardous area the tread width should be widened to provide for greater visitor safety and to minimize erosion potential. Trail structures should be avoided through careful initial layout and planning.

TRAIL NAME: \_\_\_\_\_

1-3

TRAIL CLASSIFICATION MATRIX

CRITERIA	Point Values	Rating
1. Handicapped Accessible	20	
2. Interpretive	20	
3. Within Visitor Use Facility	20	
4. Equestrian and Bike	15	
5. Adjacent to Visitor Use Facility		
0-1/4 mile	12	
1/4 - 1 mile	8	
1-2 mile	4	
2 or more miles	0	
6. Connection of Visitor Use Facilities	5	
7. Parking Access	5	
8. Destination Oriented		
0 - 1 mile	3	
1 -3 miles	2	
3 + miles	1	
9. Connection with Other Agency Trail	+3 - +5	
10. Special Use or Access	1	
11. Dead End Trail	0 or -3	
12. Loop or Connecting Trail	+1 - +3	
13. Fragile Environment		
Protected by lessening use	-1 - -3	
Protected by upgrading	+1 - +3	
14. Safety Factors		
a. Encourage less use by not Providing Improvements	-1 - -5	
b. Provide and maintain improvements	+0 - +5	
15. Staff Determined Use Patterns		
Little or no use	-1 - -3	
Higher use	+1 - +3	
Level of Accessibility: 1 (1-4 See Handout)	TOTALS	
CLASSIFICATION: II I = 20+ II = 10 - 19 III = 5 - 9 IV = 0 - 4		

Figure 1.1

## MATRIX CRITERIA INSTRUCTIONS

Trails should be considered as an entire unit, but longer trails starting from a visitor-use facility may be rated in segments. A visitor-use facility is defined as any developed campground, picnic, day use or visitor attraction area.

### Definition of Criteria

1. All wheelchair, sensory perception and other all-access trail.
2. Any trail with a series of interpretive signs or self-guiding pamphlets.
3. Any trail that originates and stays within a visitor-use facility.
4. Any trail used for horse travel or bicycle riding.
5. Use to rate a trail that starts at a visitor-use facility or starts within a radius (within mileage listed) of a visitor-use facility.
6. Trail that connects two visitor-use facilities.
7. Any developed or non-developed parking at either end or in the middle of a trail route.
8. Trail is a designation for a unique, scenic, historical or recreational feature. These trails are sought out by visitors and point values are given in relation to distance from trail beginning to destination.
9. Part of a longer regional trail system or connects to other agency trail. Higher point value assigned to importance and visitor usage of connection.
10. Provide access to memorial or honor groves.
11. "0" points if destination oriented, -3 points if dead end with no sought out destination.
12. Trail can be used as part of a loop hike or connects to another trail. Higher point value assigned to the completeness of the loop or importance of the connection.
13. Fragile environment is defined as an area the trail passes through that is sensitive due to wildlife habitat, endangered plant or animal species, geologically unstable, etc. Negative values to protect by limiting development, positive values to trails needing upgrading to mitigate damage.
14. Safety factors to consider: are there structures, steep terrain or precipitous drops? Values assigned to trails used often and needing more maintenance attention. "0" values assigned for no additional safety concern, higher values assigned to areas needing maintenance attention to keep trail safe.
15. Staff determination of trail use, used to offset factors of visitor-use patterns not assigned a value.

Figure 1.2

Appendix B – Resources and References for Further Trail Information





## Appendix C – Graphics

What follows are examples of trail design and construction methods presently recommended for trail construction. The suggestions set forth below do not fit every trail site and are not binding. They are offered as suggestions for consideration as current “best management practices.” It is acknowledged that superior designs and approaches may be developed in the future.



# Basic Trail Cross-Section

Santa Barbara Trails Council

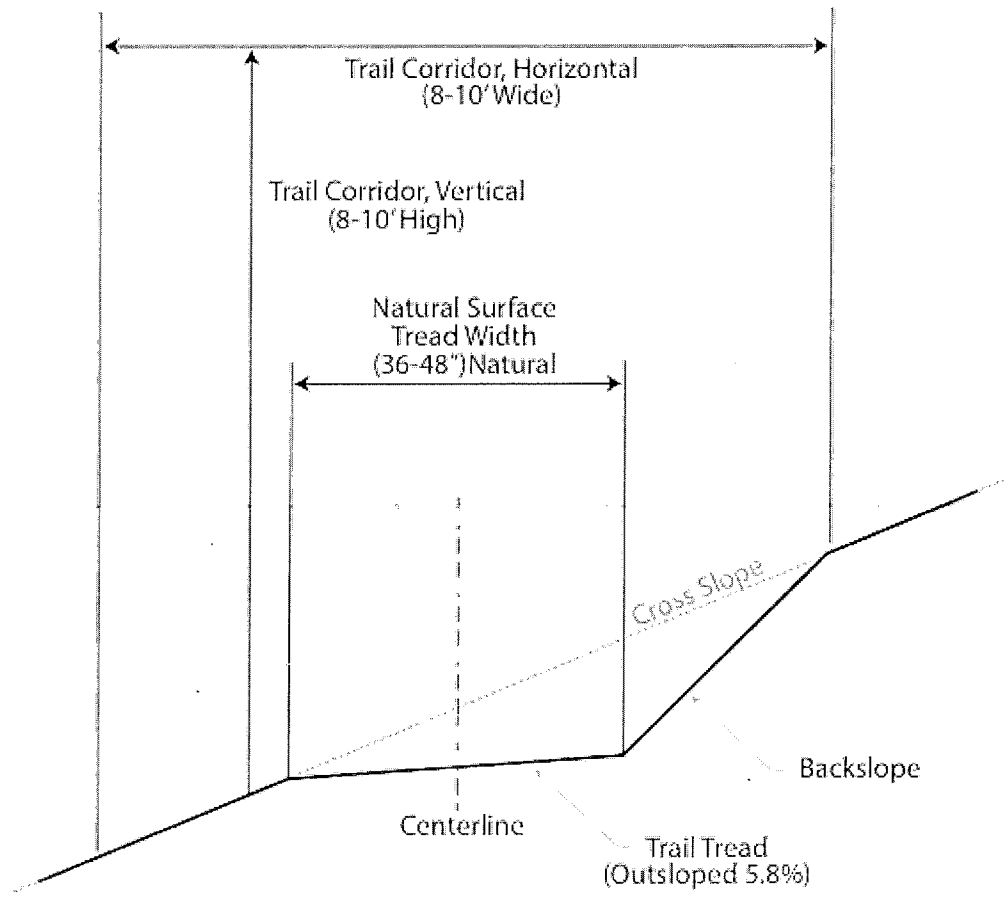


Figure 1

# Full-3/4-1/2 Bench Construction

Santa Barbara Trails Council

Amount of bench varies with % of sideslope. Outslope trailbed 3-5%

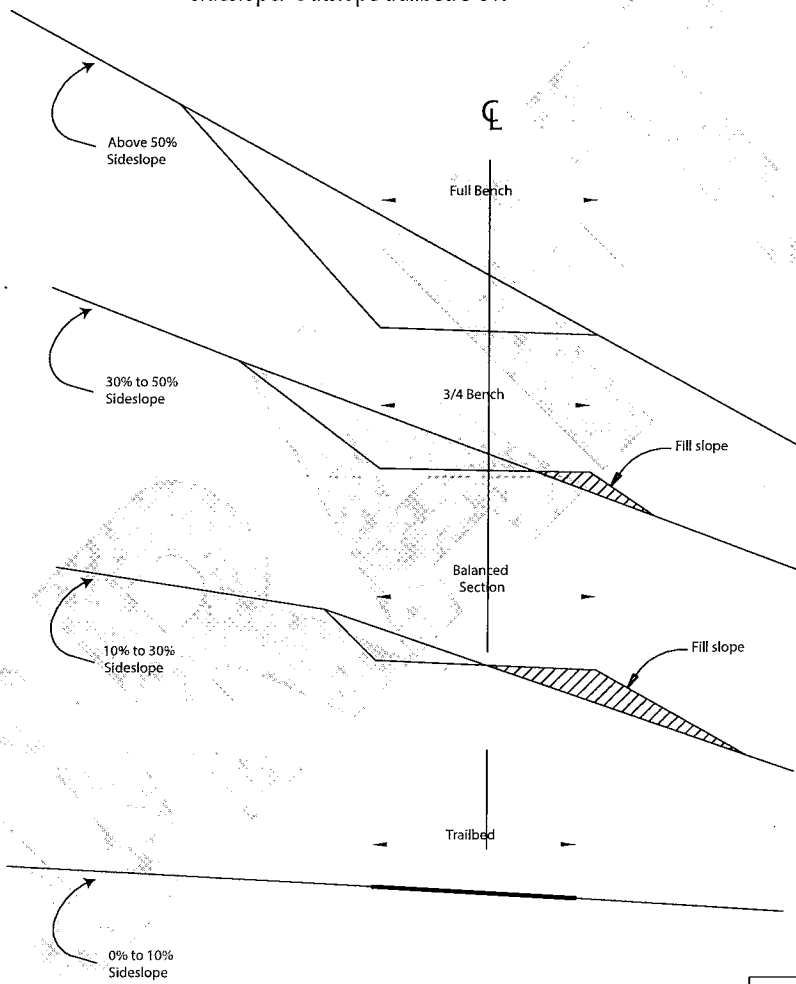


Figure 2

# Switchbacks Type 1 & 2

Santa Barbara Trails Council

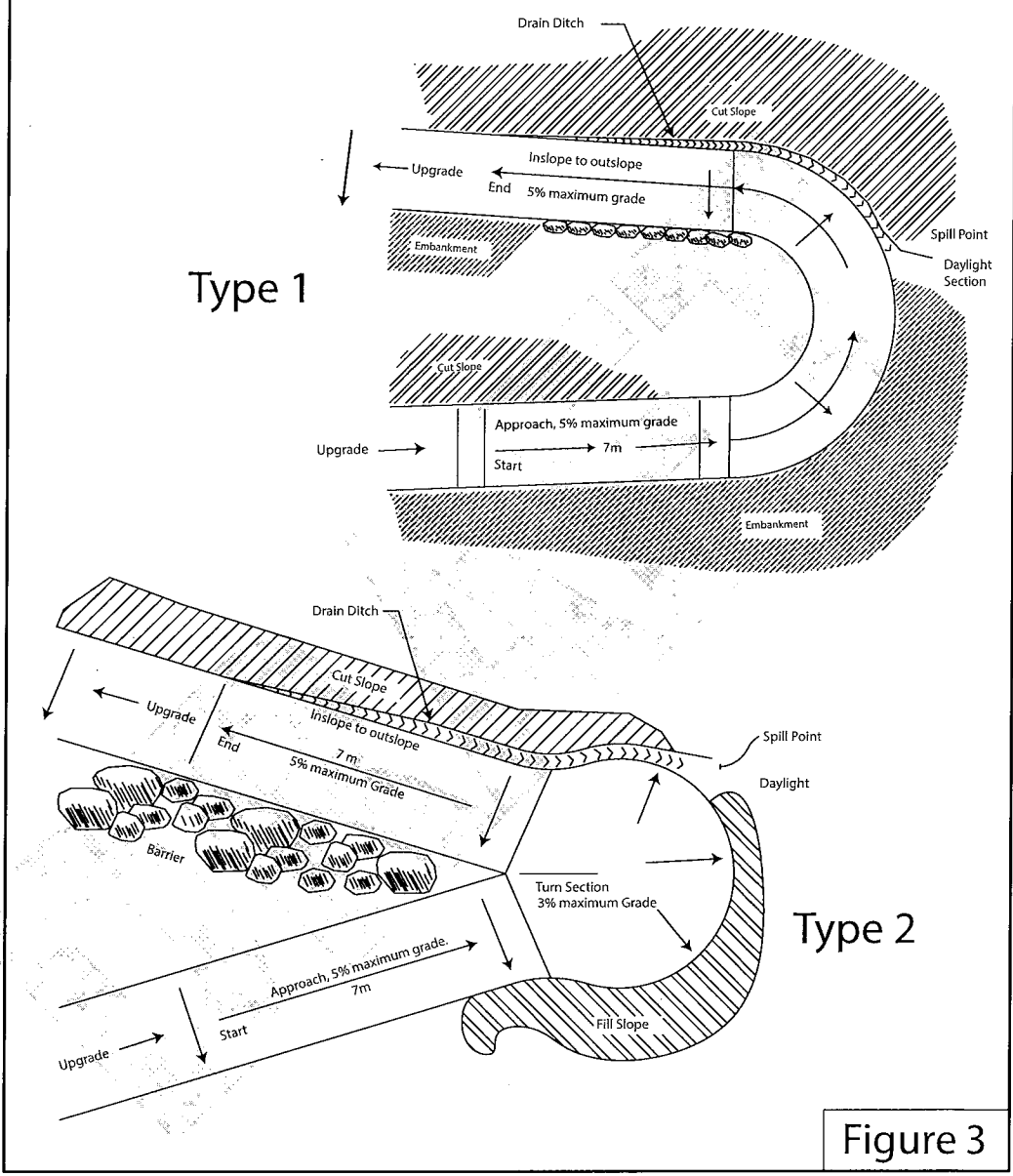


Figure 3

# Outsloped Climbing Turn

Santa Barbara Trails Council

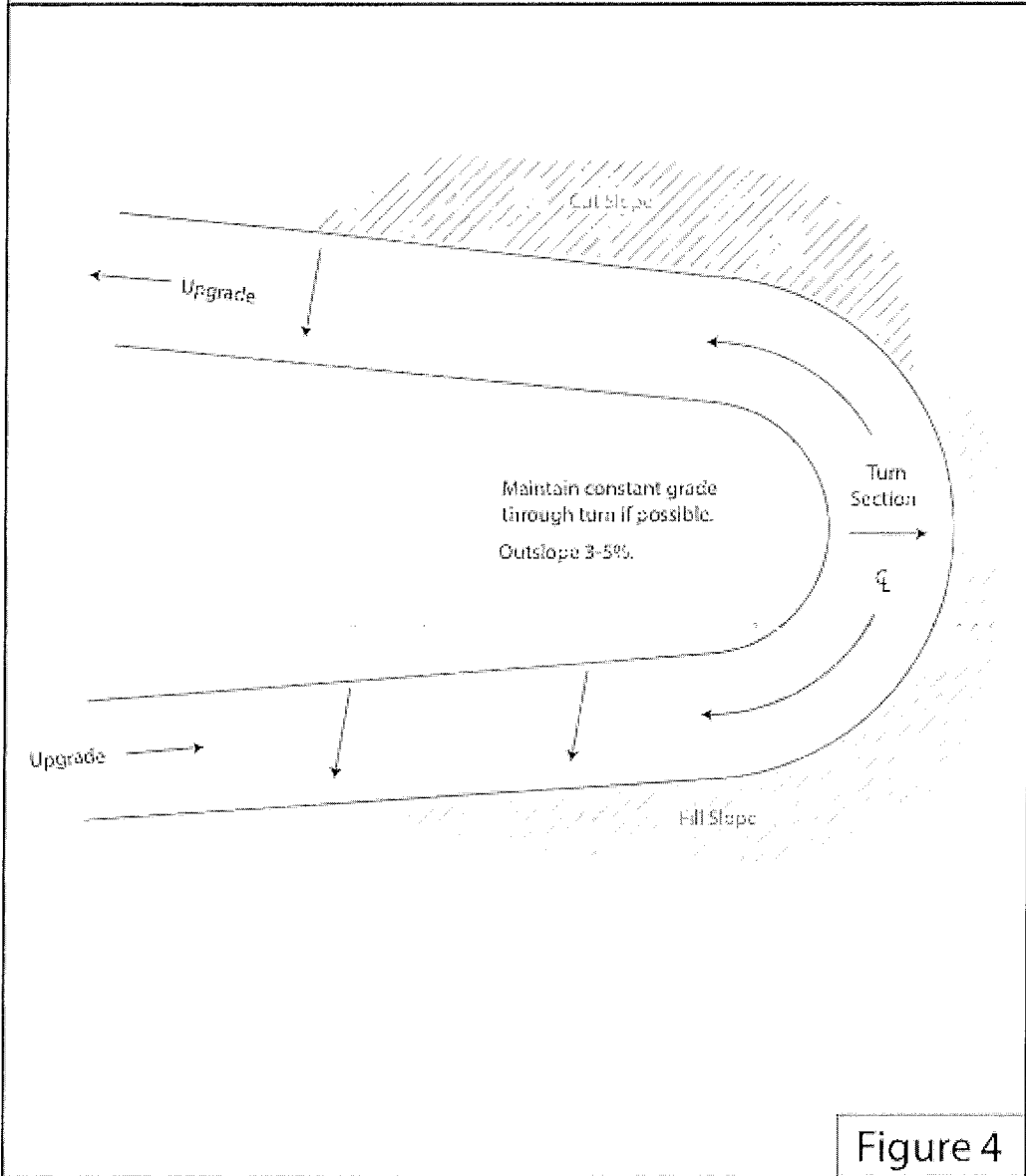


Figure 4

# Rolling Dip

Santa Barbara Trails Council

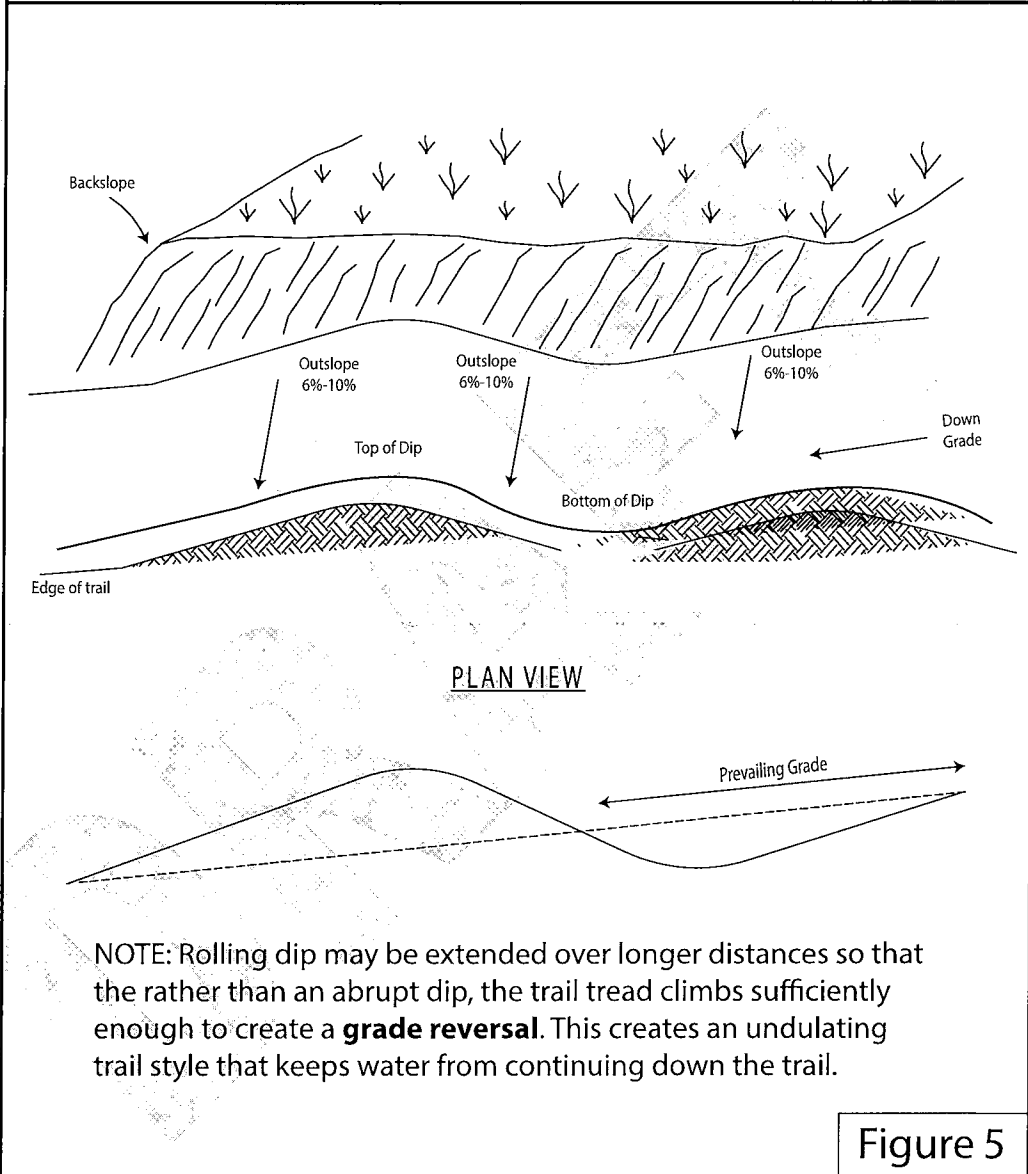
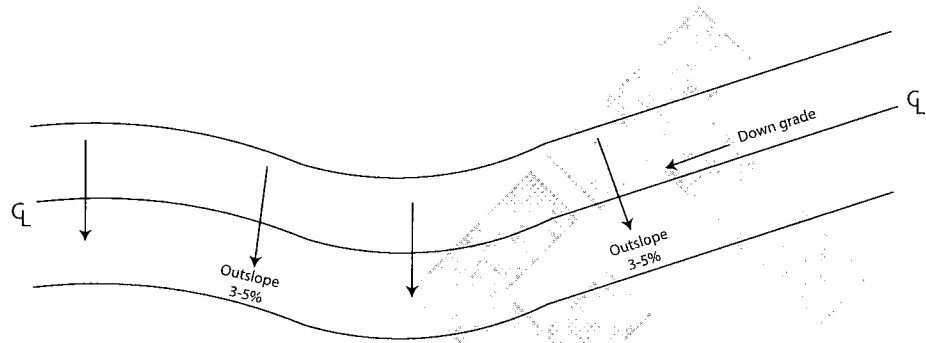


Figure 5

# Grade Dip

Santa Barbara Trails Council



Maintain outslope  
and trailbed width.

## PLAN VIEW

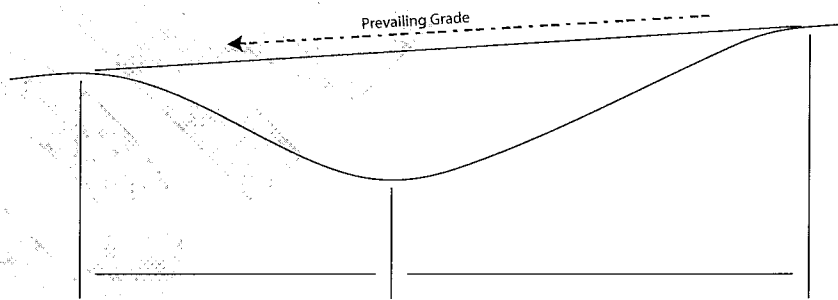
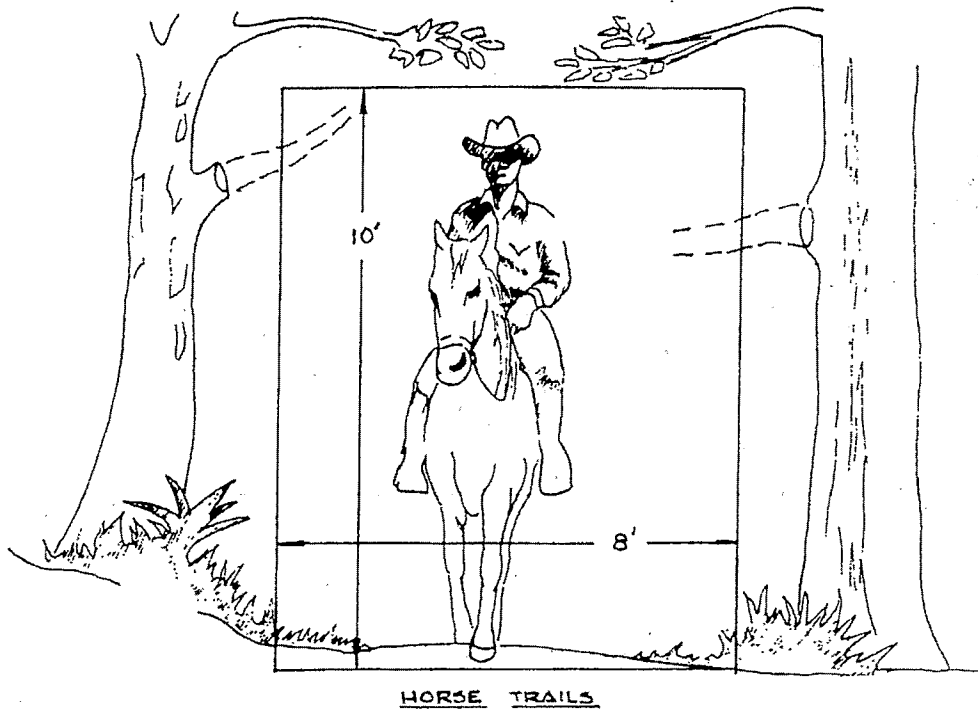


Figure 6

FOR SALE



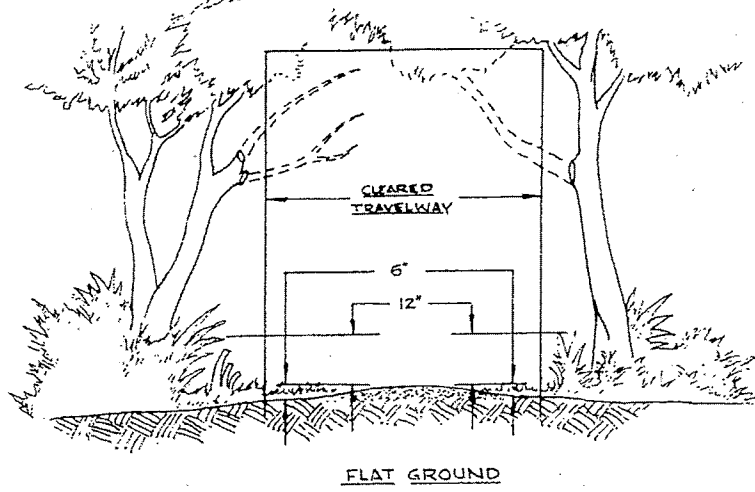


HORSE TRAILS



# BRUSHING MAINTENANCE

7-3



NOTE:  
DIMENSIONS FOR CLEARED AREAS  
ARE AS FOLLOWS:  
HORSE TRAILS- 8' x 10'  
FOOT TRAILS- 6' x 8'

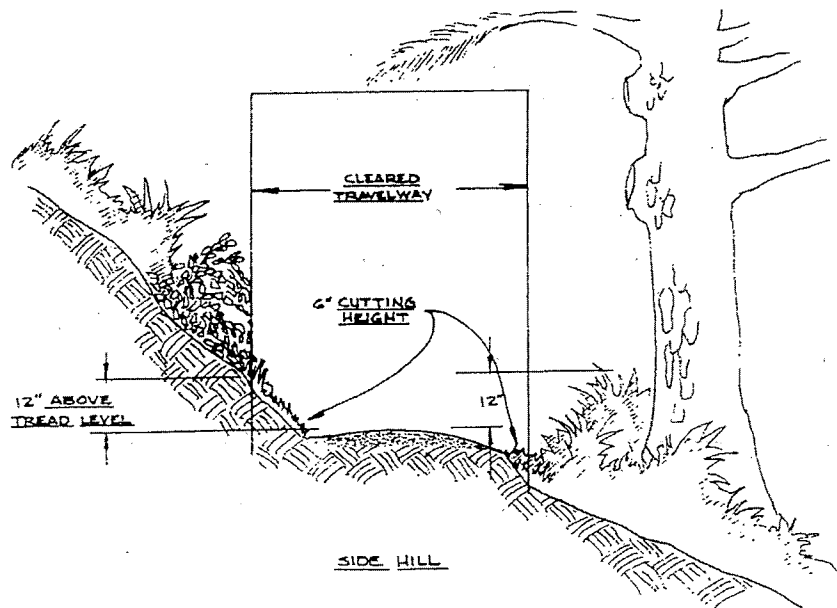
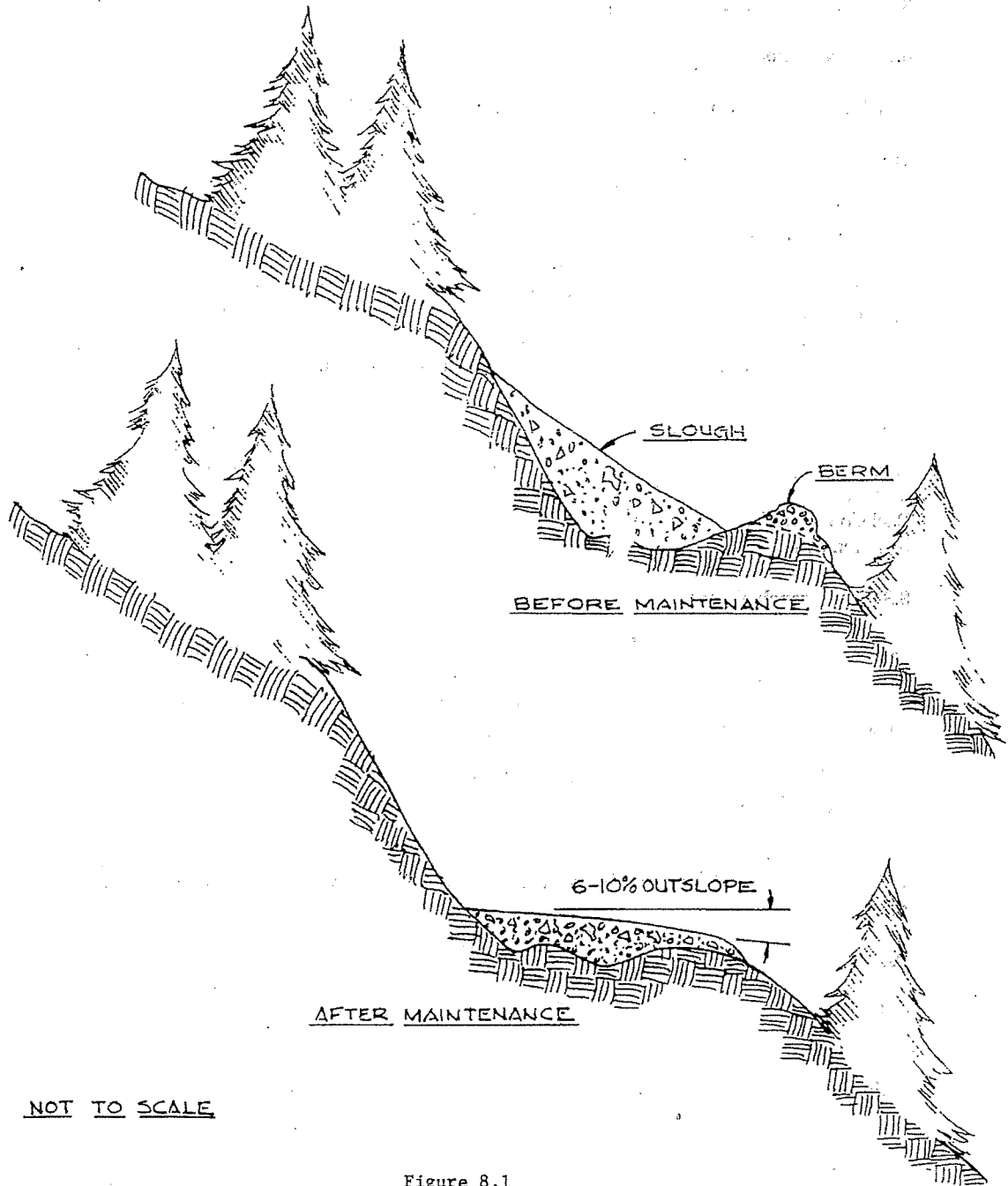


Figure 7.1

# SLOUGH AND BERM REMOVAL



NOT TO SCALE

Figure 8.1