



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning and  
Development  
**Department No.:** 053  
**For Agenda Of:** 10/18/2016  
**Placement:** Set Hearing for  
11/8/2016  
**Estimated Time:** 2.5 hours on 11/8/2016  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Glenn S. Russell, Ph.D., Director, Planning and Development  
Director (805) 568-2085  
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning  
(805) 568-2072

**SUBJECT:** Gaviota Coast Plan  
Third Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: No

**Auditor-Controller Concurrence**

As to form: No

**Recommended Actions:**

On October 18, 2016, set a hearing for November 8, 2016, to consider adoption of the Gaviota Coast Plan.

On November 8, 2016, staff recommends that the Board of Supervisors take the following actions:

- a) Make the required findings for approval, including CEQA findings, in Attachment 1.
- b) Certify the Gaviota Coast Plan Final Environmental Impact Report (County Environmental Document No. 15EIR-00000-00003, State Clearinghouse No. 2014011027) (Attachment 2), including the EIR Revision Letter dated November 8, 2016 (Attachment 3).
- c) Adopt the Gaviota Coast Plan (Attachment 4) by taking the following actions:
  - i) Adopt a Resolution amending the text and maps of the Land Use Element (Case No. 13GPA-00000-00006) of the Santa Barbara County Comprehensive Plan (Attachment 5);

- ii) Adopt an Ordinance amending the zoning regulations of the County Land Use and Development Code (Case No. 13ORD-00000-00006), Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 6);
- iii) Adopt an Ordinance amending and adding new zones and overlay zones to the County Zoning Map (Case No. 13RZN-00000-00002) of the County Land Use and Development Code (Attachment 7);
- iv) Adopt a Resolution amending the text and maps of the Coastal Land Use Plan (Case No. 13GPA-00000-00007) of the Santa Barbara County Local Coastal Program (Attachment 8);
- v) Adopt an Ordinance amending the zoning regulations of the Article II Coastal Zoning Ordinance (Case No. 13ORD-00000-00007) of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 9);
- vi) Adopt an Ordinance amending the Article II Coastal Zoning Ordinance of Chapter 35, Zoning, of the Santa Barbara County Code by repealing and retiring the Gaviota Coast Rural Region Zoning Map, the North Gaviota Coast Rural Region Zoning Map, the Gaviota Coast Coastal Plan Zoning Overlay Map, and the Point Conception Coastal Plan Zoning Overlay Map, and amending the Lompoc Valley Rural Region Zoning Map, and adopting new Gaviota Coast Plan Zoning Maps, new Gaviota Coast Plan Zoning Overlay Maps, and new Gaviota Coast Plan Environmentally Sensitive Habitat Overlay (Case No. 13RZN-00000-00003) (Attachment 10); and
- vii) Adopt a Resolution adopting the Gaviota Coast Plan Design Guidelines (Attachment 11).

### **Summary Text:**

The Gaviota Coast Plan (GCP) provides detailed policies for the Gaviota Coast, consistent with the Comprehensive Plan and the Coastal Land Use Plan. The GCP addresses a range of land use issues, including residential, agricultural, and rural land uses, visual resources, recreation and trails, provision of public facilities and services, and environmental resources and constraints.

In June 2009, the Santa Barbara County Board of Supervisors approved funding the GCP as a project in the Planning and Development Department Annual Work Program. The Board's support for this planning effort was based in large part on the community's expressed desire to develop a local solution to address the land use and resource issues specific to the Gaviota Coast.

The GCP is the result of a multi-year effort by the community and County involving targeted research, data collection and analysis, extensive public involvement through Gaviota Coast Planning Advisory Committee (GavPAC) community meetings, and public hearings with the Planning Commission and Board of Supervisors. The resulting GCP is a new area plan that addresses trends, needs, services, and resources, and provides planning goals, policies, and development standards to guide future land use in the Plan area. The GCP also incorporates Design Guidelines, Trail Siting Guidelines, and Steep Slope Guidelines addressing new development, new trails, and new agricultural cultivation on steep slopes, respectively.

## **Background:**

### **1.0 Introduction**

On October 20, 2009, by Resolution 09-319, the Board of Supervisors established the Gaviota Coast Plan area boundaries and appointed the 11-member GavPAC. The GavPAC is a group of community members that voluntarily serve as an advisory body to the County of Santa Barbara with the responsibility to receive community input on planning issues in the Gaviota Coast Plan area and advise staff on the development of the Plan. The GavPAC hosted 68 noticed public meetings, one all day workshop, and 56 GavPAC subcommittee meetings (concerning visual resources, agriculture, and recreation and trails). Following nine Planning Commission hearings, the Board of Supervisors initiated environmental review for the Draft GCP on December 3, 2013. The Draft Environmental Impact Report (EIR) was circulated for public review from June 22, 2015 to September 4, 2015. The Planning Commission held four hearings regarding adoption of the GCP on July 27, 2016, August 31, 2016, September 14, 2016, and September 19, 2016.

### **2.0 Planning Commission Recommendation**

On September 19, 2016, the County Planning Commission recommended approval of the GCP with modifications to the Plan and ordinance amendments (Planning Commission Action Letter Attachment 12). Although the Planning Commission recommended some modifications, all proposed land uses, zoning designations, and trail corridors depicted on the PRT maps are the same as those initiated by the Board of Supervisors in December 2013. The Planning Commission staff report dated July 20, 2016 (Attachment 13) provides a detailed overview of the GCP, along with staff recommended changes based on mitigation measures identified in the Draft EIR, public comments on the Draft EIR, and certain components of EIR Alternatives 1, 2, and 3. This Board Letter summarizes the Planning Commission's recommendations. The findings, the GCP, and the ordinance amendments have been revised to incorporate the Planning Commission's recommendations (Attachments 1, 4, 6, and 9, respectively).

#### ***2.1 Staff Recommended Changes to the Gaviota Coast Plan Carried Forward by the Planning Commission***

Section 4.0 of the staff report dated July 20, 2016 describes in detail the staff recommended principal changes to the Board of Supervisors initiated GCP (Attachment 13). The Planning Commission accepted these changes, as follows:

1. Gaviota Coast Plan Design Guidelines. The Design Guidelines were developed after plan initiation, and pursuant to EIR mitigation measure MM VIS-1, are to be adopted as a stand-alone document applicable within the Gaviota Coast Plan area (Attachment 11).
2. Trail Siting Guidelines. The Trail Siting Guidelines were developed after plan initiation by an ad hoc subcommittee and were identified as a mitigation measure (MM PR-1) in the EIR. Planning and Development and County Parks staff revised the Guidelines to greater align with similar guidelines adopted for other community and area plans. Revisions included removal of elements that do not pertain to trail siting, and provide flexibility for future siting efforts. The Trail Siting Guidelines are not intended to be a policy document and specific text creating policy within the

Guidelines was removed. The Guidelines are included in the GCP as Appendix C (Attachment 4).

3. Steep Slope Guidelines and Standards. The Steep Slope Guidelines and Standards, developed by the Cachuma Resource Conservation District, were identified as a mitigation measure (MM GEO-1) in the EIR, and are included in the GCP as Appendix D (Attachment 4). In addition, the Planning Commission supported a staff recommended development standard and related ordinance provisions stating that agricultural cultivation on slopes 30% or greater shall adhere to the guidelines.
4. Gaviota Coast Plan Environmentally Sensitive Habitat Overlay Map. Staff completed mapping of the riparian corridors for the inland area pursuant to GCP Action NS-3 and incorporated the Gaviota Coast Plan Environmentally Sensitive Habitat Overlay map into the GCP as new Figures 2-3 and 2-4. The Gaviota Coast Plan Environmentally Sensitive Habitat Overlay map is a land use and zoning overlay. In the coastal zone, the mapped habitats are carried forward from the certified Local Coastal Program and will be adopted anew as part of the amendments to the Coastal Land Use Plan (Attachment 8) and Article II coastal zoning maps (Attachment 10). In the inland area, the mapped habitats will be adopted as part of the amendments to the Land Use Element (Attachment 5) and to the County Zoning Maps (Attachment 7).
5. EIR Mitigation Measures and Alternatives. EIR mitigation measures are incorporated into the GCP as revised or new policies, development standards, or actions (Attachment 4). In addition, several individual elements of each of the three analyzed alternatives are incorporated into the GCP. These include:
  - a. A revised Policy AG-1H for the coastal zone to require implementation of land improvement programs in a manner consistent with the Coastal Land Use Plan (Alternative 1).
  - b. Two new recreation actions (Action REC-8 and Action REC-9) that support future trail, park and open space planning efforts (Alternative 2).
  - c. A revised Action LU-5 (Land Use Incentives Program) to incorporate the expanded landowner incentive program components analyzed in ER Alternative 3. Additional landowner actions that warrant the ability to apply for a land use incentive include:
    - Dedication of a trail easement for the Coastal Trail Primary Route alignment
    - Habitat restoration
    - Restoration, maintenance, and/or landmarking of an historic structure

## ***2.2 Staff Recommended Changes to the Ordinance Amendments Carried Forward by the Planning Commission***

Section 4.0 of the staff report dated July 20, 2016 describes in detail the staff recommended principal changes to the Board of Supervisors initiated ordinance amendments to the County Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II) (Attachment 13). The Planning Commission accepted these changes, as discussed below.

1. Gaviota Agricultural Tiered Permit Structure. The proposed new Gaviota Agricultural Tiered Permit Structure is a revised zoning permit structure for both inland and coastal zone areas that would allow increased flexibility to support and encourage regional agriculture operations by identifying appropriate permitting requirements for various scales of specific activity. The Board of Supervisors initiated ordinance amendments identify a range of proposed permit levels, including: an “exempt” from permits level, LUP/CDP level, and CUP level.

While the Board of Supervisors establishes activities exempt from the issuance of a LUP within the inland area, activities exempt from the issuance of a CDP in the coastal zone is controlled by the Coastal Act and is very limited. Staff reviewed the limited activities which are exempt from the issuance of a CDP (Coastal Act PRC Section 30610 and Article II Section 35.169.2 Coastal Development Permits) and recommended against including the “exempt” from permits level for new Agricultural Tiered Permit uses in the proposed Article II ordinance amendments.

After considerable discussion at the adoption hearings, the Planning Commission supported staff’s recommendation to proceed with CDPs for these uses, with a recommendation to add the following new action to the Plan:

**Action AG-7: Categorical Exclusion Process.** *The County should pursue the Categorical Exclusion process with the California Coastal Commission to identify and exclude certain agricultural uses and developments within the Coastal Zone.*

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

2. Agricultural Wells. The initiated draft Article II zoning ordinance amendments proposed downshifting permit requirements for agricultural water wells in the coastal zone from a CDP to a Zoning Clearance (Draft Final EIR, Appendix B Table 2-1). In the coastal zone, a Zoning Clearance is used for follow-up permit clearance to a previously approved discretionary permit. Also, a CDP is required for all uses of the land which meet the definition of development in the coastal zone. For these reasons, staff recommended the current CDP requirement be retained for agricultural water wells in the coastal zone.
3. Land Use Incentive Program. The third staff-recommended principal change to the ordinance amendments is the inclusion of provisions to implement a portion of the Land Use Incentive Program. The new ordinance provisions address permitting of an Incentive Dwelling Unit (i.e., eligible incentive) on AG-II zone lands in the Plan area. If a landowner dedicates a trail easement for the Coastal Trail Primary Route Alignment, the landowner would be eligible to apply for one detached Incentive Dwelling Unit and one attached Incentive Dwelling Unit. If a

landowner dedicates a trail easement (non-Coastal Trail Primary Route) for a trail on the adopted PRT map, or dedicates and/or constructs a public trailhead parking area, the landowner would be eligible to apply for one Incentive Dwelling Unit (attached or detached). Following public comments and Planning Commission recommendations, the proposed ordinance provisions were revised to create a new zoning definition (Incentive Dwelling Unit) and to clearly distinguish the Gaviota Coast's incentive program dwelling units from the residential second units (RSU) allowed in the urban areas of the County. The staff report and memos to the Planning Commission dated July 20, August 24, and September 7, 2016) provide additional background regarding this topic (Attachments 13, 14, and 15, respectively).

### 2.3 *Additional Planning Commission Recommended Changes to the Gaviota Coast Plan*

The Planning Commission recommended additional changes to the GCP arising from public comment and discussion at its four hearings. These changes have been incorporated into the Plan (Attachment 4).

1. Dev Std NS-3, Dev Std NS-4, and Dev Std NS-5. The Planning Commission revised three natural stewardship development standards to clarify that the scope of any biological resource survey is focused on the area to be disturbed and/or affected by the proposed development project.
2. Policy VIS-2 and Policy VIS-6. The Planning Commission revised two visual resources policies to clarify applicability. The revisions ensure that new development within the Plan Area will be visually subordinate to the natural and agricultural environment, as seen from public viewing places, and that the GCP's Site Design Hierarchy and Design Guidelines will be applied during permit review and approval of new development.

Subsequent to the Planning Commission's action, staff is recommending adding a definition to Policy VIS-2 and deleting it from the CLUDC and Article II ordinance amendments. The proposed addition is shown with double underline below.

***Policy VIS-2: Visually Subordinate Development.*** ~~*Development outside of the Critical Viewshed Corridor shall be visually subordinate to the natural and agricultural environment as seen from public viewing places. Visual subordination shall be achieved through adherence to the Site Design Hierarchy and Design Guidelines. "Visually subordinate" is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place.*~~

The definition was initiated by the Board of Supervisors in the ordinance amendments but the term is not used anywhere in the CLUDC or Article II. However, as there was a clear intent to define "visually subordinate" and it is used in Policy VIS-2, staff is recommending it be added to Policy VIS-2 to provide additional clarification of the policy.

3. Policy REC-21 and Policy LU-9. The Planning Commission revised Policy REC-21 and Policy LU-9 to provide additional information regarding potential future uses on two existing oil and gas development sites upon decommissioning.

4. Action NS-8. The Planning Commission added a new action to develop an informational brochure for landowners regarding GCP natural stewardship policies and environmentally sensitive habitat.
5. Parks, Recreation, and Trails (PRT). The Planning Commission revised several trail alignment narratives and policies in the PRT chapter of the Plan. Trail alignment narratives were revised for Segments 1, 2, 3a, 4a, and 5 to clarify trail location descriptions consistent with the trail corridors depicted on the PRT maps. In addition to these trail segment narratives, the East Panel narrative was revised to clarify that the West Camino Cielo crest trail alignment generally follows the historic West Camino Cielo Road west of Refugio Road; removes specific APN references; and directs the County to work with landowners to consider potential alternative alignments for the West Camino Cielo crest trail alignment.

Revised policies (Goal REC-1, Policies REC-2 and REC-5, and Actions REC-3, REC-6, and REC-7) clarify direction regarding lower cost accommodations, trail maintenance, and trail planning coordination, funding, and access completion. The revisions reflect the intent of PRT maps without substantively changing the policy direction of the initiated Plan.

6. Trail Siting Guidelines. The Planning Commission revised one trail siting guideline to ensure the County reaches mutual agreement with landowners regarding fencing so that agriculture is not negatively affected.
7. Action NS-7. The Planning Commission revised the text such that the County “shall” rather than “should” seek funding to accomplish additional vegetation mapping.
8. Minor Edits. The Planning Commission made minor edits to the Plan to correct transportation terminology, cultural stewardship policies, actions and development standards, and wastewater disposal requirements, to ensure consistency with recent changes to State law.

#### **2.4 Additional Planning Commission Recommended Changes to the Ordinance Amendments**

The Planning Commission recommended additional changes to the ordinance amendments arising from its four hearings:

1. Composting Setback. The Planning Commission revised the initiated 200-foot setback from adjacent lots to clarify that the setback would only apply if the adjacent lot is under separate ownership. In addition, the Planning Commission increased the setback to 300 feet from any residences located on adjacent lots under separate ownership (Attachment 14).
2. Small Scale Campgrounds. The Planning Commission revised the ordinance provisions for small scale campgrounds to: a) set the maximum number of campsites at 10 (instead of 15), limit five campsites to tents only, and allow recreational vehicles up to a maximum length of 25 feet in the other five campsites; b) allow small scale campgrounds within the Critical Viewshed Corridor Overlay only if the campground would not be visible from Highway 101 due to natural topographic variations; and c) allow new grading or structures only when necessary to provide required potable water and wastewater disposal (Attachments 12, 14, and 15).

3. Small Scale Firewood Processing and Sales/Small Scale Lumber Processing/Milling. The Planning Commission revised the ordinance provisions to limit the source woods for these uses to those that are not sensitive and comply with the ESH and ESH-GAV Overlays (Attachment 15).
4. ESH-GAV Overlay. The Planning Commission revised the CLUDC ordinance amendment to delete “within a twelve month period” from the originally proposed ESH-GAV Overlay provisions (Attachment 14).

### **3.0 Environmental Review**

The Final EIR (Attachment 2) identifies potentially significant impacts and mitigation measures that reduce the impacts to less than significant levels. Feasible mitigation measures identified in the Final EIR have been incorporated into the GCP as revised or new policies, development standards, and actions. However, several impacts have been determined to remain significant and unavoidable (Class I) even though mitigation measures have been identified and incorporated into the Final EIR. To adopt the GCP, CEQA Guidelines Section 15093 requires the Board of Supervisors to adopt a Statement of Overriding Considerations balancing the benefits of the project against the identified unavoidable environmental risks and determine the benefits outweigh the risks (Attachment 1).

#### **3.1 EIR Revision Letter**

Since publication of the draft Final EIR in July 2016, the Planning Commission recommended several changes to the GCP. The changes are minor and a Revision Letter to the Final EIR has been prepared and is included as Attachment 3 to this Board Letter. As discussed in the Revision Letter, recirculation of the Final EIR is not required.

### **4.0 Comprehensive Plan Consistency**

Staff reviewed the GCP for consistency with the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan. Attachment 16 presents the policy consistency analysis. Staff concludes that the GCP, as proposed with recommended staff changes, would be consistent with the Comprehensive Plan, including the Coastal Land Use Plan.

### **Fiscal and Facilities Impacts:**

Budgeted: Yes

The Gaviota Coast Plan was prepared as a Board of Supervisors-initiated project. Staff salaries and other costs were included in the County’s budget under the Planning and Development Department, Long Range Planning Division’s Operating Expenditures (General Fund Contribution). Most recently, the Long Range Planning Division’s budget, including the Gaviota Coast Plan, is on page D-295 of the County of Santa Barbara’s Operational Plan for Fiscal Year 2016-17 (to cover costs associated with decision-maker hearings and to begin the Coastal Commission certification process). Total project cost to date since Fiscal Year 2009-2010 is \$1.6 million. Of these costs, approximately \$1.1 million has been funded by several Coastal Resource Enhancement Fund (CREF) grants and approximately \$500,000 has been funded by the County general fund.



There are no facilities impacts. Implementation of the Gaviota Coast Plan will occur primarily through the development review process (i.e., applying policies and development standards to new development) and there will be no cost to the County. Future Gaviota Coast Plan action items will require Board approval and funding prior to implementation.

### **Special Instructions:**

The Planning and Development Department will fulfill noticing requirements.

The Clerk of the Board shall provide a copy of the executed resolutions and ordinance amendments and the minute order to P&D, attention: David Villalobos.

### **Attachments:**

1. Findings and Statement of Overriding Considerations
2. Final Environmental Impact Report (15EIR-00000-00003)  
<http://longrange.sbcountyplanning.org/planareas/gaviota/gaviota.php>
3. EIR Revision Letter (RV 01)
4. Gaviota Coast Plan <http://longrange.sbcountyplanning.org/planareas/gaviota/gaviota.php>
5. Resolution Amending the Land Use Element (Case No. 13GPA-00000-00006)
6. Ordinance Amending the County Land Use and Development Code (Case No. 13ORD-00000-00006)
7. Ordinance Amending the County Zoning Map (Case No. 13RZN-00000-00002)
8. Resolution Amending the Coastal Land Use Plan (Case No. 13GPA-00000-00007)
9. Ordinance Amending the Article II Coastal Zoning Ordinance (Case No. 13ORD-00000-00007)
10. Ordinance Amending the Article II Coastal Zoning Ordinance of Chapter 35, Zoning, of the Santa Barbara County Code by repealing and retiring the Gaviota Coast Rural Region Zoning Map, the North Gaviota Coast Rural Region Zoning Map, the Gaviota Coast Coastal Plan Zoning Overlay Map, and the Point Conception Coastal Plan Zoning Overlay Map, and amending the Lompoc Valley Rural Region Zoning Map, and adopting new Gaviota Coast Plan Zoning Maps, new Gaviota Coast Plan Zoning Overlay Maps, and new Gaviota Coast Plan Environmentally Sensitive Habitat Overlay Maps (Case No. 13RZN-00000-00003)
11. Resolution Adopting the Gaviota Coast Plan Design Guidelines
12. Planning Commission Action Letter, dated September 19, 2016
13. Staff Report to the Planning Commission, dated July 20, 2016
14. Staff Memo to the Planning Commission, dated August 24, 2016
15. Staff Memo to the Planning Commission, dated September 7, 2016
16. Policy Consistency Analysis
17. Public Comments to the Planning Commission (see Attachment 17 for links to comment letters)

### **Authored by:**

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