

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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## RECORD PACKET COPY

**DATE:** September 24, 2003

**TO:** Commissioners and Interested Persons

**FROM:** Charles Damm, Senior Deputy Director  
Gary Timm, District Manager  
Melanie Hale, Supervisor, Planning and Regulation  
Shana Gray, Coastal Program Analyst

**SUBJECT:** Santa Barbara County Local Coastal Program Amendment No. MAJ-3-02  
(Toro Canyon Planning Area) for Public Hearing and Commission Action  
at the Wednesday, October 8, 2003 Commission Meeting in Coronado.

### DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP) to designate the Toro Canyon Planning Area (hereafter "Toro Canyon"); add associated Toro Canyon goals, policies, actions, and development standards as described in the Toro Canyon Plan (hereafter "Plan"); and adopt implementing zoning district and overlay maps. Toro Canyon is located in southeastern Santa Barbara County, in the western portion of the Carpinteria Valley between the Santa Ynez Mountains and the Santa Barbara Channel. The amendment will result in changes to the certified Santa Barbara Coastal Land Use Plan (hereafter referred to as the LUP/CP) and to the certified Santa Barbara County Coastal Zoning Ordinance (hereafter referred to as the IP/CZO).

### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **deny** the amendment to the certified LCP as submitted; then **approve, only if modified** as revised by the suggested modifications. As submitted the Land Use Plan and Coastal Zoning Ordinance amendments are inconsistent with various policies in Chapter Three of the Coastal Act pertaining to land use, agriculture, hazards, public access, visual resources and protection of coastal waters and environmentally sensitive habitat areas. As modified the amendment is consistent with Chapter Three of the Coastal Act. The motions to accomplish this recommendation begin on **page 13**. The suggested modifications begin on **page 16**.

## **STAFF NOTE: ANTICIPATED AREAS OF DISCUSSION**

Commission staff and representatives of the County of Santa Barbara have endeavored to reconcile this Local Coastal Program Amendment with the requirements of the Coastal Act and the County's planning objectives. Where possible, clarifications and suggested revisions have been incorporated into this report. Although much of the amendment is consistent with the Chapter Three policies of the Coastal Act, many of the suggested modifications are supplemental policies, or in the case of water quality, a new topic area has been added where staff deemed necessary to conform the proposed amendment to the Commission's directives to achieve Coastal Act consistency. The County staff asserts that many of these policies would more appropriately be applied to the overall LCP, not individual Area Plans such as the Toro Canyon Plan. Staff agrees that in many cases the modifications would also apply to the entire LCP. However, the County has not submitted the LCP for consideration and therefore the modifications properly only apply to the Area Plan for which certification is pending. Staff notes that the LCP was certified in 1981 and a comprehensive update has not been completed since that time. The County staff indicates that no comprehensive amendment will be forthcoming in light of current fiscal constraints. Thus staff recommends that even modifications that would serve well on a countywide basis be considered by the Commission where the opportunity arises.

The major issue areas raised by the current amendment are summarized below:

### **Watershed Protection**

Protection of coastal watersheds is a primary objective of the Coastal Act as initiated through many of the Chapter Three policies including 30230, 30231, 30233, 30236, 30240, 30250, 30251, and 30253 (see Section E.7 "Watershed Protection"). Much of the Toro Canyon Plan area is characterized by steep foothills protected by a large expanse of mostly undisturbed, deeply rooted chaparral vegetation descending to the high quality alluvial soils in the coastal valley below. Land uses are predominantly open space and agriculture with disjunct clusters residential development and three small commercial areas.

Though the protection of watershed resources cannot be reduced to just one solution, land use constraints in the Toro Canyon Plan area hinge, in large part, on topographic constraints. Lands particularly unsuited for intensive development in Toro Canyon Plan area include lands that have steep slopes of 30 percent or greater (see Exhibit 9). The trends toward larger residential developments (recognized by County FEIR as those residences sized between 5,000-20,000 sq. ft.) and the gradual expansion of agriculture onto steeper slopes have contributed to increased surface runoff, erosion, downstream siltation, and hillside scarring.

To protect watershed functions and rural character, staff is recommending a Watershed Protection Overlay (WTR) District to identify where further land use intensification is inappropriate given the steep slopes and adverse impacts to hillsides, streams, and other downstream coastal resources. The WTR Overlay District prohibits new development on lands within the coastal zone portion of the Toro Canyon Planning Area having slopes 30% or greater. However, where all feasible building sites are constrained, the County may permit development that is scaled, sited, and designed to minimize impacts to coastal resources consistent with various development standards. For example, new development

would be required to be sited and designed to minimize grading, alteration of physical features, and vegetation clearance to the maximum extent feasible. The maximum allowable development area where all feasible building sites on a legal parcel include 30% slope or greater, would be 10,000 sq. ft. or 25% of the parcel size, whichever is less.

The WTR Overlay District is intended to ensure that all development in such areas is designed and carried out in a manner that (1) provides maximum protection to coastal waters and downstream properties; (2) preserves rural character and public views; and (3) limits development in areas constrained by lack of adequate services and access, and geologic and fire hazards.

### ESH Map

A contentious part of the proposed amendment has been the Environmentally Sensitive Habitat (ESH) Map. This was apparent during the County's extensive hearing process. As stated by the County, the purpose of any Plan-level ESH Map is to identify the general likelihood of encountering important biological resources that would require site-specific investigation at the time of proposed development on a specific parcel. The ESH Map for the Toro Canyon Plan was compiled using a combination of aerial photograph interpretation, including the use of staff's field experience from reviewing past development projects, regional biological studies, biological reports prepared for past projects, and individual site inspections. Given that the certified LCP ESH Map is more than 20 years old, and the extensive improvement in technology and information, the accuracy of the ESH Map is much improved.

However, there is one major point of controversy with regard to the County's mapping effort. The Southern Coast Live Oak Riparian Forest ESH limits the designation of ESH to the "top of creek bank only" where the ESH goes through Existing Developed Rural Neighborhoods. As the Commission has found in the past, riparian species adjacent to a stream course provide significant resource value because of their ability to provide habitat for avifauna and other species in proximity to the available water supply, ability to provide connectivity with other habitats and their buffering effects against sedimentation and polluted urban runoff. Thus, streams and adjoining riparian vegetation directly provide important habitat in the generally dry Mediterranean climate of Santa Barbara County, and offer habitat corridors to other habitats (thus facilitating wildlife movement and gene flow), in addition to protecting the quality of coastal waters. Therefore, restricting the designation of ESH to the stream corridor only is not consistent with the Coastal Act, and staff is recommending that the riparian corridor be designated as ESH. There is some concern on behalf of the property owners that existing lawfully constructed development in and amongst the riparian areas will be designated as ESH. This concern is addressed in the Toro Canyon Plan which requires a site-specific biological study and an on-the-ground determination of ESH during the application for new development. Such development would be subject to the policies applied to areas adjacent to ESH and/or ESH buffers, however, such development itself would not be considered ESH.

Secondly, there are two major areas of debate with regard to the proposed ESH buffers: (1) the measurement approach for *Southern Coast Live Oak Riparian Forest* ESH buffer and (2) ability to adjust any of these *minimum* buffer areas downward. As proposed under this LCP amendment, the buffer from Southern Coast Live Oak Riparian Forest is proposed to

be measured from the top of the creek bank. However, since the riparian forest ESH designation would incorporate the associated riparian canopy, as recommended by staff, the top of creek bank would not be an accurate means of delineating the ESH buffer. As recommended by the Commission's biologist (Exhibit 13), the buffer must be measured from the edge of riparian ESH or stream bank, whichever is the greater distance.

The County has proposed language to allow ESH buffers to be reduced on a case-by-case basis, in consultation with other agencies such as County Environmental Health Services, the Flood Control District, Department of Fish and Game, and the Regional Water Quality Control Board. Staff notes that *minimum* ESH buffer standards are necessary to ensure the protection of environmentally sensitive resources and any subsequent reduction to the buffer may adversely impact resources. Therefore staff is recommending that such minimum standards be assured to protect resources.

#### Reasonable Use

The LCP submittal incorporates "takings" language that authorizes exceptions to the policies and standards of the Toro Canyon Plan where application of such standards would preclude "reasonable use of property." This language creates a very broad exception to the proposed policies and standards, and therefore staff is recommending the deletion of this language throughout the document. The only appropriate exception to policies or standards that are required to comply with policies of the Coastal Act is when it is necessary to avoid an unconstitutional taking of private property. The deletion of the County's general "takings" language, as required above, will not preclude reasonable use of property. To address issues where it is known that the ESH policies would preclude development on vacant parcels, and where exceptions may be necessary to avoid an unconstitutional taking of private property, staff has recommended modifications which will allow applicants to demonstrate that an exception to an ESH policy or standard is necessary to avoid a taking. Such a review would require detailed information to determine whether application of the ESH policy or standard would be a taking, and if so, to determine the extent of development that must be allowed to avoid a taking.

#### Non-Conforming Structures

The nonconforming structure policies proposed under this LCP amendment broaden the definition as provided in the certified LCP. The proposed amendment would allow partial or complete reconstruction or structural repair of residential structures (including primary dwellings, secondary dwellings, and all attached appurtenances that share at least one common wall with the residential structure) and agricultural support structures (any structures that is essential to the support of agricultural production on agriculturally zoned property) due to normal wear and tear, if the residential structure is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted as a result of the Toro Canyon Plan. Additionally, the proposed amendment allows for the expansion of nonconforming residential or agricultural support structures within ESH or ESH buffer areas. Section 30610 of the Coastal Act allows for the rebuild of any lawfully established structures, including legal non-conforming structures, in the event of a disaster. This provision does not include restoration or replacement of structures for normal wear and tear. The voluntary tear down and rebuild of structures would, in almost every case, require discretionary review consistent with the LCP standards. This would hold true for legal

conforming structures as well as structures that are non-conforming. Furthermore, the proposed exception to allow additions to nonconforming agricultural structures into ESH and ESH buffer is not consistent with Section 30240. Staff recommends against the liberalization of nonconforming structure provisions, with one exception.

If modified as suggested, additions to lawfully established nonconforming *primary residences* in Existing Developed Rural Neighborhoods within ESH buffer have been granted limited exception to the nonconforming structure policy to allow minor additions and reconstruction in the same exact development envelope (footprint, height, bulk) if it can be shown, pursuant to the required site-specific biological study, that such development would not adversely impact the adjacent riparian species and meets all other provisions of this Plan and the LCP including development standards for native and non-native protected tree species. Additionally, such development must be sited and designed to meet specific standards (e.g., no removal or limbing of oak or sycamore trees) that are protective of the adjacent riparian canopy. The above limited additions and reconstruction, as detailed in this staff report, are restricted in a manner to prevent adverse impacts to ESH and would be compatible with the continuance of adjacent ESH areas, consistent with Section 30240. These provisions do not authorize new development in ESH which is not possible under Section 30240(a).

#### Water Quality

The Commission has directed through past actions that new projects and LCP amendments incorporate conditions and/or policies that will ensure the protection of water quality consistent with Sections 30230 and 30231 of the Coastal Act. In this case, the proposed LCP amendment is a comprehensive Specific Plan for the Toro Canyon Plan area, including approximately 2,150 acres within the coastal zone. The Toro Canyon Plan is constrained by steep slopes surrounding the coastal valley, and land use practices have contributed to loss of sensitive habitat, erosion, and resultant downstream sedimentation and adverse water quality impacts. New development in Toro Canyon has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Therefore, staff is recommending the inclusion of new policies that address siting and design of septic systems (i.e., on-site treatment systems); Best Management Practices (BMPs) for stormwater runoff; site design principles for protecting natural resources, and measures to ensure that specific types of development do not adversely affect water quality.

To the extent possible, staff has worked with County staff to apply appropriate water quality provisions within the Plan area under this LCP amendment. County staff has stated that they are already implementing most of these policies through their Storm Water Management Plan and, therefore, has requested that modifications proposed by staff not be included in the LCP amendment. However, given that the Stormwater Management Plan is not certified under the existing LCP, there is currently no mechanism for implementation of such policies recognized under Coastal Act requirements. Therefore the appropriate water quality policies, development standards, and actions have been retained as necessary to adequately protect coastal waters. Staff has encouraged the County to consider a future LCP amendment that would incorporate water quality programs they believe meet the

requirements of the modifications and to make such amendments countywide under the LCP.

### Agriculture

Staff notes that the following clarification regarding certain agricultural practices is necessary to ensure that the County processes coastal development permits for such activities as presently required under the existing LCP, and that these standards are thus reflected in the policies and provisions for new development under the Toro Canyon Plan. As defined in the certified LCP, the Hillside and Watershed Protection policies of the certified LUP specifically define "major vegetation removal" as the removal of native vegetation, brush, trees, or orchards involving a cumulative total of one-half acre of land or more (emphasis added). Furthermore, the hillside and watershed policies affirmatively state that policies shall apply to all construction and development, including grading for agricultural and non-agricultural purposes which involve the movement of earth in excess of 50 cubic yards.

Therefore, by definition, agricultural activities that require 50 cubic yards of grading (excluding crop rotation, harvesting, and other management practices for existing lands in production) and/or the cumulative removal of ½-acre of vegetation are "development" subject to the coastal development permit requirements of the existing LCP. It is not clear whether the *cumulative* nature of this definition has been consistently applied by County staff to mean vegetation removal over the cumulative course of agricultural practices on a subject site. Such removal may accrue incrementally and thus should trigger the developing of "development." As a result, where the term "development" or "new development" is discussed in the LCP, agricultural development meeting the above definition of agricultural development is included.

### Conversion of Agricultural Lands

The County is proposing to rezone seven parcels from agriculture (40-acre minimum parcel size) to Single Family Residential Minimum 2 acre. These parcels, comprising a total of approximately 16 acres, are located northeast of the intersection of Foothill and Toro Canyon Roads. The new designation would allow one additional lot split. However, the parcels are located on 30% slopes, which pursuant to the Watershed Protection Overlay District, have been identified in this area as lands that are unsuited for intensified development. While the slope and size of parcels may constrain agricultural production, and the economic viability of the subject parcels in the future may be questionable, the existing agricultural designation does not preclude residential development on legal parcels, as would be allowed under the proposed residential designation. Retaining the agricultural designation however eliminates the ability for any further division of the parcels.

Additionally, the conversion is not consistent with Section 30241 requirements because it does not provide a *stable* boundary between agriculture and residential uses. Because of the residential development pressures in the Plan area, delineating stable boundaries and clearly defined buffer areas are necessary to avoid conflicts that will adversely impact the long-term productivity of the region's agriculture. The conversion of the proposed parcels would represent attrition of the long-term viability of agriculture in Toro Canyon by cumulatively converting agricultural parcels to residential parcels, and not providing an

adequate buffer to minimize conflicts with the larger agricultural parcels. Staff recommends against the conversion of these agricultural parcels to residential parcels.

**SUBSTANTIVE FILE DOCUMENTS:** Santa Barbara County Coastal Plan (January 1982; with updates through 1999); Santa Barbara County Coastal Zoning Ordinance, Article II, Chapter 35 of the County Code. Resolution No. 02-065 of the Board of Supervisors, County of Santa Barbara, State of California, *In the matter of submitting to the Coastal Commission Amendments to the Text and Maps of the Santa Barbara County Local Coastal Program*, passed, approved, and adopted by the Board of Supervisors February 25, 2002; Ordinance 4448, *Case Number 00-OA-005*, adopted by Board of Supervisors February 25, 2002; Ordinance 4449, *Case Number 00-RZ-002*, adopted by the Board of Supervisors February 25, 2002; Office of County Counsel Memorandum, August 30, 2000, *Nonconforming lots and structures in the Toro Canyon Plan Area*;

**Additional Information:** Please contact **Shana Gray**, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 585-1800.

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## **LIST OF EXHIBITS**

- Exhibit 1.** County Resolution 02-065 for Submittal of LCP Amendment
- Exhibit 2.** County Resolution 02-062 for Proposed LUP/CP Amendments
- Exhibit 3.** Proposed Zoning Ordinance Amendments (Ordinance No. 4448)
- Exhibit 4.** Proposed Zoning Map Amendments (Ordinance No. 4449)
- Exhibit 5.** ESH Map Changes Butterfly (As Suggested in Modifications No. 161 and 166) and Kelp (As Suggested in Modifications No. 163 and 168)
- Exhibit 6.** ESH Map Changes Wetland (As Suggested in Modifications No. 162 and 167) and Monarch Butterfly (As Suggested in Modifications No. 161 and 166)
- Exhibit 7.** Urban / Rural Boundary Maps
- Exhibit 8.** Toro Canyon Plan ESH Map
- Exhibit 9.** Toro Canyon Plan Steep Slopes Map
- Exhibit 10.** Correspondence Dr. Meade to County Staff
- Exhibit 11.** Correspondence Coastal Commission to County Staff
- Exhibit 12.** Agriculture Viability Report
- Exhibit 13.** Memo from Dr. John Dixon Regarding ESHA

## **LIST OF ATTACHMENTS**

- Attachment A.** Toro Canyon Plan

## I. PROCEDURAL ISSUES

### A. STANDARD OF REVIEW

The Coastal Act provides:

*The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))*

The Coastal Act further provides:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...*

*The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)*

The standard of review that the Commission uses in reviewing the adequacy of the land use plan is whether the land use plan is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

### B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held 25 public hearings and two public workshops and received written comments regarding the project from concerned parties and members of the public. The hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

## C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the County resolution for submittal may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (Section 13544.5; Section 13537 by reference;). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

## II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/COASTAL PLAN (LUP/CP)

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

### A. DENIAL AS SUBMITTED

**MOTION I:**     *I move that the Commission CERTIFY Amendment STB-MAJ-3-02 to the County of Santa Barbara Coastal Plan, as submitted by the County of Santa Barbara.*

### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of Amendment STB-MAJ-3-02 to the County of Santa Barbara Coastal Plan and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is

not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

## **B. CERTIFICATION WITH SUGGESTED MODIFICATIONS**

**MOTION II:**     *I move that the Commission CERTIFY Amendment STB-MAJ-3-02 to the County of Santa Barbara Coastal Plan, if modified as suggested in this staff report.*

### **STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Amendment STB-MAJ-3-02 to the County of Santa Barbara Coastal Plan if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

## **III. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)**

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

## A. DENIAL AS SUBMITTED

**MOTION III:** *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-02 as submitted.*

### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-02 and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

## B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

**MOTION IV:** *I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-02 if it is modified as suggested in this staff report.*

### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-3-02 if modified as suggested and adopts the findings set forth below on grounds that the Implementation

Program with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

#### **IV. INTRODUCTION TO SUGGESTED MODIFICATIONS**

**Suggested Modifications:** The staff recommends the Commission certify the following, with modifications as shown below. Language as submitted by the County of Santa Barbara is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined. Suggested modifications to revise maps or figures, or other instructional changes are shown in italics. Text *not* intended to be included as part of the modification which provides an internal reference or other orienting information is shown in [brackets].

**Commission Review of Narrative Text:** The Toro Canyon Plan amendment can be divided into two major categories. The first is narrative, which describes the Toro Canyon Plan Area, special issues with the Toro Canyon Plan Area, and the general basis for the various standards and policies contained in the Toro Canyon Plan amendment. The second consists of the actual standards and policies. It is this second division which is the focus of Commission review.

The proposed Toro Canyon Plan LCP amendment contains four levels of policy, titled "goals," "policies," "actions," and "development standards." All four of these levels are to be considered enforceable policies. Therefore, the standard of review for the County in permitting development under the LCP will be all goals, actions, policies, and development standards (as well as other implementing actions), with the exception of those marked with an asterisk in the Suggested Modifications section below. Any policies or map language designated as non-coastal are issues that are not addressed under the Coastal Act or are specific to areas outside of the Coastal Zone, and therefore are excluded from the certification of the LCP Amendment. For that reason, those policies are not analyzed as part of this submission.

Revisions to the policies, made through suggested modifications, in certain circumstances may make the background narrative obsolete. Descriptive narrative no longer consistent with the policies will need to be revised by the County to conform to the narrative of any associated policy that has been revised through suggested modifications as part of the submission of the final document for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.

**Organizational Notes:** The addition of new policies or the deletion of policies (as submitted) will affect the numbering of subsequent policies, actions, or development standards when the County of Santa Barbara publishes the final Toro Canyon Plan incorporating the Commission's suggested modifications. This staff report will **not** make revisions to the policy numbers. The County will make modifications to the numbering system when it prepares the revised LCP for submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.

**Global Text Suggested Modification:** As submitted, the Toro Canyon Plan contained supportive narrative describing the basis for many policies. Some of these policies have been modified as a result of this Commission action. Consequently, the corresponding supportive narrative may no longer be relevant for supporting modified policies. The Commission empowers the County with the approval of the Executive Director to revise supportive narrative so that it will be consistent with the policies of the LCP amendment as modified through the suggested modifications. Since this policy refers to a global text revision, once the global text revisions are made, this policy does not need to be included in the amended Toro Canyon Plan. The modified narratives, however, must be approved by the Executive Director and reported to the Commission before taking effect.

**Organization of Suggested Modifications Below:** The Toro Canyon Plan groups the Plan elements into three "super elements:" the Land Use Element, Public Facilities and Services, and Resources and Constraints. Modifications under Headings 1, 2, and 3, below, separate each of these sections according to the overarching "super element" category. Under each of these Headings, there is a comprehensive table that provides all proposed goals, policies, actions, and development standards for that section of the Plan. Therefore, because the table is comprehensive and is intended to show the progression of *all* policies as well as the suggested modifications, not all policies have a corresponding text change in the Suggested Modifications column. Policies that have Commission suggested modifications have been given an official Suggested Modification Number as indicated in the column denoted as MOD#.

## V. SUGGESTED MODIFICATIONS ON THE LAND USE PLAN/COASTAL PLAN (LUP/CP)

### 1. Modifications No. 1-17 – Land Use Element

Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
<i>Land Use - General</i>			
GOAL LUG-TC	Ensure That Residential And Agricultural Development Occurs In Balance With The Existing Natural Environment To Protect Natural Resources And Public Safety. Also,	1	<del>Ensure That Residential And Agricultural Development Occurs In Balance With The Existing Natural Environment To Protect Natural Resources And Public Safety. Also,</del>

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
	Ensure That Commercial Areas Are Economically Viable And Are A Benefit To Both Travelers And The Local Community.		<p><del>Ensure That Commercial Areas Are Economically Viable And Are A Benefit To Both Travelers And The Local Community.</del></p> <p><u>Provide For New Development In A Manner That Avoids Degradation Of The Natural Environment And Other Coastal Resources, Considers The Social And Economic Needs Of The People Of The State, Including Visitors, Serving Commercial And Coastal Access/Recreational Uses, And Protects Public Safety.</u></p>
Policy LUG-TC-1	All pertinent countywide Comprehensive Plan and Coastal Plan policies apply within Toro Canyon in addition to the specific policies and action items identified in this Plan.	2	<p><del>All pertinent countywide Comprehensive Plan and Coastal Plan policies apply within Toro Canyon in addition to the specific policies and action items identified in this Plan.</del></p> <p><u>The policies and provisions of the certified Local Coastal Program, including the Coastal Land Use Plan and Coastal Zoning Ordinance shall continue to apply within the Toro Canyon Planning Area. Should any policy or provision of the Toro Canyon Plan conflict with any policy or provision of the certified Local Coastal Program, the policy or provision that is most protective of resources shall prevail. Where the policies or provisions of the certified Local Coastal Program, including the certified Toro Canyon Plan conflict with any other policy or provision of the County's Comprehensive Plan or other guiding standards, the Local Coastal Program shall prevail.</u></p> <p><u>Any future modification(s) to this Plan or the implementing actions, including any recommended modifications, studies, plans, programs, or other changes shall not be effective within the coastal zone until and unless it has been certified by the Coastal Commission as an amendment to the LCP.</u></p>
Policy LUG-TC-2	The Development Standards contained within this Plan shall be used to implement the policies of the Plan. Where appropriate, these standards shall be applied to projects under review, unless a standard is	3	<p><del>The Development Standards and Actions contained within this Plan shall be used to implement the policies of the Plan and . Where appropriate, these standards shall be applied to projects under review, unless a</del></p>

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
	inapplicable or ineffective and/or other standards have been required that more effectively implement the policies.		<del>standard is inapplicable or ineffective and/or other standards have been required that more effectively implement the policies.</del>
ADDED POLICY		4	In addition to the requirements of LUP Policy 2-11, development shall be scaled to protect resources such as <u>environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes.</u> <u>Regulatory measures to ensure such protection shall include but not be limited to restrictions on the following: size; color; reflectivity and height of structures; roofs and other architectural features; length of driveways; number and size of accessory structures; configuration and size of development envelopes; amount and location of grading; vegetation removal; and night lighting.</u>
ADDED POLICY		5	<u>Protection of ESH and public access shall take priority over other development standards and where there is any conflict between general development standards and ESH and/or public access protection, the standards that are most protective of ESH and public access shall have precedence.</u>
Policy LUG-TC-3	The Urban/Rural Boundary shall distinguish principally urban land uses from rural and/or agricultural land uses. This Boundary shall represent the maximum extent of the Toro Canyon urban area. This Boundary shall not be moved except as part of a County-initiated update of the Plan.	6	The Urban/Rural Boundary shall distinguish <del>principally</del> urban land uses from rural and/or agricultural land uses. This Boundary shall represent the maximum extent of the Toro Canyon urban area. This Boundary shall not be moved except as part of a County-initiated update of the Plan <u>and within the coastal zone, as certified by the Coastal Commission as an amendment to this Plan.</u>
Policy LUG-TC-4	Land Use and Zoning designations shall provide for reasonable use and development of property within given site constraints.	7	<del>Land Use and Zoning designations shall provide for reasonable use and development of property within given site constraints.</del>
Policy LUG-TC-5	The public shall be protected from noise that could jeopardize health and welfare.		*

\* See LUP Modification 155

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
DevStd LUG-TC-5.1	Construction activities within 1,600 feet of residential receptors shall be limited to the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday. Construction equipment maintenance shall be limited to the same hours.		*
DevStd LUG-TC-5.2	Stationary construction equipment that could generate noise exceeding 65 dB(A) at project site boundaries shall be shielded to County P&D's satisfaction, and shall be located a minimum of two hundred (200) feet from sensitive receptors.		*
Policy LUG-TC-6	The Policies and Development Standards of this Plan shall be implemented in a manner that does not take private property for public use without just compensation as required by applicable law.	8	<del>The Policies and Development Standards of this Plan shall be implemented in a manner that does not take private property for public use without just compensation as required by applicable law.</del>
ADDED POLICY		9	<u>Existing, lawfully established structures that do not conform to the provisions of the LCP may be maintained, and repaired. Except as provided below and in Policy BIO-TC-5 and DevStd BIO-TC-5.1 through 5.6 [cross reference to LUP Modification 91, 92- 97], additions and improvements to such structures may be permitted provided that such additions or improvements themselves comply with the policies and standards of the LCP. Additions to non-conforming structures on a blufftop or on the beach that increase the size of the structure by 50 percent or more are not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Demolition and reconstruction that results in the demolition of more than 50 percent of the exterior walls of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Non-conforming uses may not be increased or expanded into additional locations or structures.</u>
ADDED POLICY		10	<u>Conditional Certificates of Compliance, or Certificates of Compliance issued for</u>

\* See LUP Modification 155

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
			<u>land divisions that occurred after the Coastal Act, shall require a coastal development permit appealable to the Coastal Commission.</u>
<i>Land Use – Residential</i>			
GOAL LUR-TC	Balance Residential Development With Protection of Resources, Respect Constraints To Development and Concentrate Development In Areas With Adequate Public Facilities and Services.	11	<del>Balance</del> <u>Ensure that Residential Development is Consistent With Protection of Resources, and Preservation Of Agriculture, Respects Constraints To Development and Concentrates Development In Areas With Adequate Public Facilities and Services.</u>
Policy LUR-TC-1	The County shall encourage a diversity of housing types, while maintaining the predominantly large lot single family rural character of Toro Canyon.		
Action LUR-TC-1.1	The county shall consider the approval of Residential Second Units, which categorically are considered to be potentially affordable units, on appropriate sites in a manner consistent with applicable goals, policies, development standards, and ordinance provisions.	12	<u>Designate this as a DevStd rather than an Action.</u> <del>The county shall consider the approval of Residential Second Units, which categorically are considered to be potentially affordable units, on</del> <u>shall be sited and designed appropriate sites in a manner consistent with applicable goals, policies, development standards, and ordinance provisions and the certified LCP.</u>
Action LUR-TC-1.2	The County shall work with interested property owners to develop appropriate farm employee housing, which shall be sited and designed in a manner consistent with the goals, policies, and development standards of this Plan.	13	The County shall work with interested property owners to develop appropriate farm employee housing, which shall be sited and designed in a manner consistent with the goals, policies, and development standards of <del>this Plan</del> <u>the certified LCP.</u>
Action LUR-TC-1.3	At such time as the Housing Element may be amended to allow application of the Affordable Housing Overlay within Rural Neighborhood areas, the county shall consider applying this Overlay to part or all of the Via Real Company property between the Serena Park neighborhood and the Polo Club (APNs 005-270-17, -19, -29, -33, &- 34). Appropriate base and AHO densities shall be considered at such time.	14	At such time as the Housing Element may be amended to allow application of the Affordable Housing Overlay within Rural Neighborhood areas, the county shall consider applying this Overlay to part or all of the Via Real Company property between the Serena Park neighborhood and the Polo Club (APNs 005-270-17, -19, -29, -33, &- 34). Appropriate base and AHO densities shall be considered at such time. <u>Any future proposal to modify the areas within the Coastal Zone that this Overlay applies to shall not be effective until and unless it has been certified by the Coastal Commission as an</u>

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
			<u>amendment to the LCP.</u>
Policy LUR-TC-2	Residential development, including but not limited to the size of structures and development envelopes, shall be scaled to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes.	15	<i>Delete. [Incorporated as a general land use policy as shown in suggested modification 4 above]</i>
<b>Land Use – Commercial and Institutional Facilities</b>			
GOAL C-TC	Maintain an Appropriate Commercial Balance in Toro Canyon, Consistent with the Primarily Rural and Semi-Rural Nature of the Area.		
Policy C-TC-1	The county shall encourage and support reasonable development and viability of existing commercial areas through infrastructure and design improvements.		
Action C-TC-1.1	County staff shall work with area residents and Santa Claus Lane property and business owners to discuss programs for additional parking, improved drainage and possible formation of a business improvement district to address landscaping, maintenance and other infrastructure needs.		
DevStd C-TC-1.2	Commercial development on Santa Claus Lane shall incorporate a sidewalk that is contiguous and visually compatible with sidewalks in front of neighboring businesses as well as other necessary street and drainage improvements in accordance with County Road Department standards and any approved Streetscape Plan for Santa Claus Lane.		
Policy C-TC-2	The style of new development within the C-1 zone district in Toro Canyon shall be "Western Seaside Vernacular Commercial." (See Toro Canyon Plan Zoning Overlay in the Art. II Coastal Zoning Ordinance.) The intent is to encourage architectural cohesion along the Lane, with new construction compatible with existing buildings in scale, massing and materials, while allowing for an updated look.		

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
<i>Land Use – Agriculture and Rural Lands</i>			
GOAL LUA-TC	Protect And Support Agricultural Land Use And Encourage Appropriate Agricultural Expansion, While Maintaining A Balance With Protection Of Coastal And Natural Resources And Protection Of Public Health And Safety.	16	Protect And Support Agricultural Land Use And Encourage Appropriate Agricultural Expansion, While Maintaining A Balance With Protection Of Coastal And Natural Resources And <del>Protection Of Public Health And Safety.</del>
Policy LUA-TC-1	The County shall develop and promote programs to preserve agriculture in the Toro Canyon Plan Area.		
ADDED POLICY		17	<u>In areas with prime agricultural soils, structures, including greenhouses that do not rely on in-ground cultivation, shall be sited to avoid prime soils to the maximum extent feasible.</u>
Policy LUA-TC-2	Land designated for agriculture within Toro Canyon shall be preserved and protected for agricultural use.		
DevStd LUA-TC- 2.1	Development of nonagricultural uses (other than residential uses and appropriately sited public trails) on land designated for agriculture, including land divisions and changes to a non-agricultural land use/zoning designation, shall only be permitted subject to all of the following findings: a. Continued or renewed agricultural use of the property is not feasible; b. Nonagricultural use shall be compatible with continued agricultural use on adjacent lands; c. Nonagricultural use shall preserve prime agricultural land or concentrate development contiguous with or in close proximity to existing developed areas able to accommodate the use, including adequate public services; d. Nonagricultural use shall not have a significant adverse impact on biological resources, visual resources and coastal resources (public access, recreation and coastal dependent uses); e. Land divisions outside the Urban Boundary shall be permitted only where 50 percent of the usable parcels in the urban area have been developed and the proposed parcels would be no smaller than the average size of the surrounding parcels. Land divisions proposed in the Coastal Zone		

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
	shall be consistent with Coastal Plan Policy 8.4; f. For properties located in the Coastal Zone, the proposed nonagricultural use shall be consistent with Coastal Plan Policies 8.2 and/or 8.3.		
DevStd LUA-TC- 2.2	To the maximum extent feasible, hardscaped areas associated with agricultural and greenhouse development (i.e., parking lots, loading bays, interior walkways in greenhouses, and accessory building footprints) shall be minimized in order to preserve the maximum amount of prime agricultural soils. Minimizing the covering of soils shall be accomplished through efficient site and building design and the use of pervious surfaces wherever feasible.		
Policy LUA-TC-3	New development shall be compatible with adjacent agricultural lands.		
DevStd LUA-TC- 3.1	New non-agricultural development adjacent to agriculturally zoned property shall include appropriate buffers, such as trees, shrubs, walls, and fences, to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel-specific		

Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
	review on a case-by-case basis.		
DevStd LUA-TC- 3.2	Consistent with the County's adopted Right to Farm Ordinance, a Notice to Property Owner (NTPO) shall be recorded with the final tract and/or parcel map for properties within 1,000 feet of agriculturally zoned land. The NTPO shall inform the buyer that: <i>The adjacent property is zoned for agriculture and is located in an area that has been planned for agricultural uses, including permitted oil development, and that any inconvenience or discomfort from properly conducted agricultural operations, including permitted oil development, shall be allowed consistent with the intent of the Right to Farm Ordinance. For further information, contact Santa Barbara County Planning and Development.</i>		*

**18. Modifications No. 18-67 – Public Facilities and Services**

Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
<i>Fire Protection/Hazards</i>			
GOAL FIRE-TC	Maximize Effective and Appropriate Fire Prevention Measures in Order to Minimize Exposure of People and Property to Wildfire Hazards; Minimize Adverse Impacts of Fire Protection and Suppression Efforts.		
Policy FIRE-TC- 1	The County shall coordinate with the Carpinteria and Montecito Fire Protection Districts to maintain and improve fire prevention and protection service for the residents of the Toro Canyon Planning Area.	18	The County shall coordinate with the Carpinteria and Montecito Fire Protection Districts to maintain and improve fire prevention and protection service for the residents of the Toro Canyon Planning Area, <u>while minimizing impacts to resources.</u>
Action FIRE-TC- 1.1	The County shall coordinate with the Carpinteria Fire Protection District to ensure that fees for new development are adequate to cover the cost of required fire protection services.		

\* See LUP Modification 155

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
Policy FIRE-TC-2	Fire hazards in the Toro Canyon Planning Area shall be minimized in order to reduce the cost of/need for increased fire protection services while protecting the natural resources in undeveloped areas.	19	Fire hazards in the Toro Canyon Planning Area shall be minimized in order to reduce the cost of/need for increased fire protection services while protecting natural resources in undeveloped areas.
Action FIRE-TC-2.1	When the County updates the Comprehensive Plan Safety Element, the County, where applicable, shall update the policies and development standards in the Toro Canyon Plan Fire Protection/Hazards Section.		
DevStd FIRE-TC-2.2	Development shall be sited to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zone(s) on the property (see Appendix D).	20	Development shall be sited to minimize exposure to fire hazards and reduce the need for grading, <u>fuel modification (including thinning of vegetation and limbing of trees)</u> , and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zone(s) on the property (see Appendix D).
DevStd FIRE-TC-2.3	Applications for parcel and tract maps in high fire hazard areas shall include fuel management plans for review during the permit review process. Such plans shall be subject to final review and approval by Planning & Development and the applicable Fire District before recordation of the final map.		
DevStd FIRE-TC-2.4	Two routes of ingress and egress shall be required for discretionary permits for subdivisions involving five or more lots to provide emergency access unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County. For discretionary permits for subdivisions involving fewer than five lots, the permit application shall identify a secondary ingress and egress route for review by appropriate P&D decision maker. This secondary route may be a consideration in the siting and design of the new development.		

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
DevStd FIRE-TC- 2.5	All private roads and driveways serving development, including but not limited to subdivision or additional residential units on one lot, shall be constructed to the minimum roadway width requirement of the CSFPD or MFPD unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County.		
DevStd FIRE-TC- 2.6	Development requiring fire hydrants in the Plan area shall maintain the required residual water pressure and hydrant spacing standards of the CSFPD or MFPD unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County.		
DevStd FIRE-TC- 2.7	Development within or adjacent to high fire hazard areas shall include the use of fire prevention measures such as fire retardant roof materials, sprinklers, and water storage consistent with county and state regulations for fire resistant construction, and the respective fire district standards of the CSFPD and MFPD.		
Action FIRE-TC- 2.8	P&D shall encourage and work with the CSFPD, MFPD and the residents in the Planning Area to prepare a Toro Canyon Fire Protection Plan. Other affected departments and agencies, such as the County Public Works and Fire Department, the U.S. Forest Service, and the Fire Safe Council, a south coast multi-agency/community organization, should also be encouraged to participate. A component of the plan shall include a fire education program for the residents. The education program shall address roadside fuel management, including mowing of annual grasses within public road rights-of-way and selective pruning of trees and brush near such roads. The Plan shall maintain the aesthetic character of the area, while increasing roadway width and visibility, and controlling the "bottom rung of the fuel ladder."		
Action FIRE-TC- 2.9	P&D, in cooperation with Public Works and the CSFPD shall prepare a fee schedule for the Toro Canyon Fire Protection Plan. The fees assessed from		

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
	new development on affected parcels shall help to fund implementation of this Toro Canyon Fire Protection Plan.		
Policy FIRE-TC-3	Fuel breaks in Toro Canyon shall be sited and designed to be effective means of reducing wildland fire hazards and protecting life and property, while also minimizing disruption of biological resources and aesthetic impacts to the maximum extent feasible.		
DevStd FIRE-TC-3.1	Fuel breaks shall incorporate perimeter roads and yards to the greatest extent feasible. Development envelopes containing new structures and the area of site disturbance shall be sited to reduce the need for fuel breaks (see Fuel Management Guidelines in Appendix D).		
DevStd FIRE-TC-3.2	Fuel breaks shall not result in the removal of protected healthy oaks, to the maximum extent feasible. Within fuel breaks, treatment of oak trees shall be limited to limbing the branches up to a height of eight (8) feet, removing dead materials, and mowing the understory. Along access roads and driveways, limbing of branches shall be subject to the vertical clearance requirements of the CSFPD and MFPD. Where protected oaks have multiple trunks, all trunks shall be preserved.	21	<del>Fuel breaks-modification of vegetation shall not result in the removal of protected healthy oaks, to the maximum extent feasible.</del> Within fuel breaks, treatment of oak trees shall be limited to limbing the branches up to a height of eight (8) feet, removing dead materials, and mowing the understory. Along access roads and driveways, limbing of branches shall be subject to the vertical clearance requirements of the CSFPD and MFPD. Where protected oaks have multiple trunks, all trunks shall be preserved.
DevStd FIRE-TC-3.3	Fuel management within <i>Inland</i> Environmentally Sensitive Habitat (ESH) and the ESH buffer areas shall be subject to Biological Resources DevStd BIOTC-7.6.		
DevStd FIRE -TC-3.4	Fuel management within <i>Coastal</i> Environmentally Sensitive Habitat (ESH) and the ESH buffer areas shall be subject to Biological Resources DevStds BIO-TC-4.2 and BIO-TC-4.3.		
<b>Parks, Recreation, and Trails</b>			
GOAL PRT-TC	Public Recreational Opportunities For Residents And Visitors, Including Improved Beach Access, Expanded Trail Network And Parks.		
Policy PRT-TC-1	The County shall strive to provide new park facilities, increased beach access and new trails.		

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
Action PRT-TC-1.1	The County shall conduct a fee study, to be completed by 6/30/2003, to determine if current fees are adequate to provide and maintain parks and other public recreational facilities.		
Action PRT-TC-1.2	The County shall pursue siting a neighborhood park within the central area of residential development near Toro Canyon Road and Highway 101.		
Action PRT-TC-1.4 [Revised Location]	Public access to the beach from Santa Claus Lane shall be formalized as soon as feasible by: securing and opening a vertical accessway between Santa Claus Lane and the beach; clarifying the status of lateral beach access rights and securing any easements that may be necessary and appropriate; developing one or more parking areas (also see Action CIRC-TC-4.3); constructing appropriate safety features; and installing any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Access for jet ski and other motorized recreational activity shall be prohibited from any coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking area(s) developed in support of this recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.	22	<p><u>The County shall pursue public access to the beach from Santa Claus Lane. Public beach access shall be formalized as soon as feasible by: determination of prescriptive rights, by securing and opening a vertical accessway between Santa Claus Lane and the beach; by clarifying the status of lateral beach access rights, or by securing any easements that may be necessary and appropriate;. In addition, the County shall ensure the provision of adequate coastal access parking including signage designating the parking for this purpose, developing one or more parking areas (also see Action CIRC-TC-4.3); constructing appropriate safety features; and installing appropriate support facilities as described in Policy PRT-TC- [cross reference to suggested modification 28]. any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Where there are any conflicts among the policies of this Plan or the certified LCP, public access policies shall take priority over other general development standards as described in LUG-TC- [cross reference to suggested modification 5]. Access for jet ski and other motorized recreational activity shall be prohibited from any</u></p>

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Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
			<p>coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking area(s) developed in support of this recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.</p>
ADDED POLICY		23	<p><u>Public accessways and trails to the shoreline shall be a permitted use in all land use and zoning designations within the Toro Canyon Plan. Where there is an existing, but unaccepted and/or unopened public access Offer-to-Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities e.g. parking, necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.</u></p>
ADDED POLICY		24	<p><u>For all offers to dedicate an easement that are required as a condition of Coastal Development Permit approved by the County, the County has the authority to approve a private association that seeks to accept the offer. Any government agency may accept an offer to dedicate an easement if the agency is willing to operate and maintain the easement. The County shall approve any private association acceptable to the County that submits a management plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate the easement.</u></p>
ADDED POLICY		25	<p><u>Offers to dedicate public access shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within 5</u></p>

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			<p><u>years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private association acceptable to the County expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity. A Coastal Development Permit that includes an offer to dedicate public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private association acceptable to the County that requests such transfer, if the easement holder has not opened the accessway to the public within 5 years of accepting the offer.</u></p>
<p>Action PRT-TC- 1.3</p>	<p>The County shall pursue, to the extent feasible, developing a public beach access on Padaro Lane, provided the County Board of Supervisors finds, based on substantial evidence, that there are insufficient opportunities for public access to the beach elsewhere in the Plan area. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. The County shall include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The siting of the beach access shall minimize removal of native trees and eucalyptus trees that are part of a monarch butterfly aggregation site.</p>	<p>26</p>	<p><u>Consistent with LUP Policy 7-8, the County shall accept and open the vertical easements for public beach access offered in connection with developments on Padaro Lane. The County shall pursue, to the extent feasible, developing public beach access on Padaro Lane, provided the County Board of Supervisors finds, based on substantial evidence, that there are insufficient opportunities for public access to the beach elsewhere in the Plan area. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. The County shall include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The siting of the beach access shall minimize removal of native trees and eucalyptus</u></p>

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			trees that are part of a monarch butterfly aggregation site.
Action PRT-TC-1.4	Public access to the beach from Santa Claus Lane shall be formalized as soon as feasible by: securing and opening a vertical accessway between Santa Claus Lane and the beach; clarifying the status of lateral beach access rights and securing any easements that may be necessary and appropriate; developing one or more parking areas (also see Action CIRC-TC-4.3); constructing appropriate safety features; and installing any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Access for jet ski and other motorized recreational activity shall be prohibited from any coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking area(s) developed in support of this recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.	27	<i>Move location and modify as shown in suggested modification 22 above.</i>
ADDED POLICY		28	<u>Facilities to complement public access to and along the shoreline should be provided where feasible and appropriate. This may include signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, picnic tables, or other such improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be</u>

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			<u>required as a prerequisite to the approval of any lateral or vertical accessways OTDs or as a precondition to the approval construction or opening of said accessways.</u>
ADDED POLICY		29	<u>Permits for new development shall include conditions that incorporate measures that provide or protect access where there is substantial evidence that prescriptive rights exist.</u>
ADDED POLICY		30	<u>Public accessways and trails shall be located outside of ESH and ESH buffers where feasible and shall be sited and designed to minimize impacts to environmentally sensitive habitat to the maximum extent feasible. Trails shall be sited outside of riparian areas with limited exceptions for crossings. Where no other feasible alternative exists, public accessways and trails may be a permitted use in Environmentally Sensitive Habitat Areas. Where necessary to prevent disturbance to sensitive species, sections of the trail may be closed on a seasonal basis. Where seasonal closures occur, alternative trail segments shall be provided where feasible.</u>
Action PRT-TC-1.5	The County should investigate all obstructions to dedicated public trails and property and take appropriate action to remove any such obstructions.		
DevStd PPT-TC-1.6	Consistent with the Agricultural Element, all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails.	31	<del>Consistent with the Agricultural Element, a</del> <u>All opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails. Encroachment permits shall not be issued if the trail corridor would no longer be feasible, and a feasible alternative route has not been identified.</u>

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Action PRT-TC-1.7	The County shall actively pursue acquisition of interconnecting useable public trails within designated trail corridors through negotiation with property owners for purchase, through exchange for surplus County property as available, or through acceptance of gifts and other voluntary dedications of easements.			
Action PRT-TC-1.8	If either of the proposed alternative connections to the Romero Trail from Toro Canyon Road (2 or 2a on Figure 10) and/or the proposed connection between Toro Canyon Park and Toro Canyon Road (6a on Figure 10) are constructed, the County should consider the feasibility of siting low-intensity roadside parking on the western portion of parcel 155-020-004 (Figure 10). Also, appropriate "no parking" signs shall be located along Toro Canyon Road consistent with applicable County Road Division standards, and motor vehicle barriers shall be installed at trailheads per County Park Department standards. The staging area would feature a minimal amount of grading and clearing so as not to disturb existing trees.			
Action PRT-TC-1.9	Trailhead parking shall be sited and designed to minimize disruption to existing neighborhoods.			
Action PRT-TC-1.10	The County shall support the efforts of volunteer trail organizations and encourage their efforts to clear trails. County support may include, but not be limited to: coordinating volunteer efforts, designating a liaison between volunteer groups and the County Park Department, providing information on grant opportunities, and facilitating communication between trail organizations.			
Policy PRT-TC-2	The County shall ensure that trails provide users with a recreational experience appropriate to the quiet, rural nature of the area.			
DevStd PRT-TC-2.1	Development adjacent to trail easements shall include setbacks and, where appropriate, landscaping to minimize conflicts between use of private property and public trail use. For off-road trails outside of Urban and Rural Neighborhood	32	Development adjacent to trail easements shall include setbacks and, where appropriate, landscaping to minimize conflicts between use of private property and public trail use. For off-road trails outside of Urban and	For

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	areas, new structures shall be sited at least 50 feet from the edge of trail easements unless this would preclude reasonable use of property.		Rural Neighborhood areas, new structures shall be sited at least 50 feet from the edge of trail easements, <u>except where no other feasible site exists for a principal permitted use.</u> <del>unless this would preclude reasonable use of property.</del>
DevStd PRT-TC- 2.2	On-road trail development design shall maximize road shoulder width to separate trail users from vehicular traffic.		
Action PRT-TC- 2.3	The County should explore the feasibility of routing trail 2 from Toro Canyon Road to connect with the Romero Trail south of the Edison Catway (see trail route 2a on Figure 10). Property owners, the Park Department and Planning & Development should work together to determine trail siting feasibility.		
<i>Circulation</i>			
GOAL CIRC-TC- 1	Provide An Efficient And Safe Circulation System To Accommodate Existing Development And Future Growth In Toro Canyon.		
Policy CIRC-TC- 1	The County shall allow reasonable development of parcels within Toro Canyon while maintaining safe roadways and intersections that operate at acceptable levels of service.		
Action CIRC-TC- 1.1	When the County adopts a Transportation Improvement Plan (TIP) for the Montecito-Summerland-Carpinteria area, it shall include the Toro Canyon Plan area. The TIP shall address any necessary long-term improvements to roadways and alternative transportation facilities, including any appropriate traffic calming measures, designed to maintain public safety and acceptable levels of service on roadways and intersections within the Toro Canyon Plan area. The TIP shall be an integrated plan for capital improvements of roads and intersections as well as alternative transportation facilities. The TIP shall contain a list of transportation projects to be undertaken and include projected costs for each funded and unfunded improvement. The County shall also revise the Transportation Impact Fee based upon the projected cost of transportation system improvements		

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	identified in the TIP.		
Action CIRC-TC-1.2	The TIP shall be updated as necessary by the Public Works Department, in consultation with P&D, and presented to the Board of Supervisors for review. At such time, the Transportation Impact Fee shall be re-evaluated and modified as necessary to account for changes to the TIP.		
Action CIRC-TC-1.3	The County Public Works Department shall submit current traffic count and intersection level of service data to the Planning Commission and Board of Supervisors with each TIP update.		
Action CIRC-TC-1.4	The TIP shall include a comprehensive neighborhood traffic management program to address problems related to increased vehicular traffic and/or vehicular speeds in residential areas. Identified improvements shall be funded through collection of traffic mitigation fees and/or grants, and implemented through the TIP. (Also see Action PS-TC-2.1.)		
DevStd CIRC-TC-1.5	The County shall balance the need for new road improvements with protection of the area's semi-rural character. All development shall be designed to respect the area's environment and minimize disruption of the semi-rural character.		
DevStd CIRC-TC-1.6	In order to minimize vehicle trips to improve both transportation system efficiency and quality of life, transit, pedestrian, and bicycle access to commercial, recreational, and educational facilities shall be encouraged.	33	<i>Designate as Policy rather than DevStd</i>
ADDED DevStd		34	<u>Improvements along Route 192/ Foothill Road should be developed in a manner consistent with bicycle and pedestrian safety, and should be designed for improved bicycle access.</u>
ADDED DevStd		35	<u>The County should consider requiring setbacks from Route 192/ Foothill Road for future bicycle and pedestrian access lanes during review of applications for new development.</u>
Policy CIRC-TC-2	The County shall maintain a minimum Level of Service (LOS) B or better on classified roadways and intersections within Toro Canyon.		

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Action CIRC-TC-2.1	Through the TIP or other means, the Public Works Department shall regularly monitor the operating conditions of designated roadways and intersections in Toro Canyon. If traffic on any roadway or intersection is found to exceed the acceptable capacity level defined by this Plan, the County should re-evaluate and, if necessary, amend the Plan in order to reestablish the balance between allowable land uses and acceptable roadway and intersection operation. This re-evaluation should include, but not be limited to: • Redesignating roadways and/or intersections to a different classification; • Reconsidering land uses to alter traffic generation rates and circulation patterns; and • Changes to the TIP, including re-evaluation of alternative modes of transportation.		
Action CIRC-TC-2.2	Through the TIP or other means, the County Public Works Department and Planning and Development shall work with Caltrans to investigate the source of elevated collision rates experienced at Route 192/Cravens Lane and to implement appropriate corrective action, if necessary. The design and scale of intersection improvements shall be consistent with the rural character of the area to the greatest extent feasible.		
Policy CIRC-TC-3	A determination of project consistency with the standards and policies of the Toro Canyon Plan Circulation Section shall constitute a determination of consistency with Coastal Land Use Plan Policy 2-6 and the Land Use Element's Land Use Development Policy 4 with regard to roadway and intersection capacity.		
Policy CIRC-TC-4	The County shall encourage development of all feasible forms of alternative transportation in the Toro Canyon area.		
Action CIRC-TC-4.1	The County shall work with the MTD and the City of Carpinteria to improve transit services.		
DevStd CIRC-TC-4.2	Development shall be evaluated, pursuant to applicable MTD standards, for possible need to contribute to new and/or upgraded public transit facilities that would benefit the development and		

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	its neighborhood.		
Action CIRC-TC-4.3	The County shall coordinate with Caltrans to incorporate appropriate park-and-ride facilities (including bike lockers, transit stops and benches) near planned freeway interchange improvement projects.		
Policy CIRC-TC-5	The County shall encourage Caltrans to accommodate planned bicycle facilities in the design and construction of new highway overpasses and/or work on existing overpasses.		
GOAL CIRC-TC-2	Achieve Land Use Patterns And Densities That Reflect The Desire Of The Community To Prevent Further Degradation Of Roadways And Intersections For The Benefits Of Safety, Aesthetics And Community Character.		
Policy CIRC-TC-6	Traffic signals are not considered compatible with the semi-rural character of Toro Canyon, and should only be considered when no other form of intersection improvement is feasible, or when warranted to protect public safety. Signals shall not be installed until community workshops have been held so that community concerns can be discussed and addressed to the maximum extent feasible.		
Policy CIRC-TC-7	To ensure that mature landscaping does not compromise public safety, landscaping proposed in connection with development shall be consistent with applicable county or Caltrans sight distance standards.		
Policy CIRC-TC-8	Encroachment permits for structures, fences, walls, landscaping, and other such objects may be issued where the placement of such objects would neither compromise public safety nor conflict with applicable county or Caltrans sight distance standards.		
Policy CIRC-TC-9	The county shall investigate and support appropriate traffic calming measures and shall work with Caltrans in this regard as may be appropriate.		
Action CIRC-TC-9.1	Through the TIP or other means, the county shall consider implementing appropriate traffic calming measures on		

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	lower Toro Canyon Road, when consistent with the county's adopted Neighborhood Traffic Management Policy (as it may be amended from time to time).		
Action CIRC-TC-9.2	The county shall work with Caltrans to investigate possible ways to calm traffic and minimize vehicle movement conflicts on Santa Claus Lane. This investigation shall include the possible relocation of the southbound Hwy. 101 on-ramp to a more northwesterly location, in order to avoid commercial parking areas and the access for the Sand Point Road and Casa Blanca residential developments.		
<i>Public Services: Resource Recovery, Police Protection, and Schools</i>			
Policy PS-TC-1	Resource conservation and recovery shall be implemented to reduce solid waste generation and to divert the waste stream from area landfills to the maximum extent feasible.		*
Action PS-TC-1.1	The County shall work with the local waste hauler to continue with education programs which provide information on conservation, recycling and composting techniques, and the awards campaign that recognizes significant local waste reduction achievements.		*
Action PS-TC-1.2	The County shall encourage developers to use recycled building materials such as composites, metals, and plastics to the greatest extent feasible, through programs such as the Innovative Building Review Program.		*
DevStd PS-TC-1.3	Recycling bins shall be provided by the applicant or contractor at all construction sites. All recyclable materials currently being accepted at the County Transfer Station, landfill, or recycling centers shall be collected for recycling at construction sites. Adequate and accessible enclosures and/or areas shall be provided for the storage of recyclable materials in appropriate containers.		*
Policy PS-TC-2	The County shall strive to ensure adequate traffic law enforcement within Toro Canyon.		*

\* See LUP Modification 155

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Action PS-TC-2.1	The County Public Works Department and Sheriff's Department shall work with the California Highway Patrol to address speeding concerns on problem streets, and to encourage the reporting of non-injury accidents so that a better record of traffic hazards may be compiled for improving traffic safety and law enforcement. (Also see Action CIRC-TC-1.4.)		*
Policy PS-TC-3	The County shall work with the Carpinteria Unified School District to ensure that public education needs are met.		*
Action PS-TC-3.1	Upon the request of the School District, the County shall consider participation in a joint task force comprised of representatives of the County and District for the purpose of identifying suitable future school sites within the District.		*
<b>Wastewater, Water, and Water Quality</b>			
Text Heading		36	<i>Replace all headings of "Wastewater and Water" with "Wastewater, Water, and Water Quality"</i>
GOAL WW-TC	Protect Quality Of Surface, Ground, And Ocean Waters From Degradation; Maintain Adequate, Safe Water Supplies; And Protect Groundwater Basins From Prolonged Overdraft. Provide Adequate Wastewater Treatment And Disposal Throughout The Planning Area.		
Policy WW-TC-1	Development and infrastructure shall achieve a high level of wastewater treatment, in order to best serve the public health and welfare.		
DevStd WW-TC-1.1	Septic system installations shall only occur on parcels that are free of site characteristics listed under "VIII.D.3.i. Individual, Alternative and Community Systems Prohibitions" in the <i>Water Quality Control Plan for Central Coast Basin, Region 3</i> by the Regional Water Quality Control Board. Adherence to this standard and any other more restrictive applicable standards or zoning regulations as well as the County Wastewater Ordinance shall constitute a finding of consistency with Land Use		

\* See LUP Modification 155

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	Development Policy 4 and Coastal Plan Policy 2-6 with regard to wastewater service.		
DevStd WW-TC- 1.2	To the maximum extent feasible, development shall be sited and designed to avoid the use of wastewater system features (e.g. lift stations and grinder pumps) that require more maintenance than gravity fed laterals or septic systems and whose failure could result in the contamination of surface or groundwater or potential health hazards. Gravity flow of wastewater to septic tank and disposal fields must be available when new lots to be served by septic systems are created. Unless it would preclude reasonable use of property, private operation and maintenance of lift stations and grinder pumps is prohibited.	37	To the maximum extent feasible, development shall be sited and designed to avoid the use of wastewater system features (e.g. lift stations and grinder pumps) that require more maintenance than gravity fed laterals or septic systems and whose failure could result in the contamination of surface or groundwater or potential health hazards. Gravity flow of wastewater to septic tank and disposal fields must be available when new lots to be served by septic systems are created. <del>Unless it would preclude reasonable use of property, private operation and maintenance of lift stations and grinder pumps is prohibited.</del>
DevStd WW-TC- 1.3	For development proposing public sewer service, prior to approving land use clearance and/or recording final maps, adequate wastewater treatment and disposal capacity (based on County and RWQCB accepted figures) shall be demonstrated for the Carpinteria Sanitary District or Montecito Sanitary District, as appropriate, to serve the specific project along with other approved development.		
Action WW-TC- 1.4	The County shall work with the Montecito Sanitary District and Local Agency Formation Commission to extend sewer lines to serve residents on the east side of Ladera Lane, west of Toro Creek, within the Urban Boundary.		
Action WW-TC- 1.5	The County shall work with the Carpinteria Sanitary District and Local Agency Formation Commission to extend sewer lines within designated Rural Neighborhoods (RNs) when consistent with Coastal Plan Land Use Policy 2-10.		
Policy WW-TC-2	Pollution of surface, ground and ocean waters shall be avoided. Where avoidance is not feasible, pollution shall be minimized.	38	Pollution of surface, ground and ocean waters shall be avoided. <del>Where avoidance is not feasible, pollution shall be minimized.</del>
ADDED Policy		39	<u>Wastewater discharges shall minimize adverse impacts to the biological productivity and quality of coastal streams, wetlands, estuaries, and the</u>

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			<u>ocean.</u>
ADDED DevStd		40	<u>On-site treatment systems (OSTS) shall be sited, designed, installed, operated, and maintained to avoid contributing nutrients, pathogens and other pollutants to groundwater and/or surface water.</u>
DevStd WW-TC-2.1	To reduce the possibility of prolonged effluent daylighting, two disposal fields shall be built to serve each septic system as required by EHS so that when one field begins to fail, the other field can immediately be put into use. An additional third expansion area shall be set aside where no development can occur, except for driveways on constrained sites as provided below in Development Standard WW-TC-2.3.1. In the expansion area, a disposal field should be constructed when any other disposal field is in a state of failure.		
DevStd WW-TC-2.2	For remodels of plumbed structures where the existing septic system must be enlarged or where septic system repairs are required due to failure, in addition to the enlargement and/or repair of the existing septic system, an additional disposal field shall be installed to the maximum extent feasible.		
DevStd WW-TC-2.3	Where feasible, measures to decrease the amount of nitrates filtering through soil to groundwater shall be required, including: 1. Shallow-rooted non-invasive plants (maximum root depth of four feet) shall be planted above all leach fields to encourage evapotranspiration of effluent and uptake of nitrates. Impervious surfaces, such as paved driveways, shall not be constructed above leach fields. If site constraints require a driveway to be located above a leach field in order to ensure reasonable use of property, turf block or other suitable pervious surface shall be used. 2. Advanced treatment for the removal of nitrates shall be required on septic systems utilizing drywells as the disposal field. Existing septic systems that utilize drywells that have failed, or that need to be modified or certified, must also install advanced treatment.	41	Where feasible, measures to decrease the amount of nitrates filtering through soil to groundwater shall be required, including: 1. Shallow-rooted non-invasive plants (maximum root depth of four feet) shall be planted above all leach fields to encourage evapotranspiration of effluent and uptake of nitrates. Impervious surfaces, such as paved driveways, shall not be constructed above leach fields. If site constraints require a driveway to be located above a leach field in order to ensure reasonable use of property, turf block or other suitable pervious surface shall be used. 2. Advanced treatment for the removal of nitrates shall be required on septic systems utilizing drywells as the disposal field. Existing septic systems that utilize drywells that have failed, or that need to be modified or certified, must also install advanced

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			treatment.
DevStd WW-TC- 2.4	Discretionary development to house or manage animals must have a waste management program prepared according to Environmental Health Services' Guidelines for Management of Animal Wastes and approved by the Environmental Health Services Division.	42	<i>[Moved location, as shown below.]</i>
DevStd WW-TC- 2.5	Septic systems and other potential sources of water pollution shall be a minimum of 100 feet from the geologic top of slope of tributary or creek banks (reference point as defined by Planning and Development and Environmental Health Services). Modifications to existing sources of potential water pollution shall meet this buffer to the maximum extent feasible.		
Action WW-TC- 2.6	The County should mail the Environmental Health Services brochure "Your Septic System: A Reference Guide for Homeowners" to all Toro Canyon properties with septic systems.		
ADDED DevStd		43	<u>Beachfront development that includes new OSTS(s) or expansion of existing OSTS(s) shall provide secondary or tertiary effluent treatment prior to discharging to any subsurface sewage effluent dispersal system.</u>
DevStd WW-TC- 2.7	Development shall not be approved where individual or cumulative impacts of septic systems for new development would cause pollution of creeks and ocean waters, unless this would preclude reasonable use of property.	44	Development shall not be approved where individual or cumulative impacts of septic systems for new development would cause pollution of creeks and ocean waters, <del>unless this would preclude reasonable use of property.</del>
ADDED POLICY		45	<u>Confined animal facilities shall be sited, designed, managed and maintained to prevent discharge of sediment, nutrients and contaminants to surface and groundwater. In no case shall an animal keeping operation be sited, designed, managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.</u>
DevStd WW-TC- 2.4 [Revised Location]	Discretionary development to house or manage animals must have a waste management program prepared according to Environmental Health Services' Guidelines for Management of		

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Location]	Animal Wastes and approved by the Environmental Health Services Division.		
ADDED POLICY		46	<u>Development shall incorporate pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters, and that minimize the generation of polluted runoff, including stormwater and dry weather runoff, and the impacts of polluted runoff on coastal resources.</u>
ADDED POLICY		47	<u>Special attention shall be devoted to protecting pristine waters from impairment and rehabilitating impaired waters.</u>
ADDED DevStd		48	<u>All development that is determined to have a potentially significant water quality impact, according to County standards, shall require the preparation and implementation of a Storm Water Quality Management Plan to reduce the impact to the maximum extent feasible.</u>
DevStd WW-TC-2.9	Development shall incorporate best management practices (BMPs) to reduce pollutants in storm water runoff. The BMPs can include, but are not limited to dry wells for roof drainage or other roof downspout infiltration systems, modular paving, unit pavers on sand or other porous pavement for driveways, patios or parking areas, multiple-purpose detention systems, cisterns, structural devices (e.g., grease, silt, sediment, and trash traps), sand filters, or vegetated treatment systems (e.g. bioswales/filters).		
ADDED DevStd		49	<u>BMPs shall be incorporated into the project design in the following progression:</u> <ul style="list-style-type: none"> <li>* <u>Site Design BMPs</u></li> <li>* <u>Source Control BMPs</u></li> <li>* <u>Treatment Control BMPs</u></li> </ul> <u>Site design and source control BMPs shall be included in all developments. Structural treatment control BMPs shall be required for all residential development 1 acre or greater in disturbance and all commercial, industrial, and transportation/vehicle development 0.5 acres or greater in disturbance. In addition, when the combination of site design and source</u>

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			control BMPs are not sufficient to protect water quality as required by the Toro Canyon Plan, LCP or Coastal Act, structural treatment BMPs shall be implemented along with site design and source control measures.
ADDED DevStd		50	When structural treatment control BMPs are required, these BMPs (or suites of BMPs) shall be installed to accommodate, at a minimum, rainfall events up to 1.2 inches in volume, or 0.3 inches per hour.
ADDED DevStd		51	Structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure proper functioning for the life of the development. Permits for development shall be conditioned to require ongoing application and maintenance as is necessary for effective operation of all BMPs (including site design, source control, and treatment control).
ADDED POLICY		52	Development shall preserve or, where feasible, restore natural hydrologic conditions.
ADDED POLICY		53	Development shall incorporate site drainage and landscape designs that minimize increases in peak runoff by promoting infiltration, filtration, and attenuation over landscaped areas or through permeable surfaces, where feasible. Where possible, include infiltration BMPs (e.g., permeable pavements, dry wells, etc.) and apply techniques consistently over drainage areas
ADDED POLICY		54	Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMPs that do not require infiltration.
DevStd WW-TC-2.8	Development shall be designed to reduce runoff from the site by minimizing impervious surfaces, using pervious or porous surfaces, and minimizing contiguous impervious areas.	55	<i>Designate as a Policy rather than DevStd</i>
ADDED POLICY		56	Development shall protect the absorption, purification, and retention functions of natural drainage systems that exist on the site. Where feasible, drainage and project plans shall be designed to complement and utilize

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			<p><u>existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.</u></p>
ADDED POLICY		57	<p><u>Development shall be sited on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources by providing for the following:</u></p> <ul style="list-style-type: none"> <li><u>* Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;</u></li> <li><u>* Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;</u></li> <li><u>* Preserving and protecting riparian corridors, wetlands, and buffer zones;</u></li> <li><u>* Minimizing disturbance of natural areas, including vegetation, significant trees, native vegetation, and root structures;</u></li> <li><u>* Ensuring adequate setbacks from creeks, wetlands, and other environmentally sensitive habitat areas.</u></li> </ul>
ADDED POLICY		58	<p><u>Parking lots and vehicle traffic areas shall incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to receiving waters.</u></p>
ADDED POLICY		59	<p><u>Commercial development shall incorporate BMPs designed to prevent or minimize the runoff of pollutants from structures, landscaping, parking areas, loading and unloading dock areas, repair and maintenance bays, and vehicle/equipment wash areas.</u></p>
ADDED POLICY		60	<p><u>Restaurants shall incorporate BMPs designed to prevent or minimize the runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain</u></p>

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			<u>system from areas including equipment/accessory wash areas and trash storage areas.</u>
ADDED POLICY		61	<u>Gasoline stations, car washes and automotive repair facilities shall incorporate BMPs designed to prevent or minimize runoff of oil and grease, solvents, car battery acid, coolant, gasoline, and other pollutants to the stormwater system from areas including fueling areas, repair and maintenance bays, vehicle/equipment wash areas, and loading/unloading dock areas.</u>
ADDED POLICY		62	<u>Development on steep slopes or slopes with erosive soils shall be required to implement structural BMPs to prevent or minimize erosion.</u>
ADDED POLICY		63	<u>Beachfront, waterfront, and coastfront development shall incorporate BMPs designed to prevent or minimize polluted runoff to the beach and coastal waters.</u>
ADDED POLICY		64	<u>Development shall minimize to the maximum extent feasible erosion, sedimentation, and the introduction of pollutants from construction-related activities.</u>
ADDED POLICY		65	<u>Measures shall be taken during construction to limit land disturbance activities such as clearing and grading, limit cut-and-fill to reduce erosion and sediment loss, and avoid steep slopes, unstable areas, and erosive soils. Construction shall minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.</u>
ADDED DevStd		66	<u>All development that requires a grading permit shall require the preparation and implementation of an Erosion and Sediment Control Plan to reduce the construction-related impacts on water quality to the maximum extent feasible.</u>
DevStd WW-TC-2.10	Construction Best Management Practices shall be included on drainage plans and/or erosion control plans and implemented to prevent contamination of		

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	runoff from construction sites. These practices shall include, but are not limited to, appropriate storage areas for pesticides and chemicals, use of washout areas to prevent drainage of wash water to storm drains or surface waters, erosion and sediment control measures, and storage and maintenance of equipment away from storm drains and water courses.		
Policy WW-TC-3	Development in Toro Canyon shall incorporate appropriate water efficient design, technology and landscaping.		
ADDED DevStd		67	<u>The use of efficient irrigation practices and native or drought tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation shall be required for all developments.</u>
Action WW-TC-3.1	The County Water Agency shall work with the MWD and the CVWD to promote educational programs that encourage efficient water use.		
DevStd WW-TC-3.2	In cases where landscape plans are required for development, they shall include appropriate water-conserving features such as those listed in the Water Resources section of the County's <i>Standard Conditions of Approval and Standard Mitigation Measures</i> .		

**68. Modifications No. 68-151 – Resources and Constraints**

Proposed Policy #	Proposed Policy	Mod #	Suggested Modification
<i>Biological Resources</i>			
GOAL BIO-TC	Recognize That The Biological Resources Of The Toro Canyon Plan area Are An Important Regional Asset Meriting Protection And Enhancement.		
Policy BIO-TC-1	Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.	68	<i>[Move location and modify as shown in suggested 71 below.]</i>
Action BIO-TC-1.1	The following biological resources and habitats, as identified and generally described by the Plan (see <i>Description of Natural Habitats</i> section beginning on page 103), shall be presumed to be "environmentally sensitive," provided	69	<i>Designate as a Policy rather than Action.</i>  The following biological resources and habitats, as identified and generally described by the Plan (see <i>Description of Natural Habitats</i> section beginning

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	<p>that the biological resource(s) or habitat(s) actually present on a project site meet the Coastal Act's definition of "environmentally sensitive habitat" (PRC §30107.5) within the Coastal Zone, or satisfy one or more of the criteria listed in Action BIO-TC-7.1 for inland areas. These resources and habitats shall be identified on the Toro Canyon Plan ESH Map to the extent that their general or specific locations are known, and resources and habitats that qualify as being "environmentally sensitive" shall be protected and preserved on development project sites through the Local Coastal Program's existing Environmentally Sensitive Habitat (ESH) Overlay within the Coastal Zone or through the new Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Overlay for inland areas:</p> <ul style="list-style-type: none"> <li>• Southern Coast Live Oak Riparian forest corridors;</li> <li>• Streams and creeks;</li> <li>• Wetlands;</li> <li>• Rocky intertidal (coastal zone only);</li> <li>• Coastal Sage Scrub;</li> <li>• Sensitive native flora;</li> <li>• Coast Live Oak forests;</li> <li>• Scrub oak chaparral;</li> <li>• Native grassland;</li> <li>• Critical wildlife habitat/corridors; and</li> <li>• Monarch butterfly habitat.</li> </ul> <p>The scale of the overlay maps precludes complete accuracy in the mapping of habitat areas. In some cases, the precise location of habitat areas is not known and is therefore not mapped. In addition, the migration of species or discovery of new habitats may result in the designation of new areas. In order to address these issues, the County shall periodically update the boundaries of the designations in order to incorporate new data through the County rezone process.</p>		<p>on page 103), shall be presumed to be "environmentally sensitive," provided that the biological resource(s) or habitat(s) actually present on a project site meet the Coastal Act's definition of "environmentally sensitive habitat" (PRC §30107.5) within the Coastal Zone, or satisfy one or more of the criteria listed in Action BIO-TC-7.1 for inland areas. These resources and habitats shall be identified on the Toro Canyon Plan ESH Map to the extent that their general or specific locations are known, and resources and habitats that qualify as being "environmentally sensitive" shall be protected and preserved <del>on development project sites</del> through the Local Coastal Program's existing Environmentally Sensitive Habitat (ESH) Overlay within the Coastal Zone, or through the new Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Overlay for inland areas:</p> <ul style="list-style-type: none"> <li>• Southern Coast Live Oak Riparian forest corridors;</li> <li>• Streams and creeks;</li> <li>• Wetlands;</li> <li>• Rocky intertidal (coastal zone only);</li> <li>• Coastal Sage Scrub;</li> <li>• Sensitive native flora;</li> <li>• Coast Live Oak forests;</li> <li>• Scrub oak chaparral;</li> <li>• Native grassland;</li> <li>• Critical wildlife habitat/corridors; and</li> <li>• Monarch butterfly habitat.</li> </ul> <p>The scale of the overlay maps precludes complete accuracy in the mapping of habitat areas. In some cases, the precise location of habitat areas is not known and is therefore not mapped. In addition, the migration of species or discovery of new habitats may result in the designation of new areas. In order to address these issues, the County shall periodically update the boundaries of the designations in order to incorporate new data through the County rezone process.</p>

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			<p><u>Additionally, those areas not mapped as ESH, but found to be ESH during the application review process, shall be afforded all the protection provided for ESH in the applicable zoning ordinances, Toro Canyon Plan and LCP.</u></p>
Action BIO-TC-1.2	<p>The Rural Neighborhoods of Torito Road, Serena Park, La Paquita and Ocean Oaks shall be designated on the Toro Canyon Plan ESH Overlay Map as areas of potential biological merit requiring further biological study for ESH delineation during an application for development.</p>		
DevStd BIO-TC-1.3	<p>The process for delineating the exact boundary of the ESH occurs during an application for development. In the inland areas, the ESH Overlay regulations identify the methodology used to delineate the ESH during the development application review process, and include procedures to review ESH determinations (see Inland zoning ordinance Article III – ESH-TCP Overlay, Section 35-250E). In the Coastal Zone, Local Coastal Program Policy 9-1 and the implementing Coastal zoning ordinance (Article II – ESH Overlay, Section 35-97) identify the process to delineate the ESH.</p>	70	<p>The process for delineating the exact boundary of the ESH occurs during an application for development. In the inland areas, the ESH Overlay regulations identify the methodology used to delineate the ESH during the development application review process, and include procedures to review ESH determinations (see Inland zoning ordinance Article III – ESH-TCP Overlay, Section 35-250E). In the Coastal Zone, Local Coastal Program Policy 9-1 and the implementing Coastal zoning ordinance (Article II – ESH Overlay, Section 35-97) identify the process to delineate the ESH.</p> <p><u>The County shall determine the physical extent of habitat meeting the definition of ESH on the project site, based on a site-specific biological study as described in Section 35-194, prepared by a qualified biologist or environmental specialist selected by, and reporting directly to, the County and retained at the applicant's expense.</u></p>
Policy BIO-TC-1 [Revised Location]	<p>Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.</p>	71	<p>Environmentally Sensitive Habitat (ESH) areas shall be protected <u>against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas,</u> and, where appropriate, <u>ESH shall be enhanced.</u></p>

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DevStd BIO-TC- 1.4	<p>Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH):</p> <ul style="list-style-type: none"> <li>• Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-rural areas, and Existing Developed Rural Neighborhoods (EDRN)/Rural Neighborhoods, as measured from the top of creek bank<sup>1</sup>. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-rural areas, and EDRN/Rural Neighborhoods from the outside edge of the Southern Coast Live Oak Riparian Forest canopy;</li> <li>• Coast Live Oak Forests - 25 feet from edge of canopy;</li> <li>• Monarch butterfly habitat- minimum 50 feet from any side of the habitat;</li> <li>• Native grassland, a minimum ¼ acre in size - 25 feet;</li> <li>• Coastal Sage – minimum 20 feet;</li> <li>• Scrub oak chaparral – 25 feet from edge of canopy;</li> <li>• Wetlands - minimum 100 feet; and</li> <li>• Buffer areas from other types of ESH shall be determined on a case-by-case basis. These buffer areas, except for Monarch butterfly habitat, wetlands and Southern Coast Live Oak Riparian</li> </ul>	72	<p>Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH):</p> <ul style="list-style-type: none"> <li>• Southern Coast Live Oak Riparian Forest corridors <u>and streams</u>- 100 feet in Rural areas and 50 feet in Urban, Inner-rural areas, and Existing Developed Rural Neighborhoods (EDRN)/Rural Neighborhoods, as measured from <u>the outer edge of the canopy or the top of creek bank<sup>1</sup>, whichever is greater</u>. <del>When this habitat extends beyond the top of creek bank,</del> the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-rural areas, and EDRN/Rural Neighborhoods from the outside edge of the Southern Coast Live Oak Riparian Forest canopy;</li> <li>• Coast Live Oak Forests - 25 feet from edge of canopy;</li> <li>• Monarch butterfly habitat- minimum 50 feet from any side of the habitat;</li> <li>• Native grassland, a minimum ¼ acre in size – 25 feet;</li> <li>• Coastal Sage – minimum 20 feet;</li> <li>• Scrub oak chaparral – 25 feet from edge of canopy;</li> <li>• Wetlands – minimum 100 feet; and</li> <li>• Buffer areas from other types of ESH shall be determined on a case-by case basis. These buffer areas, <del>except for</del></li> </ul>

<sup>1</sup> “Top of creek bank” is identified differently by the Flood Control District for flood control purposes and by Environmental Health Services for the location of septic systems. For the purposes of the habitat protection policies and development standards of this Plan, the “top of creek bank” shall be defined as the

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	<p>and Southern Coast Live Oak Riparian Forests, may be adjusted upward or downward on a case-by-case basis given site specific conditions. Adjustment of the buffer shall be based upon site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by Planning and Development and other County agencies, such as Environmental Health Services and the Flood Control District. Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish &amp; Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands: 1. Existing vegetation, soil type and stability of the riparian corridors; 2. How surface water filters into the ground; 3. Slope of the land on either side of the riparian waterway; 4. Location of the 100 year flood plain boundary; and 5. Consistency with the adopted Local Coastal Plan or the Comprehensive Plan, particularly the Biological Resources policies. In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law.</p>		<p>basis. These buffer areas, <del>except for Monarch butterfly habitat, wetlands and</del> Southern Coast Live Oak Riparian Forests, may be adjusted upward or downward on a case-by-case basis given site specific conditions. Adjustment of the buffer shall be based upon site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by Planning and Development <u>and in consultation with</u> other County agencies, such as Environmental Health Services and the Flood Control District. Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish &amp; Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands: 1. Existing vegetation, soil type and stability of the riparian corridors; 2. How surface water filters into the ground; 3. Slope of the land on either side of the riparian waterway; 4. Location of the 100 year flood plain boundary; and 5. Consistency with the adopted Local Coastal Plan or the Comprehensive Plan, particularly the Biological Resources policies. <del>In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law.</del></p>
ADDED DevStd		73	<p><u>As a condition of approval of new development adjacent to Coastal sage scrub and native grassland, the applicant shall plant the associated ESH buffer areas with appropriate locally native plants.</u></p>
ADDED DevStd		74	<p><u>Reductions to buffers or other ESH protection standards shall not be granted, except where an economic viability determination is approved consistent with Policy BIO-TC- [cross-reference to suggested modification 79]</u></p>

recognized geologic top of slope.

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			<p>and DevStd BIO-TC- [cross-reference suggested modification 80].</p> <p><u>Reductions in development standards that are not related to ESH protection (e.g., setbacks) shall be permitted where necessary to avoid or minimize impacts to ESH.</u></p>
ADDED DevStd		75	<p><u>The drainages ditches on the north side of Padaro Lane and south side of Santa Claus Lane, mapped as Wetland (Not ESH) on the Toro Canyon Plan ESH Overlay Map, which were built to convey floodwaters, shall not be subject to the required wetland buffer and may be maintained by the Flood Control District. Maintenance shall not result in the enlargement, extension, or expansion of the existing drainage channels, but shall be limited to the removal of vegetation, debris, and sediment buildup.</u></p>
ADDED DevStd		76	<p><u>Wherever lighting associated with development adjacent to ESH cannot be avoided, exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESH in order to minimize impacts on wildlife. High intensity perimeter lighting or other light sources, e.g., lighting for sports courts or other private recreational facilities in ESH, ESH buffer, or where night lighting would increase illumination in ESH shall be prohibited.</u></p>
DevStd BIO-TC- 1.5	<p>Where documented zoning violations result in the degradation of an ESH the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption. However, in Coastal areas this development standard shall apply to ESH degraded in violation of the Local Coastal Program.</p>		
ADDED POLICY		77	<p><u>Public accessways and trails are considered resource dependent uses. Accessways and trails located within or adjacent to ESH shall be sited to minimize impacts to ESH to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited</u></p>

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			<u>fencing shall be implemented as necessary to protect ESH.</u>
ADDED POLICY		78	<u>Any area mapped, or otherwise identified through historic evidence, as ESH shall not be deprived of protection as ESH, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated.</u>
ADDED POLICY		79	<p><u>If the application of the policies and standards contained in this Plan or LCP regarding use of property designated as Environmentally Sensitive Habitat (ESH) area or ESH buffer would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic viability determination.</u></p> <p><u>In addition, the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESH or ESH buffer that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on-site. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to ESH and ESH buffer.</u></p>
ADDED DevStd		80	<u>To evaluate whether a restriction would not provide an economical viable use of property as a result of the application of the policies and standards contained in this Plan or LCP regarding use of property designated as Environmentally Sensitive Habitat area or ESH buffer, an applicant must provide the information about resources present on the property that is needed to</u>

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			<u>determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope/nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined.</u>
Policy BIO-TC-2	Landscaping for development shall use appropriate plant species to ensure compatibility with and preservation of ESH.	81	Landscaping for development shall use appropriate plant species to ensure compatibility with and preservation of ESH. <u>All landscaping shall utilize only non-invasive plants.</u>
DevStd BIO-TC-2.1	Development requiring habitat enhancement in ESH and habitat protection in ESH buffer areas, shall include preparation and implementation of a Restoration Plan limited to native plants. Local seed stock or cuttings propagated from the Toro Canyon region shall be used if available.		
DevStd BIO-TC-2.2	Development otherwise requiring a Landscape Plan outside ESH and ESH buffer areas, shall be limited to non-invasive plants within 500' from the ESH resource (see Appendix H, <i>List of Invasive Plants to Avoid Using in Landscape Plans Near ESH Areas</i> ).	82	Development otherwise requiring a Landscape Plan outside ESH and ESH buffer areas, shall be limited to <u>utilize only non-invasive plants within 500' from the ESH resource</u> (see Appendix H, <i>List of Invasive Plants to Avoid Using in Landscape Plans Near ESH Areas</i> ).
ADDED DevStd		83	<u>Habitat restoration and invasive plant eradication may be permitted within ESH and ESH buffer areas if designed to protect and enhance habitat values provided that all activities occur outside of the breeding/nesting season of sensitive species that may be affected by the proposed activities. Habitat restoration activities shall use hand removal methods to the maximum extent feasible. Where removal by hand is not feasible, mechanical means may be allowed. Use of pesticides or other chemical techniques shall be avoided to the maximum extent feasible, and when determined to be necessary, shall include mitigation measures to ensure site-specific application with no migration to the surrounding environment.</u>
ADDED POLICY		84	<u>Land divisions except for mergers and lot line adjustments for property which</u>

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POLICY			<u>includes area within or adjacent to an ESH shall only be permitted if each new parcel being created could be developed (including construction of any necessary access road), without building in ESH or ESH buffer, or removing ESH for fuel modification.</u>
ADDED POLICY		85	<u>The use of insecticides, herbicides, or any toxic chemical substance which has the potential to significantly degrade Environmentally Sensitive Habitat, shall be prohibited within and adjacent to ESH, where application of such substances would impact the ESH, except where no other feasible alternative exists and where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration. Application of such chemical substances shall not take place during the breeding/nesting season of sensitive species that may be affected by the proposed activities, winter season, or when rain is predicted within a week of application.</u>
ADDED DevStd		86	<u>The use of insecticides, herbicides, or other toxic substances by County employees and contractors in construction and maintenance of County facilities shall be minimized.</u>
ADDED DevStd		87	<u>Mosquito abatement within or adjacent to ESH shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to ESH.</u>
Policy BIO-TC-3	The County shall encourage the dedication of conservation or open space easements to preserve important biological habitats. Where appropriate and legally feasible, the County shall require such easements.		
Policy BIO-TC-4	Development within the Coastal Zone boundary shall be consistent with the Resource Protection and Development Policies of the County Local Coastal Program.		
DevStd BIO-TC-4.1	Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and		

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	<p>number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development applications for properties that contain or are adjacent to ESH shall use development envelopes and/or other mapping tools and site delineation to protect the resource.</p>		
<p>DevStd BIO-TC- 4.2</p>	<p>Vegetation fuel management involving less than a cumulative total of one-half acre of land area is exempt from a coastal development permit unless otherwise required by the Coastal Zoning Ordinance - <i>ESH Overlay District</i> regulations (Article II, Sec. 35-97), general regulations for <i>Tree Removal</i> (Article II, Sec. 35-140), or general regulations for guidelines on repair and maintenance (Article II, Sec. 35-169.10 &amp; Appendix C).</p>		
<p>DevStd BIO-TC- 4.3</p>	<p>Significant vegetation fuel management<sup>2</sup> within ESH and ESH buffer areas may be permitted where, subject to a coastal development permit, findings are made consistent with Coastal Act Sections 30001.5(b), 30007.5, 30010, 30200(b), 30240, and 30253(1). The coastal development permit shall include a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&amp;D may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the impacts to ESH.</p>	<p>88</p>	<p>Significant vegetation fuel management<sup>2</sup> within ESH and ESH buffer areas <u>implemented in association with existing development</u> may be permitted where, subject to a coastal development permit, findings are made that <u>fuel modification in ESH or ESH buffer was minimized to the maximum extent feasible consistent with Coastal Act Sections 30001.5(b), 30007.5, 30010, 30200(b), 30240, and 30253(1).</u> The coastal development permit shall include a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&amp;D may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the</p>

<sup>2</sup> Significant vegetation fuel management shall be defined as removal and/or thinning involving a cumulative total of one-half acre (21,780 square feet) or more of land area.

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			impacts to ESH.
ADDED DevStd		89	<p><u>New development requiring vegetation fuel management within ESH and ESH buffer areas may only be permitted where, subject to a coastal development permit, findings are made that the proposed fuel modification overlaps fuel modification zones associated with existing legal development and/or that any fuel modification within ESH or ESH buffer is the minimum amount necessary to protect the structure(s) and that all feasible measures including reduction in scale of development, use of alternative materials, and siting have been implemented to reduce encroachment into ESH and ESH buffer. The coastal development permit shall include a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&amp;D may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the impacts to ESH.</u></p>
DevStd BIO-TC-4.4	In resolving conflicts between Coastal Act policies pursuant to Coastal Act Section 30007.5, the County should ensure that essential infrastructure for existing agricultural production is protected and maintained.	90	<p><del>In resolving conflicts between Coastal Act policies pursuant to Coastal Act Section 30007.5, the County should ensure that essential infrastructure for existing agricultural production is protected and maintained.</del></p>
Policy BIO-TC-5	Due to the existing land subdivision and built environment in the Rural Neighborhoods of Torito Road, Serena Park, La Mirada Drive and Ocean Oaks Road, where existing structures and related landscaped areas are within the ESH buffer and not part of the ESH itself, structural additions to existing main and secondary dwelling units shall be allowed limited encroachment into ESH buffer areas subject to DevStd BIO-TC-5.1 through DevStd BIO-TC-5.3.	91	<p><del>Due to the existing land subdivision and built environment in the Rural Neighborhoods of Torito Road, Serena Park, La Mirada Drive and Ocean Oaks Road, where existing structures and related landscaped areas are within the ESH buffer and not part of the ESH itself, structural additions to the existing primary residence may main and secondary dwelling units shall be allowed limited encroachment into ESH buffer areas if it can be shown, pursuant to the required site-specific biological study, that such development shall not adversely impact the adjacent riparian species and meets all other</del></p>

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			<p><u>provisions of this Plan and the LCP including development standards for native and non-native protected tree species. Additions shall also comply with development standards in subject to DevStd BIO-TC-5.1 through DevStd BIO-TC-5.34.</u></p>
<p>DevStd BIO-TC-5.1</p>	<p>For existing residential structures in any zone district and existing agricultural support structures on agriculturally-zoned property (as defined in the TCP Overlay District) located within designated ESH buffer areas, structural additions shall be designed to avoid ground disturbance to protect the ESH resource to the maximum extent feasible. Site design and appropriate scale of the addition shall conform to the following guidelines: a. Second-story additions shall be considered the preferred design alternative to avoid ground disturbance with limited canopy reduction including limbing of oaks and sycamores; and habitat trees for Monarch Butterflies and nesting raptors (subject to restricted pruning during nesting season). b. Where the existing structure is located only partially inside an ESH or ESH buffer area, additions shall be located on those portions of the structure located outside or away from the ESH or ESH buffer area.</p>	<p>92</p>	<p><u>For existing <b>lawfully constructed primary residences in Existing Developed Rural Neighborhoods residential structures in any zone</b> district and existing agricultural support structures on agriculturally-zoned property (as defined in the TCP Overlay District) located within designated ESH buffer areas or adjacent to ESH, structural additions or improvements shall be <b>scaled, sited, and designed to avoid ground disturbance to protect the ESH resource to the maximum extent feasible. Site design and appropriate scale of the addition shall conform to in conformance with</b> the following <del>guidelines standards</del>: a. Second story additions shall be considered the preferred design alternative to avoid ground disturbance with limited canopy reduction including limbing of oaks and sycamores; <b>b. Additions shall be allowed only if they: are located a minimum of 6 feet from any oak or sycamore canopy dripline; do not require removal of oak or sycamore trees; do not require any additional pruning or limbing of oak or sycamore trees beyond what is currently required for the primary residence for life and safety; minimize disturbance to the root zones of oak or sycamore trees to the maximum extent feasible (e.g., through measures such as raised foundation or root bridges); preserve habitat trees for Monarch Butterflies and nesting raptors (subject to restricted pruning during nesting season) and do not extend new areas of fuel modification into ESH areas.</b> <del>b-c. Where the existing structure is located only partially inside an ESH or ESH buffer area, a</del> Additions shall be located on those portions of the structure located outside or away from the ESH or ESH buffer area. <u>If the subject development cannot be located</u></u></p>

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			<p><u>away from ESH, then the extension of a ground level development footprint shall be denied. d. Improvements, such as decomposed granite pathways or alternative patios, may be allowed in existing developed areas within the dripline of oak and sycamore trees if such improvement are permeable, and do not require compaction of soil in the root zone.</u></p>
DevStd BIO-TC-5.2	In Rural Neighborhoods, development on vacant parcels containing ESH shall be subject to Policy BIO-TC-4 and the applicable General Planning Area ESH regulations.	93	<p>In Rural Neighborhoods, development on vacant parcels containing ESH shall be subject to Policy BIO-TC-4 and the applicable General Planning Area ESH regulations. <u>If the application of the policies and standards contained in this Plan or LCP regarding use of property designated as ESH or ESH buffer to vacant parcels in Rural Neighborhoods would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat provisions of the LCP shall be allowed on the property, only as provided in Policy BIO-TC and DevStd BIO-TC- [cross reference to suggested modifications 79-80].</u></p>
DevStd BIO-TC-5.3	All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall be prohibited in ESH areas and to the maximum extent feasible shall be avoided in ESH buffer areas.	94	<p>All <u>temporary</u> construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall be prohibited in ESH areas, and to the maximum extent feasible shall be avoided in ESH buffer areas. <u>Any native vegetation which is damaged during construction of the project shall be restored.</u></p>
ADDED Action		95	<p><u>The County shall encourage the Torito Road Rural Neighborhood Owners to develop a neighborhood management plan for the riparian oak forest that supports tree recruitment and use of locally native understory species.</u></p>
ADDED DevStd		96	<p><u>Landscape plans prepared for new development adjacent to ESH or ESH buffer in Existing Developed Rural Neighborhoods shall be prepared by a qualified biologist and shall include the use of locally native understory species. Where a phased recruitment of native riparian tree species is feasible, such planting shall be required</u></p>

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			to ensure the long-term preservation of the riparian canopy.
ADDED DevStd		97	<p>The reconstruction of a lawfully established primary residence in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the LCP including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.34. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls.</p>
Policy B,C-TC-6	All residential structures deemed nonconforming shall be allowed to be reconstructed pursuant to the nonconforming regulations contained in the zoning ordinance, Article II (Section 35-162) and the TCP Overlay District (Sec. 35-194).	98	All residential structures deemed nonconforming shall be allowed to be reconstructed pursuant to the nonconforming regulations contained in the zoning ordinance, Article II (Section 35-162) and the TCP Overlay District (Sec. 35-194).
Policy BIO-TC-7	Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.		* [Inland Only]
Action BIO-TC-7.1	The Article III Zoning Ordinance shall be amended to include an Environmentally Sensitive Habitat Area overlay district for the Toro Canyon area (ESH-TCP). Locations of biological resources/habitat areas shall be depicted on ESH Overlay Maps. The following general criteria are used to determine which resources and habitats in the inland Toro Canyon Planning Area are identified as environmentally sensitive. • Unique,		* [Inland Only]

\* See LUP Modification 155

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	<p>rare, or fragile communities which should be preserved to ensure their survival in the future; • Habitats of rare and endangered species as protected by State and/or Federal law;</p> <ul style="list-style-type: none"> <li>• Outstanding representative natural communities that have values ranging from particularly rich flora and fauna to an unusual diversity of species;</li> <li>• Specialized wildlife habitats which are vital to species survival; • Areas structurally important in protecting natural landforms that physically support species (e.g., riparian corridors protecting stream banks from erosion, shading effects of tree canopies);</li> <li>• Critical connections between separate ESH areas and/or migratory species' routes; and • Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, the continued existence of which is demonstrated to be unlikely unless designated and protected.</li> </ul>		
DevStd BIO-TC- 7.2	Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that provides protection to the sensitive habitat areas to the maximum extent feasible.		*  [Inland Only]
DevStd BIO-TC- 7.3	Development proposed within areas zoned with the ESH-TCP Overlay, shall be subject to the applicable regulations and permit requirements contained in the County Zoning Ordinance ESH-TCP Overlay regulations (Sec. 35-250E).		*  [Inland Only]
DevStd BIO-TC- 7.4	Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native		*  [Inland Only]

\* See LUP Modification 155

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	<p>vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.</p>		
<p>DevStd BIO-TC- 7.5</p>	<p>For existing residential structures in any zone district and existing agricultural support structures on agriculturally-zoned property (as defined in the TCP Overlay District) located within designated ESH or ESH buffer areas, structural additions shall be designed to minimize ground disturbance to protect the ESH resource to the maximum extent feasible. Site design and appropriate scale of the addition shall conform to the following guidelines: a. Second-story additions shall be encouraged as a design alternative to avoid ground disturbance, subject to this Plan's Visual and Aesthetic Resource policies and development standards (Section IV.E). b. Where an existing structure is located only partially inside an ESH or ESH buffer areas, dwelling unit additions should be located on those portions of the structure located outside or away from the ESH or ESH buffer area. c. Where the structural addition cannot avoid significant ESH, a biological assessment may be required to determine the location of the addition that will result in the least disruption to the ESH. d. Where the structural addition cannot avoid the ESH or ESH buffer areas, enhancement of the ESH resource may be required to offset the increased area of disturbance.</p>		<p>*</p> <p>[Inland Only]</p>
<p>DevStd BIO TC- 7.6</p>	<p>New development on parcels entirely covered with ESH shall be subject to the following development standards to allow reasonable use of the property while protecting the habitat resource to the maximum extent feasible: a. The area of permitted ground disturbance for development shall be proportional</p>		<p>*</p> <p>[Inland Only]</p>

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	<p>to the size of the parcel. No more than twenty percent (20%) of a parcel's total area should be disturbed by development, and at least eighty percent (80%) of the ESH on the property should be preserved (for example, on a five acre parcel entirely covered with ESH, no more than one acre should be disturbed by development including vegetation clearance for fire protection, and no less than four acres of ESH should be preserved), in a manner consistent with all other policies and development standards of the Toro Canyon Plan and the County Comprehensive Plan.</p> <p>b. Main structure and accessory structures &amp; uses, including roadways, landscaping and agricultural uses, shall be clustered in one contiguous area to avoid fragmenting the habitat.</p> <p>c. Development shall be located adjacent to existing access roads and infrastructure to avoid fragmenting the habitat, subject to the requirements of "a" and "b" listed above, and a balancing of the policies of the Plan.</p>		
DevStd BIO-TC-7.7	<p>Vegetation fuel management as required by the local fire protection agency shall be allowed within 100 feet from all structures on the property. Beyond 100 feet, vegetation fuel management within ESH and the ESH buffer areas to reduce fire hazards shall require a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&amp;D may require that the plan be prepared by a qualified biologist to ensure that vegetation clearance/trimming minimizes the impacts to ESH.</p>		* [Inland Only]
DevStd BIO-TC-7.8	<p>All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the ESH and ESH buffer areas to the maximum extent</p>		* [Inland Only]

\* See LUP Modification 155

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	feasible.		
Policy BIO-TC-8	New or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.		* [Inland Only]
Policy BIO-TC-9	On agriculturally zoned parcels containing Southern Coast Live Oak Riparian Forest ESH, new or expanded cultivated agriculture may encroach up to 25 feet from the ESH as measured from the top of bank or, if the habitat extends beyond the top of bank, as measured from the edge of riparian vegetation. Agricultural uses in the ESH buffer shall be designed to reduce and direct runoff away from the ESH habitat and minimize the use of pesticides and herbicides to the maximum extent feasible.		* [Inland Only]
Policy BIO-TC-10	All residential structures deemed nonconforming shall be allowed to be reconstructed pursuant to the nonconforming regulations contained in the zoning ordinance, Article III (Section 35-307) and the TCP Overlay District (Sec. 35-355).		* [Inland Only]
Policy BIO-TC-11	Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts. "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.	99	Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts, <u>except as allowed under Policy FLD-TC- [cross reference to suggested modification 113] or Policy BIO-TC- [cross reference to suggested modification 79].</u> "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.

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DevStd BIO-TC-11.1	Development shall include the buffer for Southern Coast Live Oak Riparian Forest set forth in DevStd TC-BIO-1.4. The buffer shall be indicated on all grading and building plans. Lighting associated with development adjacent to riparian habitat shall be directed away from the creek and shall be hooded. Drainage plans shall direct polluting drainage away from the creek or include appropriate filters, and erosion and sedimentation control plans shall be implemented during construction. All ground disturbance and native vegetation removal shall be minimized.	100	Development shall include the buffer for Southern Coast Live Oak Riparian Forest set forth in DevStd TC-BIO-1.4. The buffer shall be indicated on all grading and building plans. Lighting associated with development adjacent to riparian habitat shall be directed away from the creek <u>as required in DevStd BIO-TC- [cross reference to suggested modification 76]</u> , and shall be hooded. <del>Drainage plans shall direct polluting drainage away from the creek or include appropriate filters, and erosion and sedimentation control plans shall be implemented during construction. All ground disturbance and native vegetation removal shall be minimized.</del>
DevStd BIO-TC-11.2	New permit applications that depend on alluvial well extractions or stream diversion shall be required to monitor the long-term effects on surface streamflow and riparian vegetation. Contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge, etc.) shall be identified and implemented as such measures may be needed to mitigate significant adverse impacts to an ESH area.		
Policy BIO-TC-12	Significant biological communities not designated ESH should not be fragmented by development into small, non-viable areas.		
ADDED DevStd		101	<u>Development shall be sited and designed to concentrate development in existing developed areas, minimize road lengths and driveways, and reduce fuel modification to the maximum extent feasible to minimize impacts to native habitat, areas of steep slopes, and/or highly erosive/sandy soils.</u>
DevStd BIO-TC-12.1	Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities.		

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DevStd BIO-TC- 12.2	Public trails shall be sited and designed to avoid or minimize impacts to native habitat, areas of steep slopes, and/or highly erosive/sandy soils. Trails should follow existing dirt road and trail alignments and use existing bridges. Where this is not possible, prior to final trail alignment, proposed trail routes should be surveyed and re-routed where necessary to avoid sensitive species, subject to final approval by Planning and Development and the Parks Department.		
Action BIO-TC- 12.3	The County shall pursue funding for protection and restoration of significant biological resources in the Toro Canyon Planning Area.		
Policy BIO-TC- 13	Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.		
DevStd BIO-TC- 13.1	A "native protected tree" is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a "non-native protected tree" is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines.	102	A "native protected tree" is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a "non-native protected tree" is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include, <u>at a minimum</u> , the area six feet outside of tree driplines.
DevStd BIO-TC- 13.2	Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and nonnative protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for	103	Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and nonnative protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be <u>mitigated at a minimum ratio of 10:1</u> and replaced in a manner consistent

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	tree replacement. Native trees shall be incorporated into site landscaping plans.		with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans.
Policy BIO-TC-14	Non-native trees and forests (e.g., eucalyptus groves and windrows) that provide known raptor nesting or major and recurrent roosting sites shall be protected.	104	Non-native trees and forests (e.g., eucalyptus groves and windrows) that provide known raptor nesting or major and recurrent roosting sites shall be protected.
Policy BIO-TC-15	Southern California steelhead trout is a federally listed endangered species which, if identified in the Plan area, shall be protected.		
DevStd BIO-TC-15.1	Development activity which requires ground disturbance which is proposed on parcels containing ephemeral (dry except during and immediately after rainfall) or intermittent (seasonal) streams and creeks, and associated riparian corridors, shall be subject to any permit requirements of the California Department of Fish and Game and the U.S. Army Corps of Engineers.		
DevStd BIO-TC-15.2	Development activity in streams and riparian corridors shall be subject to the "Guidelines for Salmonid Passage at Stream Crossings" prepared by the National Marine Fisheries Service (see Appendix G).		
ADDED POLICY		105	<u>The conversion of vacant land in ESH, ESH buffer, or on slopes over 30 percent to new crop, orchard, vineyard, or other agricultural use shall not be permitted. Existing, legally established agricultural uses shall be allowed to continue.</u>
<b>Flooding and Drainage</b>			
Policy FLD-TC-1	Flood risks shall be minimized through appropriate design and land use controls, as well as through feasible engineering solutions that address existing problems.	106	Flood risks <u>to life and property</u> shall be minimized through appropriate <u>sizing</u> , design, <u>siting</u> , and land use controls, for new development, as well as through feasible engineering solutions that address existing problems.
DevStd FLD-TC-1.1	Development shall not be allowed within floodways except in conformance with Chapters 15A and 15B of the County Code, any other applicable statutes or ordinances, and all applicable policies of the	107	<u>Buildings within floodprone areas subject to inundation, including the floodplains of Toro, Picay, Garrapata, and Arroyo Paredon Creeks, shall be prohibited unless no alternative building site exists on the property and proper</u>

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	Comprehensive Plan and Local Coastal Program including but not limited to policies regarding biological resources.		<p><u>mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.</u></p> <p><u>Development within floodprone areas shall not be allowed within floodways except in conformance with Chapters 15A and 15B of the County Code, any other applicable statutes or ordinances, and all applicable policies of the Comprehensive Plan and Local Coastal Program including but not limited to policies regarding biological resources.</u></p> <p><u>Non-structural public access improvements such as trails and accessways may be permitted within floodprone areas consistent with the other provisions of the LCP within the coastal zone.</u></p>
DevStd FLD-TC- 1.2	No development shall be permitted within the floodplains of Toro, Picay, Garrapata, or Arroyo Paredon Creeks unless such development would be necessary to: <ul style="list-style-type: none"> <li>• Permit reasonable use of property while mitigating to the maximum extent feasible the disturbance or removal of significant riparian/wetland vegetation; or</li> <li>• Accomplish a major public policy goal of the Toro Canyon Plan or other beneficial projects approved by the Board of Supervisors. In the Coastal Zone, floodplain development also must be consistent with the state Coastal Act and the county's Local Coastal Program.</li> </ul>	108	<p><del>No development shall be permitted within the floodplains of Toro, Picay, Garrapata, or Arroyo Paredon Creeks unless such development would be necessary to: <ul style="list-style-type: none"> <li>• Permit reasonable use of property while mitigating to the maximum extent feasible the disturbance or removal of significant riparian/wetland vegetation; or</li> <li>• Accomplish a major public policy goal of the Toro Canyon Plan or other beneficial projects approved by the Board of Supervisors. In the Coastal Zone, floodplain development also must be consistent with the state Coastal Act and the county's Local Coastal Program.</li> </ul> </del></p>
DevStd FLD-TC- 1.3	Development requiring raised finished floor elevations in areas prone to flooding shall be constructed on raised foundations rather than fill material, where feasible.	109	Development requiring raised finished floor elevations in areas prone to flooding shall be constructed on raised foundations rather than fill material; where feasible.
DevStd FLD-TC- 1.4	Development within floodplain areas or with potential drainage issues shall be subject to Flood Control District review and approval.		
Policy FLD-TC-4 [Revised Location]	Proposed development, other than Flood Control District activities, shall be designed to maintain creek banks, channel inverts, and channel bottoms in their natural state. Revegetation to restore a riparian habitat is encouraged and may be permitted, subject to the provisions of DevStd	110	Proposed development, <del>other than Flood Control District activities,</del> shall be designed to maintain creek banks, channel inverts, and channel bottoms in their natural state, <u>except as allowed under Policy FLD-TC- [cross reference to Suggested Modification 113].</u> Revegetation to restore a riparian

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	FLD-TC-4.1 and any other applicable policies or standards.		113]. Revegetation to restore a riparian habitat is encouraged and may be permitted, subject to the provisions of DevStd FLD-TC-4.1 and any other applicable policies or standards.
DevStd FLD-TC-4.1 [Revised Location]	To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance #3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals.	111	To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance #3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals.
DevStd FLD-TC-4.1 [Revised Location]	To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance #3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals.	112	*  [Inland Only]
ADDED POLICY		113	<u>Channelizations or other substantial alterations of streams and desiltation/dredging projects, shall be prohibited except for: 1) necessary water supply projects where no feasible alternative exists; 2) flood protection for existing development where there is no other feasible alternative, or 3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation</u>

\* See LUP Modification 155

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			<u>measures to mitigate unavoidable impacts. Less intrusive measures (e.g., biostructures, vegetation, and soil bioengineering) shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.</u>
ADDED POLICY		114	<u>Solutions that address existing flood hazards shall be the least environmentally damaging alternative consistent with all applicable policies of the Local Coastal Program and shall consider routine maintenance or other less intrusive solutions as a first priority over engineering structural solutions.</u>
ADDED DevStd		115	<u>Flood control measures shall not diminish or change stream capacity, percolation rates or habitat values. "Hardbank" measures (e.g., use of concrete, riprap, gabion baskets) or channel redirection may be permitted only if all less intrusive flood control efforts have been considered and have been found to be technically infeasible. Less intrusive measures shall include, but not be limited to biostructures, vegetation, and soil bioengineering. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration and mitigation on or adjacent to the stream channel shall be required, subject to a Restoration Plan.</u>
Action FLD-TC-1.5	In order to address drainage issues along the southeastern portion of Padaro Lane, the county shall initiate an investigation of feasible engineering and maintenance solutions involving all affected parties, including but not necessarily limited to residents and upstream property owners, the County Public Works Department including the Flood Control District, Caltrans, and the Union Pacific Railroad. This investigation shall consider the preliminary engineering study commissioned by the Padaro Lane Association in the 1990s. Local drainageways and culverts should be cleared annually or as necessary.	116	In order to address drainage issues along the southeastern portion of Padaro Lane, the county shall initiate an investigation of feasible engineering and maintenance solutions involving all affected parties, including but not necessarily limited to residents and upstream property owners, the County Public Works Department including the Flood Control District, Caltrans, and the Union Pacific Railroad. This investigation <u>will include review of</u> <del>shall consider</del> the preliminary engineering study commissioned by the Padaro Lane Association in the 1990s. <del>Local drainageways and culverts should be cleared annually or as necessary.</del> <u>The study shall consider less intrusive measures (e.g., biostructures,</u>

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			<u>vegetation, and soil bioengineering) solutions as the primary means of defense against flood hazard and shall require maximum mitigation for all impacts to wetland, riparian, or other native trees and habitat.</u>
Policy FLD-TC-2	Short-term and long-term erosion associated with development shall be minimized.		
DevStd FLD-TC-2.1	Development shall incorporate sedimentation traps or other effective measures to minimize the erosion of soils into natural and manmade drainages, where feasible. Development adjacent to stream channels shall be required to install check dams or other erosion control measures deemed appropriate by Flood Control and Planning and Development to minimize channel down-cutting and erosion. To the maximum extent feasible, all such structures shall be designed to avoid impacts to riparian vegetation.	117	Development shall incorporate <u>BMPs designed sedimentation traps or other effective measures</u> to minimize the erosion of soils into natural and manmade drainages, where feasible. <u>Development adjacent to stream channels shall be required to install check dams or other erosion control measures deemed appropriate by Flood Control and Planning and Development to minimize channel down-cutting and erosion. To the maximum extent feasible, all such structures shall be designed to avoid impacts to riparian vegetation.</u>
DevStd FLD-TC-2.2	Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter drainage patterns on the site or in its vicinity. The purpose of such plan(s) shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. Such plan(s) shall be reviewed and approved by both County Flood Control and Planning & Development.	118	Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter <u>drainage patterns on the site or in its vicinity. The purpose of such plan(s) shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. Such plan(s) shall be reviewed and approved by both County Flood Control and Planning &amp; Development.</u>
DevStd FLD-TC-2.3	Drainage outlets into creek channels shall be constructed in a manner that causes outlet flow to approximate the general direction of natural stream flow. Energy dissipaters beneath outlet points shall be incorporated where appropriate, and shall be designed to minimize erosion and habitat impacts.		

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DevStd FLD-TC- 2.5	Excavation and grading for development shall be limited to the dry season of the year (i.e., April 15 <sup>th</sup> to November 1 <sup>st</sup> ) unless an approved erosion control plan is in place and all measures therein are in effect.		
ADDED POLICY		119	<u>Preparation of a Master Drainage Plan may be undertaken subject to all of the applicable provisions of the Toro Canyon Plan and certified LCP.</u>
Action FLD-TC- 2.4	As part of any Master Drainage Plan that may be developed for all or part of the Toro Canyon area, the Flood Control District should review the Master Drainage Plan to ensure that: 1. Drainage on shoreline and bluff-top properties shall be conveyed to the nearest acceptable drainage facility; 2. Diversion of natural flow is avoided, unless adequate drainage facilities exist downstream to the point where the diversion ceases; 3. The plan does not propose improvements that are inconsistent with modern flood plain management goals and environmental protection goals.	120	As part of any Master Drainage Plan that may be developed for all or part of the Toro Canyon area, the Flood Control District should review the Master Drainage Plan to ensure that: 1. Drainage on shoreline and bluff-top properties shall be conveyed to the nearest acceptable drainage facility; 2. Diversion of natural <u>stream</u> flow is avoided <u>and diversion of natural sheetflow is avoided where impacts to coastal resources may result</u> ; <del>unless adequate drainage facilities exist downstream to the point where the diversion ceases;</del> 3. The plan does not propose improvements that are inconsistent with modern flood plain management goals and environmental protection goals.
Policy FLD-TC-3	Flood control maintenance activities shall seek to minimize disturbance to riparian/wetland habitats, consistent with the primary need to protect public safety. Additional guidance for public maintenance work is provided by the Flood Control District's current certified Maintenance Program EIR and current approved Standard Maintenance Practices. Work should be conducted in a manner that attempts to maintain coastal sand supply where feasible.	121	<del>Flood control maintenance activities shall seek to minimize disturbance to riparian/wetland habitats, consistent with the primary need to protect public safety. Additional guidance for public maintenance work is provided by the Flood Control District's current certified Maintenance Program EIR and current approved Standard Maintenance Practices. Work should be conducted in a manner that attempts to maintain coastal sand supply where feasible.</del>
Policy FLD-TC-4	Proposed development, other than Flood Control District activities, shall be designed to maintain creek banks, channel inverts, and channel bottoms in their natural state. Revegetation to restore a riparian habitat is encouraged and may be permitted, subject to the provisions of DevStd FLD-TC-4.1 and any other applicable policies or standards.	122	<i>[Move location and modify as shown in suggested modification 110.]</i>

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DevStd FLD-TC- 4.1	To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance #3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals.	123	<i>[Move location and modify as shown in suggested modification 111]</i>
ADDED POLICY		124	<u>Land divisions, including lot line adjustments, shall be prohibited unless all proposed parcels can be demonstrated to be safe from flood hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.</u>
<i>Geology, Hillside and Topography</i>			
Text Heading		125	<i>Replace all headings of Geology, Hillside, and Topography" with "Geology, Hillside, Topography, and Watersheds"</i>
GOAL GEO-TC	Protect The Public Health, Safety And Welfare By Preserving Hillside And Watershed Areas In The Most Natural State Feasible; Protect Coastal Resources From The Adverse Effects Of Shoreline Protection Structures.		
Policy GEO-TC- 1	Hillside and watershed areas shall be protected to the maximum extent feasible to avoid adverse geologic impacts and preserve watershed function.		
DevStd GEO-TC- 1.1	Development shall be prohibited on slopes greater than 30% unless this would prevent reasonable use of property. In areas of unstable soils, highly erosive soils, or on slopes between 20% and 30%, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion, or unless this would	126	Development shall be prohibited on slopes greater than 30% <u>except as allowed under Section 35.102G of the Zoning Code</u> unless this would prevent reasonable use of property. In areas of unstable soils, highly erosive soils, or on slopes between 20% and 30%, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in

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	prevent reasonable use of property. Grading and other site preparation shall be minimized to the maximum extent feasible.		<del>unstable slopes or severe erosion, or unless this would prevent reasonable use of property.</del> Grading and other site preparation shall be minimized to the maximum extent feasible.
DevStd GEO-TC- 1.2	In order to minimize erosion, landscape plans shall be required for development on slopes greater than twenty percent. Such plans shall include revegetation of graded areas with appropriate native plantings. Landscape plans may be subject to review and approval by the County BAR.		
ADDED POLICY		127	<u>Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 30 percent, except that driveways and/or utilities may be located on such slopes, where there is no less environmentally damaging feasible alternative means of providing access to a building site, provided that the building site is determined to be the preferred alternative and consistent with all other policies of the LCP.</u>
ADDED POLICY		128	<u>All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.</u>
ADDED POLICY		129	<u>Land divisions, including lot line adjustments, shall be prohibited unless all proposed parcels can be demonstrated to be safe from erosion and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.</u>
ADDED POLICY		130	<u>Land divisions that would result in building pads, access roads, or driveways located on slopes over 30%, or result in grading on slopes over 30% shall be prohibited. All land divisions shall be designed such that the location of building pads and access roads</u>

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			<u>minimizes erosion and sedimentation.</u>
ADDED POLICY		131	<u>New roads, bridges, culverts, and outfalls shall not cause or contribute to streambank or hillside erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality including construction phase erosion control and polluted runoff control plans, and soil stabilization practices. New stream crossings within the coastal zone, including replacement of an existing stream crossing, shall be bridged. Where feasible, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design.</u>
Policy GEO-TC-2	Grading shall be designed to minimize scars in topography and avoid the potential for earth slippage, erosion, and other safety risks.		
DevStd GEO-TC-2.1	Temporary erosion control measures such as berms and appropriate location and coverage of stockpiled soils shall be used to minimize on- and offsite erosion related to construction occurring during the rainy season (November 1 to April 15).		
DevStd GEO-TC-2.2	Where feasible, development on previously cleared slopes that show scarring or significant disturbance shall include plans for appropriate revegetation of the affected areas.		
DevStd GEO-TC-2.3	Revegetation and/or landscaping of project sites shall be accomplished as soon as is feasible following grading/vegetation clearing in order to hold soils in place.		
Policy GEO-TC-3	Development shall be sited and designed to minimize the potential for geologic hazards, including but not limited to seismic, soil, or slope hazards.		
DevStd GEO-TC-3.1	The County shall require site-specific geologic and/or geotechnical investigation(s), prepared as appropriate by a Registered Geologist, Certified Engineering Geologist, and/or licensed Geotechnical Engineer, on sites that are on or adjacent to faults,		

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	landslides, or other geologic hazards or in any case where development is proposed in areas where natural grade is 20% or greater. Sites underlain by the potentially unstable Sespe Formation are of particular concern. Where applicable, the measures recommended to avoid or mitigate geologic hazards shall be incorporated into the proposed development in a manner that avoids or minimizes any potential adverse effects of such measures (for example, hillside scarring).		
DevStd GEO-TC- 3.2	Structures shall be prohibited within fifty feet of an Active or Potentially Active fault. All structures shall be built according to Seismic Zone IV standards or such other standards as may be in effect at the time of development. The County may require additional special engineering features to minimize potential structural damage from fault rupture for any structure that may be exposed to seismic hazards.		
DevStd GEO-TC- 3.3	All roads and driveways proposed on areas where natural grade is 20% or greater shall be reviewed for adequacy of engineering and drainage design, including but not limited to failure avoidance and erosion control.		
Action GEO-TC- 3.4	County Grading Ordinance Standard 14-6.(b)(5) does not apply to roadways constructed to provide access for geologic, geotechnical, and septic system testing. The County shall consider amending the grading ordinance so that if construction of such a roadway involves more than fifty cubic yards of grading and/or is located on any area where natural grade is twenty percent or greater, then a grading permit shall be required.	132	<del>County Grading Ordinance Standard 14-6.(b)(5) does not apply to</del> Roadways constructed to provide access for geologic, geotechnical, and septic system testing <u>that require grading of greater than 50 cubic yards shall require a coastal development permit and shall be subject to all other County provisions.</u> <del>The County shall consider amending the grading ordinance so that if construction of such a roadway involves more than fifty cubic yards of grading and/or is located on any area where natural grade is twenty percent or greater, then a grading permit shall be required.</del>
Policy GEO-TC- 4	All development on shoreline properties shall be designed to avoid or minimize hazards from coastal processes, to minimize erosion both on		

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	and off-site, and to avoid the need for shoreline protection devices at any time during the life of the development.		
DevStd GEO-TC- 4.1	All development proposed for shoreline properties shall avoid or minimize erosion by minimizing irrigation, using culverts and drainage pipes to convey runoff, using sewers if available rather than septic systems, and other appropriate means.	133	All development proposed for shoreline properties shall avoid or minimize erosion by minimizing irrigation, <u>conveying runoff in a non-erosive manner using culverts and drainage pipes to convey runoff</u> , using sewers if available rather than septic systems, and other appropriate means.
DevStd GEO-TC- 4.2	Where possible, all drainage from shoreline bluff-top properties shall be conveyed to the nearest roadway or drainage course. Where drainage must be conveyed over the bluff face, drainage lines shall be combined with those of neighboring parcels where possible, and shall be sited and designed to minimize the physical and visual disruption of the bluff and beach area.		
DevStd GEO-TC- 4.3	New shoreline protection devices may be permitted where consistent with the state Coastal Act and Coastal Plan Policy 3-1, and where (i) the device is necessary to protect development that legally existed prior to the effective date of the coastal portion of this Plan, or (ii) the device is proposed to fill a gap between existing shoreline protection devices and the proposed device is consistent with the height and seaward extent of the nearest existing devices on upcoast and downcoast properties. Repair and maintenance, including replacement, of legal shoreline protection devices may be permitted, provided that such repair and maintenance shall not increase either the previously permitted <sup>1</sup> height or previously permitted <sup>3</sup> seaward extent of such devices, and shall not increase any interference with legal public coastal access.	134	<u>Shoreline and bluff protection structures may be permitted to protect existing structures that were legally constructed prior to the effective date of the certification of the LCP and only when it can be demonstrated that said existing structures are at risk from identified hazards, that the proposed protective device is the least environmentally damaging alternative and is designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Alternatives analysis shall include the relocation of existing development landward as well as the removal of portions of existing development. "Existing structures" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc.</u>  New shoreline protection devices may

<sup>3</sup> For devices that pre-date permit requirements, this would be the as-built height and seaward extent of the structure.

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			<p><del>be permitted where consistent with the state Coastal Act and Coastal Plan Policy 3-1, and where (i) the device is necessary to protect development that legally existed prior to the effective date of the coastal portion of this Plan, or (ii) the device is proposed to fill a gap between existing shoreline protection devices and the proposed device is consistent with the height and seaward extent of the nearest existing devices on upcoast and downcoast properties. Repair and maintenance, including replacement, of legal shoreline protection devices may be permitted, provided that such repair and maintenance shall not increase either the previously permitted<sup>3</sup> height or previously permitted<sup>1</sup> seaward extent of such devices, and shall not increase any interference with legal public coastal access.</del></p>
ADDED POLICY		135	<p><u>Shoreline and bluff protection structures shall not be permitted to protect new development, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible. New development includes demolition and rebuild of structures, substantial remodels, and redevelopment of the site.</u></p>
ADDED POLICY		136	<p><u>Siting and design of new shoreline development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100 year economic life of the structure.</u></p>
ADDED POLICY		137	<p><u>New development on a beach or oceanfront bluff shall be sited outside areas subject to hazards (beach or</u></p>

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			<p><u>bluff erosion, inundation, wave uprush) at any time during the full projected 100-year economic life of the development. If complete avoidance of hazard areas is not feasible, all new beach or oceanfront bluff development shall be elevated above the base Flood Elevation (as defined by FEMA) and setback as far landward as possible. All development shall be setback a minimum of 10 feet landward of the most landward surveyed mean high tide line. Whichever setback method is most restrictive shall apply. Development plans shall consider hazards currently affecting the property as well as hazards that can be anticipated over the life of the structure.</u></p>
ADDED POLICY		138	<p><u>All new beachfront and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach and bluff erosion hazards without requiring a shoreline protection structure at any time during the life of the development.</u></p>
ADDED POLICY		139	<p><u>Land divisions, including subdivisions, lot splits, lot line adjustments, and certificates of compliance which create new beachfront or blufftop lots, shall not be permitted unless the subdivision can be shown to create lots which can be developed without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time during the full 100 year life of the development.</u></p>
ADDED POLICY		140	<p><u>All new beachfront development shall be required to utilize a foundation system adequate to protect the structure from wave and erosion hazard without necessitating the construction of a shoreline protection structure.</u></p>
ADDED POLICY		141	<p><u>New development on or along the shoreline or a coastal bluff shall include, at a minimum, the use of secondary treatment waste disposal systems and shall site these new systems as far landward as possible in order to avoid the need for protective</u></p>

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			devices to the maximum extent feasible.
ADDED POLICY		142	<p><u>No shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave uprush or if the bluff edge encroaches to within 10 feet of the structure as a result of erosion, landslide or other form of bluff collapse. Accessory structures including, but not limited to, cabanas, patios, pools, stairs, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of threat from erosion, bluff failure or wave hazards.</u></p>
ADDED POLICY		143	<p><u>All shoreline protection structures shall be sited as far landward as feasible regardless of the location of protective devices on adjacent lots. In no circumstance shall a shoreline protection structure be permitted to be located further seaward than a stringline drawn between the nearest adjacent corners of protection structures on adjacent lots. A stringline shall be utilized only when such development is found to be infill and when it is demonstrated that locating the shoreline protection structure further landward is not feasible.</u></p>
ADDED POLICY		144	<p><u>Where it is determined to be necessary to provide shoreline protection for an existing residential structure built at sand level a "vertical" seawall shall be the preferred means of protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative.</u></p>
ADDED POLICY		145	<p><u>As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner</u></p>

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			<p><u>shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.</u></p>
ADDED POLICY		146	<p><u>As a condition of approval of a shoreline protection structure, or repairs or additions to a shoreline protection structure, the property owner shall be required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. The restrictions shall also acknowledge that the intended purpose of the subject structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the County determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.</u></p>
ADDED POLICY		147	<p><u>As a condition of approval of new development on a vacant beachfront or blufftop lot, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed to not require a shoreline protection structure as part of the proposed development or at any time</u></p>

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			<u>during the life of the development, the property owner shall be required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235.</u>
Policy GEO-TC-5	Grading shall be carried out in a manner that minimizes air pollution.		
DevStd GEO-TC-5.1	For any construction project that includes earth moving activities, the construction contractor shall implement Air Pollution Control District (APCD) dust control measures.		
DevStd GEO-TC-5.2	Prior to land use clearance, the applicant shall agree to comply with any conditions recommended by the APCD to reduce emissions of reactive organic compounds (ROC) and oxides of nitrogen (NOx) from construction equipment during project grading and construction.		
Policy GEO-TC-6	Excessive grading for the sole purpose of creating or enhancing views shall not be permitted. Typically, grading should not place more than five (5) feet of fill above natural grade.		
<b>History and Archaeology</b>			
GOAL HA-TC	Preserve and Protect Significant Cultural, Archaeological and Historical Resources in the Toro Canyon Plan Area to the Maximum Extent Feasible.		
Policy HA-TC-1	Archaeological resources shall be protected and preserved to the maximum extent feasible.		
DevStd HA-TC-1.1	A Phase 1 archaeological survey shall be performed when identified as necessary by a county archaeologist or contract archaeologist or if a county archaeological sensitivity map identifies the need for a study. The survey shall include areas of projects that would result in ground disturbances, except where legal ground disturbance has previously		

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	occurred. If the archaeologist performing the Phase I report, after conducting a site visit, determines that the likelihood of an archaeology site presence is extremely low, a short-form Phase I report may be submitted.		
ADDED DevStd		148	<u>The County shall consult with the Native American Heritage Commission, State Historic Preservation Officer, and the Most Likely Descendant during each stage of the cultural resources review to determine whether the project may have an adverse impact on an important cultural resource.</u>
DevStd HA-TC-1.2	All feasible recommendations of an archaeological report analysis including completion of additional archaeological analysis (Phase 2, Phase 3) and/or project redesign shall be incorporated into any permit issued for development.		
Action HA-TC-1.3	The Board should consider either funding creation of a sensitive archaeological resources map for the Toro Canyon Area or allocating funds for a full-time County archaeologist.		
Policy HA-TC-2	Historic resources shall be protected and preserved to the maximum extent feasible.		*
Action HA-TC-2.1	The County Historic Landmarks Advisory Commission shall evaluate structures of historical significance in Toro Canyon.		*
Action HA-TC-2.2	To encourage the preservation of historic resources, the County shall pursue potential funding from federal, state and local sources to provide monetary assistance for applicants undertaking preservation and renovation projects for historic structures.		*
DevStd HA-TC-2.3	No permits shall be issued for any development or activity that would adversely affect the historic value of the properties listed in Table 13, unless a professional evaluation of the proposal has been performed pursuant to the County's most current		*

\* See LUP Modification 155

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	Regulations Governing Archaeological and Historical Projects, reviewed and approved by Planning and Development and all feasible mitigation measures have been incorporated into the proposal.		
Action HA-TC-2.4	The County shall work with Caltrans to place a sign along Highway 101 which recognizes the commemorative value of the historic memorial oak trees. The sign could be located near a cluster of the oaks in the median strip and could read, "Oaks planted in memory of WWI soldiers, 1928."		*
<b>Visual &amp; Aesthetic Resources</b>			
GOAL VIS-TC	Protect The Rural and Semi-Rural Character And Natural Features Of The Area, Particularly Public Views Of The Foothills, Santa Ynez Mountains And Pacific Ocean.		
Policy VIS-TC-1	Development shall be sited and designed to protect public views.		
DevStd VIS-TC-1.1	Development shall be sited and designed to minimize the obstruction or degradation of public views.		
DevStd VIS-TC-1.2	Development and grading shall be sited and designed to avoid or minimize hillside and mountain scarring and minimize the bulk of structures visible from public viewing areas. Mitigation measures may be required to achieve this, including but not limited to increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways, unless those measures would preclude reasonable use of property or pose adverse public safety issues.	149	Development and grading shall be sited and designed to avoid or minimize hillside and mountain scarring and minimize the bulk of structures visible from public viewing areas. Mitigation measures may be required to achieve this, including but not limited to increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways, unless those measures would preclude reasonable use of property or pose adverse public safety issues.
DevStd VIS-TC-1.3	In urban areas, development shall not occur on ridgelines if suitable alternative locations are available on the property. When there is no other suitable alternative location, structures shall not intrude into the skyline or be conspicuously visible from public	150	<del>In urban areas,</del> Development shall not occur on ridgelines if suitable alternative locations are available on the property. When there is no other suitable alternative location, structures shall not intrude into the skyline or be conspicuously visible from public

\* See LUP Modification 155

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	viewing places. Additional measures such as an appropriate landscape plan and limiting the height of the building may be required in these cases.		viewing places. Additional measures such as an appropriate landscape plan and limiting the height of the building may be required in these cases.
Policy VIS-TC-2	Development shall be sited and designed to be compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.		
DevStd VIS-TC-2.1	Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features such as major rock outcroppings, mature trees and woodlands, drainage courses, visually prominent slopes and hilltops, ridgelines, and coastal bluff areas.		
DevStd VIS-TC-2.2	Grading for development, including primary and accessory structures, access roads (public and private) and driveways, shall be kept to a minimum and shall be performed in a way that: <ul style="list-style-type: none"> <li>• minimizes scarring,</li> <li>• maintains to the maximum extent feasible the natural appearance of ridgelines and hillsides.</li> </ul>		
DevStd VIS-TC-2.3	Consistent with applicable ordinances, policies, development standards, and the Constrained Site Guidelines, structures shall be sited and designed to minimize the need for vegetation clearance for fuel management zone buffers. Where feasible, necessary roads and driveways shall be used as or incorporated into fuel management zones.	151	<del>Consistent with applicable ordinances, policies, development standards, and the Constrained Site Guidelines,</del> structures shall be sited and designed to minimize the need for vegetation clearance for fuel management zone buffers. Where feasible, necessary roads and driveways shall be used as or incorporated into fuel management zones.
Action VIS-TC-2.4	In carrying out the Visual & Aesthetic Resources policies and development standards of this Plan and the TCP Overlay District, the County shall work with project applicants and designers, the Carpinteria-Summerland Fire Protection District, and the Montecito Fire Protection District to minimize excessive road/driveway construction and reduce or redesign fire buffers to minimize the removal of natural vegetation and related visual effects.		

**152. Modification No. 152-154 – Toro Canyon Plan Appendices**

Appendices			
Appendix B	Approved and Pending Projects	152	<i>Delete.</i>
Appendix E	Trail Siting Guidelines	153	<p>Section II.</p> <p><del>B. To the greatest extent feasible, t</del>The number of creek crossings should be limited in order to protect stream/riparian resources.</p> <p>C. Fences constructed along trail corridors should allow for wildlife movement, <del>to the greatest extent feasible.</del></p> <p>Section III</p> <p>A. Where appropriate (e.g., adjacent to existing agricultural operations, buildings, residences, etc.), the County should construct fencing between the trail and private land uses. County Parks shall determine on a case-by-case basis appropriate fencing design and type. The County should consider landowner input on fence design. <del>To the greatest extent feasible, f</del>Fencing should <u>shall not hinder the safety or the natural movement and migration of animals and should be aesthetically pleasing.</u></p> <p>Section V</p> <p><del>B. Where appropriate, v</del>Vehicle barriers (e.g., steel access gates) should be constructed at trailheads to prevent unauthorized motor vehicle access, while allowing hikers, bicyclists, equestrians, and authorized motor vehicles <u>for emergency, maintenance, or to provide access to private in-holdings</u> to access the trail. Internal access control barriers (i.e., any combination of steel gates, chain link or barbed wire fence may be necessary) should also be installed along trails at appropriate "choke points" (e.g., placement of barriers utilizing natural topography and/or trail user decision points) in order to keep trail users on the established trail route and prevent trespass and/or further entry into private property and/or environmentally sensitive areas. <u>Trails may be designed for bicycle use where resource damage such as loss of vegetation or increased</u></p>

			<p>erosion would not result. Where evidence that authorized bicycle use is damaging resources, future use by bicycles may thereafter be temporarily or permanently prohibited.</p> <p>C. Before the County permits public use of any acquired trail right-of-way, adequate <u>approved fencing consistent with resource protection</u> and other precautions (such as signage) should be installed to prevent vandalism to neighboring properties and appropriate trailheads should be acquired and constructed to provide for the public safety.</p>
Appendix H	List of Invasive Plants to Avoid Using in Landscape Plans Near ESH Areas	154	Delete all references to the words "Near ESH Areas"

**155.Modification – Non-Certified Text**

*All items in the preceding tables marked with an asterisk "\*" shall be marked within the Toro Canyon Plan with a footnote or other identifying symbol such that it is clearly evident that such policies, provisions, or other standards are not certified as part of the Local Coastal Program.*

**156.Modification – Non-Certified Text**

The following text shall be added at the end of Section I.C "Overview of the Toro Canyon Plan:"

Local Coastal Program

This Plan is designed to be consistent with the California Coastal Act, the Santa Barbara County Coastal Plan, and the provisions of Article II. Goals, policies, actions, and development standards within this document shall be applicable within the Toro Canyon Plan area. However, provisions of this Plan denoted with an asterisk shall not be certified by the Coastal Commission and therefore shall not be appealable.

**157.Modification – Coastal Zone Boundary**

*All figures and maps submitted as part of the LUP Amendment, including all figures of the Toro Canyon Plan, and the Land Use Plan Map shall illustrate the Coastal Zone Boundary including minor coastal zone boundary changes as approved on June 13, 2003.*

**158.Modification – Land Use Map Agriculture Conversion Parcels**

*The seven parcels (APNs # 155-014-013, 155-014-038, 155-014-039, 155-014-049, 155-014-056, 155-014-057, 155-014-058) designated as Single Family Residential*

*Minimum 2 acre on the Toro Canyon Land Use Designations Map, located northeast of the intersection of Foothill and Toro Canyon Roads, shall be designated A-I-40. All figures and maps submitted as part of the LUP Amendment, including all figures of the Toro Canyon Plan, shall reflect this modification, where shown.*

**159.Modification – Watershed Protection Overlay**

*Amend Toro Canyon Plan Toro Canyon Land Use Designations Map to designate all lands within the coastal zone portion of the Toro Canyon Planning Area having slopes 30% or greater as Watershed Protection Overlay (WTR).*

**160.Modification – ESH-TCP Overlay Map Potential Biological Merit**

*Modify text on Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay (ESH-TCP) Map legend as follows: “(Within these areas, ~~the mapped ESH extent along streams is intended to represent the “Top of Creek Bank” only~~; the extent of any associated riparian habitat must be determined by site-specific review)*

**161.Modification – ESH-TCP Overlay Map Monarch Butterfly Habitat**

The Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay (ESH-TCP) Map shall be amended to:

- A. *Retain the existing overlay designation on Assessor Parcel Numbers 005-380-033, -034, -038 as illustrated in Exhibit 5 of this staff report.*
- B. *Apply the Monarch Butterfly Habitat designation to the area at 3197 Padaro Lane as illustrated in Exhibit 6 of this staff report.*

**162.Modification – ESH-TCP Overlay Map Padaro Lane Wetlands**

*The Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay (ESH-TCP) Map shall be amended to apply a new Wetland designation “Wetland (Not ESH)” to the drainage channels on the north side of Padaro Lane and south of Santa Claus Lane, with location as illustrated in Exhibit 6 of this staff report.*

**163.Modification – ESH-TCP Overlay Map Kelp**

*The Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay (ESH-TCP) Map shall be amended to retain the existing overlay designation of offshore kelp as illustrated in Exhibit 5 of this staff report.*

## **VI. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PROGRAM/COASTAL ZONING ORDINANCE (IP/CZO)**

### **164. Modification – Coastal Zone Boundary**

*All figures and maps submitted as part of the IP Amendment, including Zoning and Overlay maps, shall illustrate the Coastal Zone Boundary including minor coastal zone boundary changes as approved on June 13, 2003.*

### **165. Modification – ESH Map Potential Biological Merit**

*Modify text on Environmentally Sensitive Habitat Zoning and Land Use Overlays Article II Map legend as follows: ~~“(Within these areas, the mapped ESH extent along streams is intended to represent the “Top of Creek Bank” only; the extent of any associated riparian habitat must be determined by site-specific review)~~*

### **166. Modification – ESH Map Monarch Butterfly Habitat**

The Environmentally Sensitive Habitat Zoning and Land Use Overlays Article II Map shall be amended to:

- A. Retain the existing overlay designation on Assessor Parcel Numbers 005-380-033, -034, -038 as illustrated in Exhibit 5 of this staff report.*
- B. Apply the Monarch Butterfly Habitat designation to the area at 3197 Padaro Lane as illustrated in Exhibit 6 of this staff report.*

### **167. Modification – ESH Map Padaro Lane Wetlands**

*The Environmentally Sensitive Habitat Zoning and Land Use Overlays Article II Map shall be amended to apply a new Wetland designation “Wetland (Not ESH)” to the drainage channels on the north side of Padaro Lane and south of Santa Claus Lane, with location as illustrated in Exhibit 6 of this staff report.*

### **168. Modification – ESH-TCP Overlay Map Kelp**

*The Environmentally Sensitive Habitat Zoning and Land Use Overlays Article II Map shall be amended to retain the existing overlay designation of offshore kelp as illustrated in Exhibit 5 of this staff report.*

### **169. Modification – Zoning Map Agriculture Conversion Parcels**

*The seven parcels (APNs # 155-014-013, 155-014-038, 155-014-039, 155-014-049, 155-014-056, 155-014-057, 155-014-058) designated as Single Family Residential 2-E-1 on the Zoning Map, located northeast of the intersection of Foothill and Toro Canyon Roads, shall be designated AG-I-40.*

**170.Modification – Watershed Protection Overlay Map**

*Amend Toro Canyon Plan Overlay Map to designate all lands within the coastal zone portion of the Toro Canyon Planning Area having slopes 30% or greater as Watershed Protection Overlay (WTR).*

**171.Modification – Watershed Protection Overlay District**

*Amend Section 35-53. Overlay District Designations and Applicability to add WTR Watershed Protection Overlay District to Overlay District list after AH Affordable Housing.*

*Amend Section 35-184.2 Board of Architectural Review: Applicability to add 9. WTR Watershed Protection Overlay District to end of list.*

*Add New Overlay District as follows:*

Section 35-102G. WTR Watershed Protection Overlay District

Section 35-102G.1 Purpose and Intent

The purpose of this overlay district is to protect watershed functions and rural character, where land use intensification, including removal of native vegetation and grading for new development, in areas of steep slopes have adverse impacts through increased surface runoff, erosion, downstream siltation, and hillside scarring. The intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that (1) provides maximum protection to coastal waters and downstream properties; (2) preserves rural character and public views; and (3) limits development in areas constrained by lack of adequate services and access, and geologic and fire hazards. Lands unsuited for development include lands that have slopes 30 percent or greater.

Section 35-102G.2 Applicability.

The provisions of this overlay district shall apply to land or water zoned WTR on the applicable Santa Barbara County Zoning Map.

Section 35-102G.3 Affect of WTR Overlay District

Within the WTR Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional regulations of the WTR Overlay District before the issuance of a Coastal Development Permit under Section 35-169.

Section 35-102G.4 Processing

A. In addition to other application requirements, applications for a coastal development permit for any development within this district shall include:

1. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including description of the surfacing material to be used.
2. A delineation of all streams, rivers, water bodies, wetlands, or ESH located on the site and any required setbacks or buffers.
3. Delineation of topography for the entire parcel(s) proposed to be developed.
4. A delineation of any disturbed areas on the parcel and evidence of previous permit or evidence showing no authorization was necessary for such disturbance, including clearance of native vegetation.
5. Detailed landscape plans.
6. A Storm Water Quality Management Plan (SWQMP) describing the Best Management Practices (BMPs) that will be implemented to protect water quality and minimize polluted runoff.
7. A Fuel Modification Plan.
8. Any other information pertinent to the particular development which might be necessary for the review of the project requested by the Planning and Development Department.

B. Any structural development in areas within this district shall be subject to approval by the Board of Architectural Review prior to issuance of a CDP as provided in Sec.35-184 Board of Architectural Review.

Section 35-102G.5 Additional Findings Required for Approval of Coastal Development Permits.

Prior to issuance of a coastal development permit for any development within the WTR Overlay District, a finding shall be made that the proposed development meets all applicable development standards in Sections 35-102G.9 through 35-102G.17.

Sec. 35-102G.6 Conditions on Coastal Development Permits.

A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of watershed function, rural character, and land unsuited for development. Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions.

Sec. 35-102G.7 Additional Findings Required for Approval of Conditional Use Permits.

In addition to the findings required for approval of a Conditional Use Permit in Sec. 35-172, no Conditional Use Permit shall be approved unless all of the following findings are made by the appropriate decision-maker:

1. The project does not require extensive alteration of the topography.
2. The project does not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream watercourses or water bodies.
3. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

Section 35-102G.8 Minimum Application Submittal Requirements for Conditional Use Permit.

In addition to the contents of the application required for Conditional Use Permits under Section 35-172.6, no application shall be accepted for processing unless accompanied by the following submittals:

1. A topographic map showing existing slopes, watercourses, and types of vegetation on the property.
2. The location and specifications of all existing and proposed roads, terraces, and structures.

Sec. 35-102G.9. Use of Property.

The uses of the property and the siting, design, and size of any development approved on parcels within this district, shall be limited, restricted, and/or conditioned to minimize impacts to coastal waters, downstream properties, and rural character on and adjacent to the property, to the maximum extent feasible. Where all feasible building sites are constrained, the County may only permit development as specified below in Sections 35-102G.10 through 35-102G.16. In no case shall the approved development exceed the following maximum standards.

Sec. 35-102G.10. Development Standards for Slopes.

Development shall be prohibited on slopes 30% or greater to the maximum extent feasible. In areas of unstable soils, highly erosive soils, or on slopes between 20% and 30%, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion.

Sec. 35-102G.11. Development Standards for Development Area.

The maximum allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites include areas 30% slope or greater are within this District shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. Mitigation of adverse impacts to hillside stability, coastal waters, downstream properties, and rural character that cannot be avoided through the implementation of siting and design alternatives shall be required.

Sec. 35-102G.12. Development Standards for Siting and Design.

All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.

Sec. 35-102G.13. Development Standards for Grading.

Grading and/or development-related vegetation clearance shall be prohibited where slope are 30 percent or greater, except that driveways and/or utilities may be located on such slopes, where there is no less environmentally damaging feasible alternative means of providing access to a building site, provided that the building site is determined to be the preferred alternative and consistent with all other policies of the LCP.

Sec. 35-102G.14. Confined Animal Facilities.

Confined animal facilities or corrals shall be prohibited where the slopes are 30 percent or greater.

Sec. 35-102G.15. Existing Disturbed Area.

Any disturbed area on the subject parcel(s) where previous permits or other historic evidence cannot be provided to indicate that the removal of vegetation and grading disturbance occurred pursuant to proper authorization, the County Planning and Development review shall assume that the removal was not legally permitted and the subject area(s) shall be restored, unless an after-the-fact coastal development permit is issued consistent with all current standards under the provisions of this Article. The County shall not recognize unauthorized vegetation removal or grading, and shall not predicate any approval on the basis that vegetation has been illegally removed or degraded.

Sec. 35-102G.16. Land Divisions.

Land divisions that would result in building pads, access roads, or driveways located on slopes 30% or greater, or result in grading on slopes 30% or greater shall be prohibited. All land divisions shall be designed such that the location of building pads and access roads minimizes erosion and sedimentation.

## **172.Modification – Toro Canyon Plan Overlay District**

*Amend proposed Section 35-194 of the Zoning Code (Exhibit 3) as follows:*

### **Sec. 35-194. General**

The provisions of this Division implement portions of Toro Canyon Plan components of the County's Local Coastal Plan and ~~serve to carry out certain policies of this Community Plan.~~ The provisions of this Division are in addition to the other provisions of this Article. Where provisions of this Division conflict with other provisions of this Article, the specific provisions of this Division shall take precedence. The development standards and actions within the Toro Canyon Plan are incorporated by reference within this Overlay District.

### **Sec. 35-194.1 Applicability**

The provisions of this section apply to the Toro Canyon Plan Area as defined by the "Toro Canyon Plan Land Use Map." All provisions of the Toro Canyon Plan, Coastal Land Use Plan and applicable portions of the Comprehensive Plan, including all applicable goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with the ~~TORO~~ this Overlay District.

### **Section 35-194.2 Processing**

A. In addition to other application requirements, applications for a coastal development permit for any new development on property that is within or adjacent to ESH, in this district shall include a detailed biological study of the site, prepared by a qualified biologist, or resource expert, that includes the following:

1. A study identifying biological resources, both existing on the site and potential or expected resources. Where trees suitable for nesting or roosting or significant foraging habitat is present, a formal raptor survey will be conducted as part of the biological study. The biological study will account for seasonal variations in presence and abundance and will follow standard protocols developed by state or federal resource agencies when available. In the absence of standard protocols for raptors, for nesting raptor surveys (March 1-June 15) or for wintering raptor surveys (December 1-March 15), at a minimum, the area will be surveyed for 2 hours between dawn and 10:00 a.m. on five occasions with at least one week between surveys. If there is appropriate

habitat for owls on site, on at least three of the surveys observations will also be made during the period immediately before nightfall.

2. Photographs of the site.

3. A discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and migration corridors.

4. An analysis of the frequency of wildfire affecting the site and the length of time since wildfire has last burned the site vegetation.

5. A map depicting the location of biological resources.

6. An identification of rare, threatened, or endangered species, that are designated or are candidates for listing under State or Federal Law, an identification of "fully protected" species and/or "species of special concern", and an identification of any other species for which there is compelling evidence of rarity, for example, plants designated "1B" or "2" by the California Native Plant Society, that are present or expected on the project site.

7. An analysis of the potential impacts of the proposed development on the identified habitat or species.

8. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition.

9. Project alternatives designed to avoid and minimize impacts to sensitive resources.

10. Mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives.

B. In addition to other application requirements, applications for a coastal development permit that are required to prepare and implement an Erosion and Sediment Control Plan, in this district shall include the following in the plan:

1. Description of the proposed practices to retain sediment on site and a schedule for their maintenance.

2. Description of surface runoff and erosion control practices to be implemented.

3. Description of vegetative practices to be used (including seeds, fertilizers, irrigation, and schedule for maintenance).

4. Measures to ensure that vehicles do not track materials onto public streets (and actions to remove such materials if necessary).

5. Best Management Practices for control of storm water and non-storm water discharges, such as discarded building materials, litter sanitary waste, washout of waste materials such as drywall, grout, gypsum, plaster, mortar, concrete, etc.

C. In addition to other application requirements, applications for a coastal development permit that are required to prepare and implement a Storm Water Quality Management Plan, in this district shall include the following in the plan:

1. Identification of potential pollutant sources that may affect the quality of the discharges to storm water.
2. The proposed design and placement of structural and non-structural BMPs to address identified pollutants.
3. A proposed inspection and maintenance program.
4. A method of ensuring maintenance of all BMPs over the life of the project.

Sec. 35-194.23 C-1 Zone District

1. All uses listed in the C-1 Zone District of this article shall be allowed in the C-1 Zone District of Toro Canyon except:

- Any single family residence where there is no commercial use;
- Lodges shall only be allowed with a major conditional use permit, rather than as a permitted use;
- Residential structures and ~~general practitioner's/professional offices~~ only as secondary to a primary commercial retail use. Retail uses shall be located in the more prominent locations of buildings such as on first floors fronting on pedestrian pathways, and/or where ocean views are available. Residential and ~~professional office~~ uses should be located on second floor but if on the first floor, then not on the street-facing part of the building. ~~Office uses shall be in less prominent locations than retail uses on the same site;~~
- Seafood processing and video arcades shall be allowed only as secondary uses to a primary use such as a restaurant and only when conducted entirely within an enclosed building.
- Hotels and motels shall be allowed as permitted use.
- Mini-mart/convenience stores shall be allowed as a permitted use.
- Auto service stations shall be allowed as a permitted use.
- Overnight recreation vehicle facilities shall be allowed with a Major CUP.
- Financial institutions shall not be a permitted use.
- General business offices (such as real estate offices and general practitioner's offices) shall not be a permitted use.

Secondary to a primary commercial use is defined as: a) A land use subordinate or accessory to a principal land use. b) When used in reference to residential use in conjunction with commercial and industrial uses in this Article, secondary shall mean two residential bedrooms per one thousand (1,000) square feet of total gross floor area of commercial or industrial development. However, in no event shall the

total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use. Gross floor area shall not include parking areas.

2. "Western Seaside Vernacular Commercial" is defined as follows.

The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular have occurred in Avila Beach and Stearns Wharf. The following are characteristic of Western Seaside Vernacular architecture.

Orientation and Massing

Low massing  
Little or no set-back from sidewalk edge

Roofs

Flat  
Pitched gable roofs, but not gambrel or mansard roofs

Roof Materials

Composition  
Wood shingles, subject to the allowances and limitations of the County Building Code  
Shingles made to resemble wood or slate

Windows

"Picture"  
Horizontally oriented multi-paned  
Multi-paned with wood sash and frames  
Wood framed

Doors

Simple wood  
Simple wood and glass  
Simple French doors

Siding

Board and batten  
Beveled tongue and groove  
Clapboard  
Shingles

Colors

Weathered wood  
Whitewash  
Neutrals  
Weathered colors

**Sec. 35-194.34 Findings**

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

**Sec. 35-194.45 Nonconforming Structures and Uses**

1. Nonconforming residential structures damaged or destroyed by calamity: Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall mean primary dwellings, secondary dwellings including Residential Second Units, guesthouses, farm employee dwellings, and all attached

appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that it meets the provisions of the Toro Canyon Plan and the certified LCP and evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

2. The reconstruction of a lawfully established primary residence in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the LCP including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.34. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls.

~~2. Residential structures that are nonconforming solely due to the Toro Canyon Plan: Any residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within twenty four (24) months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty four (24) month time limit may be extended by the Director one time for~~

~~good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.~~

3. Expansion of a legal nonconforming primary residence residential structures located within Environmentally Sensitive Habitat (ESH) buffer areas in an Existing Developed Rural Neighborhood: Any primary residence residential structure that is nonconforming solely due to its location within an ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with DevStd's BIO-TC-5.1 and BIO-TC-5.34 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, "residential structure" shall include ~~primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator.~~

4. Nonconforming agricultural support structures other than greenhouse development: Any nonconforming agricultural support structure, ~~other than "greenhouse development" as defined in the Carpinteria Agricultural (CA) Overlay,~~ that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "agricultural support structure" shall mean any structure, other than "greenhouse development" as defined in the CA Overlay, that is essential to the support of agricultural production on agriculturally-zoned property. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article. ~~Nonconforming "greenhouse development" as defined in the CA Overlay shall be subject to the provisions of the CA Overlay.~~

5. ~~Agricultural support structures that are nonconforming solely due to the Toro Canyon Plan: Any agricultural support structure that is nonconforming solely due to~~

~~any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "agricultural support structure" shall mean any structure that is essential to the support of agricultural production on agriculturally zoned property. Any such reconstruction or structural repair shall commence within twenty four (24) months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twentyfour (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.~~

~~6. Expansion of nonconforming agricultural support structures located within Environmentally Sensitive Habitat (ESH) areas or ESH buffer areas: Any agricultural support structure that is nonconforming solely due to its location within an ESH area or ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with Development Standards BIO-TC-5.1 and BIO-TC-5.3 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, "agricultural support structure" shall mean any structure that is essential to the support of agricultural production on agriculturally zoned property.~~

~~7. Nonconforming nonresidential structures: Any nonconforming nonresidential structure that is damaged or destroyed to an extent of seventy-five percent (75%) or more of its replacement cost at the time of damage by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed, provided that such reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. In addition, any nonconforming nonresidential structure that requires partial or complete reconstruction or structural repair due to normal wear and tear such as structural pest damage or dry rot may be repaired or reconstructed, provided that such repair or reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. Such a structure may be reconstructed or structurally repaired to the same or lesser size on the same site and in the same general footprint location, provided that:~~

- ~~i. The Zoning Administrator finds that the public health and safety will not be jeopardized in any way by such reconstruction or structural repair; and~~
- ~~ii. The Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship that would be suffered by the owner(s) of the~~

structure should reconstruction or structural repair of the nonconforming structure be denied.

Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of damage or destruction, or the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

8. Expansion of certain nonconforming structures located within front, rear, or side yard setback areas: Any structure that is nonconforming solely due to its location within a front, rear, or side yard setback area, due to any increase in such setback area that resulted from a change of zoning adopted with the Toro Canyon Plan, may be enlarged or expanded in a manner that does not further encroach into any such setback area and that otherwise conforms with the regulations of the Toro Canyon Plan and this Article.

9. Additions to non-conforming structures on a blufftop or on the beach that increase the size of the structure by 50 percent or more are not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Demolition and reconstruction that results in the demolition of more than 50 percent of the exterior walls of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Non-conforming uses may not be increased or expanded into additional locations or structures.

910. Nonconforming uses: The replacement or re-establishment of nonconforming uses is subject to the regulations of the Toro Canyon Plan and this Article only to the extent that some type of permit may be required by this Article. Any such permit may be approved only in conformance with the regulations of the Toro Canyon Plan and this Article.

Sec. 35-194.56 Architectural Review Standards

...

Sec. 35-194.7 Economically Viable Use

If it is asserted that the application of the policies and standards contained in this LCP regarding use of property within the Toro Canyon Plan area that is designated

as ESH would constitute a taking of private property, the applicant shall apply for an economical viability determination in conjunction with their coastal development permit application and shall be subject to the provisions of this section.

Sec. 35-194.8 Economically Viable Use Determination

The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a coastal development permit and economic viability determination is accepted for processing, the applicant shall provide the following information:

- a. The date the applicant purchased or otherwise acquired the property, and from whom.
- b. The purchase price paid by the applicant for the property.
- c. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
- d. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
- e. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection d above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
- f. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
- g. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
- h. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
- i. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
- j. The applicant's costs associated with the ownership of the property, annualized for each of the last five (5) calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
- k. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over

the last five (5) calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.

I. Any additional information that the County requires to make the determination.

Sec. 35-194.9 Supplemental Findings for Approval of Coastal Development Permit

1. A coastal development permit for use other than those permitted in the ESH overlay and Toro Canyon Plan provisions may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 35-169 (Coastal Development Permits):

a. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the ESH Overlay would not provide an economically viable use of the applicant's property.

b. Application of the ESH standards would interfere with the applicant's investment-backed expectations.

c. The use proposed by the applicant is consistent with the applicable zoning.

d. The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises.

e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified LCP other than the provisions for which the exception is requested.

f. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.

Sec. 35-194.10 Agricultural Soils

Structures, including greenhouses that do not rely on in-ground cultivation, shall be sited to avoid prime agricultural soils to the maximum extent feasible. If it is demonstrated that non-agricultural development cannot be sited to avoid prime soils, such development shall be minimized to ensure protection of prime soils including, but not limited to, the following measures: limiting the number of accessory structures, restricting size of structures and building pads, minimizing the length of roads and driveways, concentrating development, and restricting grading.

Sec. 35-194.11 Land Divisions

Lot line adjustments and conditional certificates of compliance shall only be permitted if each parcel being established could be developed without adversely impacting resources, consistent with Toro Canyon Plan policies and other applicable provisions.

## VII.FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section II (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

### A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting an amendment to the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP) to designate the Toro Canyon Planning Area (hereafter "Toro Canyon"); add associated Toro Canyon goals, policies, actions, and development standards; and adopt implementing zoning district and overlay maps. The amendment will result in changes to the certified Santa Barbara Coastal Land Use Plan (hereafter referred to as the LUP/CP) and to the certified Santa Barbara County Coastal Zoning Ordinance (hereafter referred to as the IP/CZO). The nature of these changes are described below. The detailed amendment submittal, resolutions, and ordinances are attached as Exhibits 1-5 to this report.

The County proposes to amend the Coastal Land Use Plan (LUP) as follows:

1. Amend the Coastal Land Use Plan to incorporate the Toro Canyon Plan (Exhibit 5)
2. Amend the existing Coastal Land Use Plan text as follows:
  - a. Amend Table of Contents, second page to reflect new "Appendix I – Toro Canyon Plan;"
  - b. Amend Section 4.2 (pg. 147) to reflect adoption of the Toro Canyon Plan within the larger Carpinteria Valley area;
  - c. Amend the land use definition of Semi-Rural Residential (pg. B-4) to read, "The purpose of this designation is to provide for residential development that will preserve the semi-rural character of the Montecito Planning Area and portions of the Toro Canyon Plan area..."[remainder unchanged];
  - d. Amend Tables D-1 and D-2 (pgs D-2 & D-5) to add notations reflecting adoption of the Toro Canyon Plan
  - e. Amend Tables E-2 & E-3 (pgs. E-3 & E-4) to add notations reflection adoption of the Toro Canyon Plan.
3. Amend the Coastal Land Use Plan Maps as follows:

- a. Create a new map titled, "Toro Canyon Land Use Designations, Coastal Plan"
- b. Create a new map titled, "Toro Canyon Plan Land Use Overlay Designations, Coastal Plan;"
- c. Create a new map titled, "Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay, Coastal Plan"
- d. Amend the existing "Carpinteria Valley Coastal Plan: Land Use Overlay" to remove the area that is covered by the Toro Canyon Plan;
- e. Amend the existing "South Coast Rural Region Land Use Designations, Coastal Plan;"
- f. Retire the "Carpinteria Coast Rural Area Land Use Designations, Coastal Plan." A portion of the map not covered by the new Toro Canyon Land Use maps will be remapped onto the existing "South Coast Rural Region Land Use Designations, Coastal Plan" map.

Amend text of the Coastal Zoning Ordinance (IP/CZO) as follows:

1. Amend Section 35-95, *Zoning Districts*, of the Zoning Code to add a new MT-TORO (Mountainous Area – Toro Canyon Plan) District;
2. Amend Section 35-162.2.d, *Nonconforming Structures and Uses*, to reflect special provisions that apply within the Toro Canyon Plan area;
3. Add Section 35-194, *TCP-Toro Canyon Plan Overlay*, to implement portions of the Plan related to commercial uses and architectural guidelines within the C-1 District on Santa Claus Lane, make various provisions for the replacement, reconstruction, and expansion of various types of nonconforming structures within the Plan area, and add architectural review standards that apply throughout the Plan area.

Amend Zoning Maps as follows:

1. Adopt new Zoning Map (No. 35-54.90.0) titled, "Toro Canyon Plan Zoning Districts (Coastal Area)," thereby superseding and retiring existing maps no. 35-54.50.0 (Carpinteria Coast Rural Area Zoning Designations Article II (Coastal Area)) and 35-54.1.19 (Carpinteria Area Zoning Districts Urban Areas Article II), and amending existing map no. 35-54.40.1 (South Coast Rural Region Zoning Districts Article II (Coastal Area)) and Ordinance 661;
2. Adopt new Zoning Overlay Map (No. 35-54.91.0) titled, "Toro Canyon Plan Zoning Overlay Districts (Coastal Area)," thereby amending existing map no. 35-54.2.3 (Carpinteria Valley Coastal Plan: Zoning Overlay);
3. Adopt new Zoning Overlay Map (No. 35-54.92.0) titled, "Environmentally Sensitive Habitat Zoning and Land Use Overlays Article II (Coastal Zone)," thereby amending existing map no. 35-54.2.3 (Carpinteria Valley Coastal Plan: Zoning Overlay)

## **B. BACKGROUND AND PURPOSE**

The Toro Canyon Planning Area spans 5,950 acres in southeastern Santa Barbara County, in the western portion of the Carpinteria Valley between the Santa Ynez Mountains and the Santa Barbara Channel. Of this amount, approximately 2,150 acres are located within the coastal zone boundary. The Toro Canyon area within the coastal zone is predominantly agriculture with a mix of other uses including clustered residential and recreation areas in the vicinity of Via Real Road, rural residential, beach residential along Padaro Lane, and commercial areas along Santa Claus Lane and Via Real at the eastern Padaro Lane/Highway 101 interchange.

Toro Canyon supports a diversity of biological resources, including southern oak riparian woodland, coastal sage scrub and chaparral. The watersheds of both Toro Creek and Arroyo Paredon Creek support stretches of relatively undisturbed habitat serving as wildlife corridors between the mountainous Los Padres National Forest and the Pacific Ocean.

The purpose of the proposed Toro Canyon Plan (TCP) and associated LCP amendment is to provide the general public, landowners, and County decision-makers with a framework for planning future development in Toro Canyon that addresses local issues and protects the unique character of the area.

Approximately one third of the western Carpinteria Planning Area would be encompassed by the Toro Canyon Plan. A separate amendment (LCPA 2-02) is also under reviewed by the Commission to identify the location and intensity of greenhouse development in the Carpinteria Planning Area. Although a portion of the Carpinteria Planning Area would be permanently removed from the Carpinteria Planning Area and incorporated into the Toro Canyon Planning Area, as proposed, the greenhouse LCP amendment would include an overlay district that would overlap into the Toro Canyon Plan boundaries. Therefore, the development standards of the LCP Amendment 2-02 would apply to some agricultural lands which are also subject to the proposed Toro Canyon Plan.

## **C. LCP ORGANIZATION AND IMPLEMENTATION**

The County has submitted the Toro Canyon Plan and associated land use, zoning, and overlay maps as an amendment to the certified Land Use Plan (LUP) and Implementation Program (IP). The Toro Canyon Plan is designed to provide specific policies and provisions to regulate the development within the Toro Canyon Plan area. A majority of the Plan area lies outside of the coastal zone boundary. The policies and provisions of the Plan cover both the Coastal Zone and Inland areas unless expressly stated otherwise. The Toro Canyon Plan was prepared as an "Area Plan" and thus was adopted in the same manner as a general plan amendment. The Toro Canyon Plan includes eleven elements: Land Use; Fire Protection/Hazards; Parks, Recreation, and Trails; Circulation; Public Services; Wastewater and Water; Biological Resources; Flooding and Drainage; Geology, Hillsides, and Topography; History and Archaeology;

and Visual and Aesthetic Resources. The document also contains maps, including a Land Use Map, Zoning, Trails Map, and Environmentally Sensitive Habitat (ESH) Overlay Map. Each element contains a narrative component as well as varying levels of policy.

The integration of the Toro Canyon Plan to serve as both the LCP and Area Plan for non-coastal areas has resulted in organizational features that are problematic under the Coastal Act. Some of the policies in the proposed Plan address general plan concerns (e.g., noise) that are unrelated to the Coastal Act. Also, some policies specifically refer to inland areas.

The Plan is organized into goals, policies, actions, and development standards. A "goal" for the purposes of an LCP amendment is interpreted as a broad general policy, which is binding under terms of the LCP. A "policy" is defined under this Plan as a specific statement that guides decision-making that is based on a general plan's goals and objectives as well as the analysis of data. The policy hierarchy is further broken down into "actions" which are defined as one-time actions, programs, procedures or development standards that carry out a policy. In general, actions are implementation level functions that require funding. Finally, "development standards" are measures that will be incorporated into development projects to provide consistency with the policies of the Plan.

Section 30108.5 of the Coastal Act defines the "Land Use Plan" as:

***...the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.***

Section 30108.5 thus distinguishes policies from the list of implementing actions. Section 30108.4 of the Coastal Act defines "Implementing Actions" as:

***...the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to Section 30502.***

The "implementing actions," are distinct from the LUP, which is the collection of policies that guide and are carried out by the implementing actions. The Commission also uses the term "Implementation Program" (IP) to describe the zoning ordinances, zoning maps, and other "implementing actions" within a Local Coastal Program (LCP).

The Coastal Act and Commission regulations require that implementing programs and actions be included in the IP portion of the LCP, and that enforceable portions of the LUP be policies. Policy LUG-TC-2 of the Toro Canyon Plan describes the function of development standards as follows:

***The Development Standards contained within this Plan shall be used to implement the policies of the Plan...***

As described above in Policy LUG-TC-2, it is the intent of the development standards to carry out the Plan policies in the Toro Canyon Plan. Actions also, by definition, carry out policies. Therefore, the Commission finds that LUP Modification 3 is necessary to incorporate Actions, as modified as described in the above Suggested Modifications section of this staff report, as part of the implementation program. Additionally, to ensure that development standards and actions are incorporated as part of the implementation program under the Toro Canyon Plan Overlay District (TCP), IP Modification 172 requires clarifying language in Sec. 35-194 (General) to incorporate all Toro Canyon Plan development standards and actions by reference within the TCP Overlay District.

Several development standards and actions have been modified, pursuant to further discussion in this report, in ways that have shaped them into policies that will guide decision-making and implementing actions. As a result, the Commission finds that LUP Modifications 33 and 55 are necessary to designate these proposed actions at a policy level. Additionally, LUP Modifications 12 and 69 are necessary to designate development standards as policies.

#### **1. Level of Specificity and Takings Language**

Section 30523 of the Coastal Act states:

***It is the intent of the Legislature that local coastal programs certified by the commission should be sufficiently specific to meet the requirements of Section 30108.5, but not so detailed as to require amendment and commission review for minor changes, or to discourage the assumption by local governments of post certification authority which ensures and implements effective protection of coastal resources. The Legislature also recognizes that the applicable policies and the level of specificity required to ensure coastal resource protection may differ between areas on or near the shoreline and inland areas.***

Pursuant to Section 30108.5 the land use plan needs to be sufficiently detailed to indicate the kinds, location, and intensity of land uses, as well as providing specific resource protection and development policies. Section 30523 of the Coastal Act references this (Section 30108.5) definition in relation to the specificity requirements necessary for certification of LCPs by the Commission. In general, the specificity of the policies, development standards, and implementing actions must ensure coastal resource protection. In some instances within the Toro Canyon Plan, the language does not provide enough specificity to predict the level of protection of coastal resources. In some cases, phrases such as "to the maximum extent feasible" or "where feasible" may be necessary where impacts clearly cannot be avoided; however, these types of phrases may alternately serve to dilute enforceable prohibitions or restrictions that would otherwise be protective of resources. In such cases, this type of language has the potential to lessen the protection and intent of the policies and provisions of the LCP. Therefore, the Commission finds that LUP Modifications 21, 92, 99, 109, and 153 are necessary to strike the text "where feasible," "where appropriate," and "to the maximum extent feasible" where it reduces the protection of coastal resources and

leads to ambiguity with regard to the implementation of the LCP, inconsistent with Section 30523 of the Coastal Act.

Similarly, language in Toro Canyon Plan Policy LUG-TC-2, which describes how the standards of the Plan would be applied, is inconsistent with Section 30523 of the Coastal Act due to lack of specificity. LUG-TC-2 states:

***The Development Standards contained within this Plan shall be used to implement the policies of the Plan. Where appropriate, these standards shall be applied to projects under review, unless a standard is inapplicable or ineffective and/or other standards have been required that more effectively implement the policies.***

The phrases "where appropriate" or "unless... inapplicable or ineffective..." weaken the implementation of the guiding policies. As a result, it cannot be predicted when the provisions of the LCP will be implemented. Therefore, LUP Modification 3 deletes the text that creates ambiguity as to whether development standards will be applied, thereby providing a greater degree of protection of coastal resources as required under Section 30523 of the Coastal Act.

Furthermore, the LCP submittal incorporates "takings" language that authorizes exceptions where standards of the Toro Canyon Plan preclude "reasonable use of property." Section 30010 of the Coastal Act provides legislative declaration for taking of private property as follows:

***The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.***

General Land Use policies LUG-TC-4 and LUG-TC-6 provide general takings language to override any standards of the Toro Canyon Plan or LCP applicable to the Toro Canyon Plan area. Additionally, several policies and development standards have specific language to apply standards "unless this would preclude reasonable development or reasonable use of property." This language creates a very broad exception to the policies and standards, which is unwarranted and extremely vague. Such an exception could be applied to allow development that is inconsistent with the policies of the Coastal Act. Alternatively, for some of these provisions, the Coastal Act does not require an absolute prohibition on the type of development addressed. Therefore, these provisions can be modified to provide flexibility and there is no need for a takings exception. Therefore the Commission finds that LUP Modifications 7, 8, 32, 37, 41, 44, 72, 108, 126, and 149 are necessary to delete all references to reasonable use of property.

The only appropriate exception to policies or standards that are required to comply with policies of the Coastal Act is when it is necessary to avoid an unconstitutional taking of

private property. The deletion of the County's general "takings" language, as required above, will not preclude reasonable use of property. To address issues where there are known conflicts with ESH policies and where exceptions may be necessary to avoid an unconstitutional taking of private property, LUP Modifications 79 and 80 have been included to allow applicants to demonstrate that an exception to an ESH policy or standard is necessary to avoid a taking. IP Modification 172 (Sections 35-194.7, 35-194.8, and 35-194.9 of the Zoning Code) includes ordinance provisions that specify what information must be considered to determine whether application of the ESH policy or standard would be a taking, and if so, to determine the extent of development that must be allowed to avoid a taking.

Additionally, where all feasible building sites are constrained by a prohibition of development on slopes 30% or greater, IP Modification 171 specifies that the approved development may not exceed the maximum allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites include areas 30% slope or greater are within this District shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. Mitigation of adverse impacts to hillside stability, coastal waters, downstream properties, and rural character that cannot be avoided through the implementation of siting and design alternatives shall be required.

In the future, if parcels are identified where it would be infeasible to approve development that complies with another standard of the LCP that is required to comply with the policies of the Coastal Act, the County has the ability to propose an LCP amendment that specifically identifies the parcel(s), provides the supporting documentation to determine whether takings exists, and requests authorization of development that does not comply with the relevant standards.

## **2. Relationship between Comprehensive Plan and Toro Canyon Plan**

The Toro Canyon Plan contains both LCP policies and Comprehensive Plan (Inland) policies, which in some cases are mutually exclusive. Some policies are specifically designated for inland areas only. In addition, some policies address community objectives unrelated to the Coastal Act. It is inappropriate for policies not covered by the Coastal Act to be certified as part of the Local Coastal Program. However, the deletion of such language is not appropriate given that the project represents a regional planning approach. Therefore, to strike a balance which allows non-coastal language to remain as part of the document but which shall not be deemed part of the certified LCP, the Commission finds that LUP Modifications 155 and 156 are necessary to designate these non-coastal designations by requiring that applicable policies or standards be marked by special footnote, or other symbol, to clarify that such provisions are not binding under the certification process. Furthermore, all policies, development standards or policies subject to 155 and 156 are designated with an asterisk in the Modification Tables. The asterisk identifies provisions of the Plan that shall be still be applied within the coastal zone but which shall not represent certified language of the LCP, and shall therefore not be appealable to the Commission.

To further clarify the relationship between the Comprehensive Plan (Inland) and the LCP, LUP Modification 2 modifies Policy LUG-TC-1 to reflect that should there be any conflict between the certified LCP, including the provisions of the Toro Canyon Plan, and the County's Comprehensive Plan or other guidance, the protections provided under the LCP shall prevail for areas within the coastal zone.

### **3. Relationship between Existing LCP and Toro Canyon Plan**

Section 30522 of the Coastal Act states:

***Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency that are formally adopted by such agency, are used in the regulatory program of such agency, and are legally enforceable.***

The Toro Canyon Plan includes, by reference, relevant policies of the Coastal Land Use Plan as described in Policy LUG-TC-1 of the Toro Canyon Plan. The policy direction and development standards of the Toro Canyon Plan will govern site-specific development proposals. Coastal Act Policy 30522 does not allow certification of an LCP that provides for a lesser degree of environmental protection than other adopted plans, programs or policies of the regulatory agencies, including the existing certified LCP. To ensure the maximum level of protection of coastal resources, should any conflict arise between the Toro Canyon Plan and the existing certified LCP, LUP Modification 2 clarifies that if any policy or provision of the Toro Canyon Plan conflicts with any provision of the certified LCP, the policy that is most protective of resources, shall prevail.

### **4. Coastal Zone Boundary Change**

On June 13, 2003, the Coastal Commission approved minor boundary adjustment MBA No. 01-2003 for the Toro Canyon Planning Area which proposed to adjust the boundary in order to minimize and, where possible, avoid the bisection of individual properties, to improve the ease of locating the line in relation to readily identifiable features, and to encompass areas of environmentally sensitive habitat which are presently bisected. The County's request was based primarily on the rationale that adjustments to these parcels would improve the administration of the LCP in this area by simplifying and clarifying the location of the Coastal Zone Boundary in relation to property boundaries. The Commission approved the minor relocation boundary with the exception of three parcels (005-040-025, -031, -040) due to the presence of Toro Creek and adjacent environmentally sensitive habitat areas. The Toro Canyon Plan figures and Land Use and Zoning maps submitted under this LCP Amendment illustrate the *proposed* coastal zone boundary. Since the June approval, the County has provided some updated figures that indicate the Commission-approved minor boundary adjustment. Exhibits to this staff report may not contain the June 13, 2003 coastal zone boundary adjustment. However, an accurate coastal zone boundary delineation is shown on the proposed ESH Map as displayed in Exhibit 8. To ensure that the coastal zone boundary is accurately depicted and to avoid any potential conflicts regarding interpretation of the

coastal zone boundary, LUP Modification 157 and IP Modification 164 require that all figures and maps illustrate the June 13, 2003 approved boundary adjustment.

## **5. Incorporation By Reference and Implied Approvals**

Section 30514 states:

***(a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.***

...

The County's amendment makes a number of references to documents in ways that could be interpreted as land use guidance. These referenced materials have not been submitted as an LCP amendment, are not presently part of the certified LCP, and are subject to change without further notice to the Commission. Furthermore, the overall incorporation (by reference in this case) of such documents into the certified LCP has potential wide-ranging effects that were not specifically reviewed for impacts to coastal resources or adequately addressed during noticing of the LCP amendment. Therefore, to ensure that all implementing ordinances, regulations, or other actions within the coastal zone are officially certified as required under Section 30514 of the Coastal Act, the Commission finds that LUP Modification 2 is necessary to clarify that any references to external documents or other non-certified guidance shall not override the protections afforded in the certified LCP. Where specific references to external documents are incorporated into policies or standards and which may inadvertently incorporate larger issues that are not subject to this amendment, and subsequently have the potential to weaken implementation of such provisions, the Commission finds that such references shall be deleted as provided in LUP Modifications 31, 107, 111, 132, and 151. Though external documents cannot be relied upon for land use and permitting decisions in the coastal zone unless adopted, incorporated and certified by the Commission, this limitation does not preclude the County's administrative use of these documents for informational purposes during CDP review and does not limit their applicability to other required approvals or permits. In particular, Action FLD-TC-1.5 has been modified, pursuant to LUP Modification 116, to ensure that the preliminary engineering external document is relied upon only as guidance and does not allow future projects to preempt any provisions of the certified LCP.

Additionally, some policies reference documents and programs that have not yet been developed. As provided in Section 30514, the Coastal Act requires any documents that modify implementing ordinances, regulations, or other actions within the coastal zone to go through the certification process. However, to avoid any future confusion and eliminate any implied future approval, LUP Modification 2 clarifies that any future modification(s) to the Toro Canyon Plan or the implementing actions, including any recommended modifications, studies, plans, programs, or other changes, shall not be effective until and unless it has been certified by the Coastal Commission as an amendment to the LCP. The Commission further finds that LUP Modifications 6 and 14

are necessary for clarification purposes where the policies refer to specific future amendments of the Toro Canyon Plan or ordinances but do not specify that they are not effective until and unless certified by the Coastal Commission.

Furthermore, all projects and/or project recommendations arising as a result of policies, development standards, or actions of the Toro Canyon Plan are subject to all of the policies and provisions of the Toro Canyon Plan and certified LCP, and may require an LCP Amendment for full implementation. Where specific policies or provisions of the Toro Canyon Plan require project consistency with other general standards but do not reference the LCP, the Commission finds it necessary to specify that all such projects must be consistent with the policies and provisions of the Toro Canyon Plan and the certified LCP as described in LUP Modifications 12 and 13.

The Commission further requires LUP Modification 152 to delete Appendix B of the Toro Canyon Plan, which provides a list of approved and pending projects in 1999, to eliminate any confusion that these projects are approved as a result of the certification of the Toro Canyon Plan. New development, including any pending projects, will be subject to the policies and provisions of the Toro Canyon Plan when the full certification process is complete and the Commission has concurred with the Executive Director's determination that the County's acceptance of the suggested modifications is legally adequate.

Note, the certification of the Land Use Plan and Zoning Maps, or any portion of the Toro Canyon Plan, does not constitute a finding that the parcel lines shown are indicative of lot legality. Parcel delineations are for general planning purposes only and no such approval is implied.

## **D. SCENIC AND VISUAL RESOURCES**

### **1. Coastal Act Policies**

Section 30251 of the Coastal Act states:

***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

## 2. Existing LUP Policies

### Policy 3-13:

***Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.***

### Policy 3-14:

***All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.***

### Policy 4-2:

***All commercial, industrial, planned development, and greenhouse projects shall be required to submit a landscaping plan to the County for approval.***

### Policy 4-3:

***In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public view places.***

### Policy 4-4:

***In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.***

### Policy 4-6:

***Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.***

### Policy 4-9 (View Corridor Overlay):

***Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway #101, and shall be clustered to the maximum extent feasible.***

### Policy 4-10 (View Corridor Overlay):

***A landscaping plan shall be submitted to the County for approval. Landscaping when mature, shall not impeded public views.***

Policy 4-11 (View Corridor Overlay):

**Building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.**

Policy 8-7:

**Landscaping and screening shall be installed within six months of completion of new greenhouses and/or accessory buildings. Such landscaping shall reasonably block the view of greenhouse structures and parking areas from the nearest public road(s) within five years of project completion.**

### **3. Existing IP/CZO Policies**

Sec. 35-59. Development Standards: General.

**The policies in this DIVISION 3 are part of the Santa Barbara County Coastal Land Use Plan (LUP) and hereby incorporated into this Article. These policies shall serve as development standards for all developments subject to the provisions of this Article.**

**1. In areas designated as rural, except rural neighborhoods, on the Land Use Plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.**

**2. In areas designated as urban and rural neighborhoods on the Land Use Plan maps, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.**

**3. The densities specified in the Land Use Plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes. However, densities may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the local Coastal Program.**

**4. In no case shall above-ground structures, except for necessary utility lines and fences for agricultural purposes, be sited on undisturbed slopes exceeding 40 percent.**

Sec. 35-96.3. VC View Corridor Overlay District: Processing.

**1. Any structural development in areas within the View Corridor Overlay district shall be subject to approval by the Board of Architectural Review prior to issuance of a Coastal Development Permit.**

**2. The application to the Board of Architectural Review shall include a plot plan showing any landscaping, finished building elevations, data showing the proposed color scheme, materials of construction, and a drawing to scale showing any signs to be erected, attached to or painted on such structure.**

**3. The Board of Architectural Review shall approve the plans if it finds conformance with the following standards:**

**a. Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.**

**b. Building height shall not exceed 15 feet above average finished grades, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the base zone district shall apply.**

**c. Structures shall not be of an unsightly or undesirable appearance.**

**4. If, after review, the Board of Architectural Review determines that the proposed structure(s) obstructs views to the ocean are of a height or scale so as to be inharmonious with the surrounding area or are of an undesirable or unsightly appearance, the Board of Architectural Review shall confer with the applicant in an attempt to bring the plans into conformance with the standards listed above. If the plans are not brought into conformance with said standards, the Board of Architectural Review shall disapprove the plans and no Coastal Development Permit shall be issued.**

**5. If the applicant is not satisfied with the action of the Board of Architectural Review, the applicant may within 10 days after the action of the Board of Architectural Review appeal in writing to the Planning Commission in accordance with the provisions of Sec. 35-182.2. (Appeals). The Planning Commission shall hold a public hearing on said appeal. If the appeal is granted by the Planning Commission, the Coastal Development Permit shall be issued provided all other requirements of this Article have been met.**

#### **4. General Discussion**

The Toro Canyon Planning Area encompasses southeastern Carpinteria Valley, the aligning foothills, Paredon Ridge, and sheer upper face of the Santa Ynez Mountains to the Pacific coastline. The character of the areas is dominated by agriculture, rural, and semi-rural residential land uses with some smaller commercial areas. As provided in the Toro Canyon Plan, the area provides vistas of great natural beauty, visible from major travel corridors as well as from public trails, public streets and parks in the Santa Ynez foothills and Paredon Ridge. Major view corridors into Toro Canyon include U.S. Highway 101, Via Real, State Route 192 (East Valley Road/Foothill Road), Toro Canyon Road, and Ladera Lane. Furthermore, the rolling foothills, ridgelines, creeks, rock outcroppings, and woodlands contribute to the area's high scenic value. Open space areas of chaparral, oak woodlands, and riparian vegetation are visible from much

of the area. Paredon Ridge forms a dominant backdrop to the coastal plain with its natural landforms, native vegetation, and scattered orchards contributing greatly to Toro Canyon's rural and semi-rural character.

Coastal Act Section 30251 requires that visual qualities of coastal areas be protected, landform alteration be minimized, and where feasible, degraded areas shall be enhanced and restored. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded. Furthermore, Policy 4-3 of the certified LUP requires that new development in rural areas be compatible with the character of the surrounding natural environment in height, scale, and design. Additionally LUP Policy 3-14 requires that new development be designed to fit the topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Policy 3-14 further requires that areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

The Toro Canyon Plan proposes policies and development standards to site and design development to protect public views and be compatible with the rural and semi-rural character of the area. New development must be designed to avoid or minimize hillside and mountain scarring and minimize the bulk of the structures visible from public viewing areas. Among the possible mitigation measures required to ameliorate the visual impacts of new development are increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways. Furthermore, the visual policies require suitable location of new development on ridgeline properties, minimization of impacts to open space and avoidance of damage to natural resources. Measures include minimizing grading and vegetation removal, and siting new development to be subordinate to natural features such as mature trees, woodlands, and ridgelines. However, the siting and location policy related to ridgeline development is applied only to development in urban areas. The Commission finds that this policy can only effectively protect visual resources and ridgelines if it applies in all circumstances, as described in LUP Modification 150. Additionally, DevStd PRT-TC-2.1, as modified in LUP Modification 32, requires development adjacent to trail easements to include setbacks and landscaping to minimize conflicts between use of private property and public trail use.

In referencing visual resources under Section 30251, the Coastal Act includes protection of visual and aesthetic resources as "coastal" resources, and references to the general protection of "resources" would therefore include visual resources. Subsequently, overarching goals of the Toro Canyon Plan, which generally apply the protections of the Chapter Three Policies of the Coastal Act, apply to visual resources. For instance, Goals LUG-TC, LUR-TC, and LUA-TC, as modified in suggested LUP

Modifications 1, 11, and 16, provide for new development in a manner that avoids degradation of the natural environment and other coastal resources.

Even with the proposed requirements for siting and design of new development, the Commission finds that visual resources could be degraded if an overarching development standard for protection of resources, including visual resources, is not clarified. Therefore, to protect the scenic and visual resources consistent with Section 30251 of the Coastal Act and LUP Policy 4-3, LUP Modification 4 is necessary to specify that all development, including agriculture, shall be scaled to protect resources, including visual resources, and to respect site constraints such as steep slopes. Regulatory measures to ensure such protection shall include but not be limited to restrictions on the following: size; color; reflectivity and height of structures; roofs and other architectural features; length of driveways; number of accessory structures; size of development envelopes; amount and location of grading; vegetation removal; and night lighting.

Additionally, the LCP amendment provides several policies and implementation measures to protect watershed functions and rural character where land use intensification, including removal of native vegetation and grading for new development, in areas of steep slopes may result in increased surface runoff, erosion, downstream siltation, and hillside scarring. Section E.6 (Watershed Protection) of this report discusses the policies and suggested modifications for watershed protection in further detail below. However, a function of watershed protection is the preservation of visual resources and rural character. Visual resources are vulnerable to degradation through improper location and scale of building development, blockage of coastal views, alteration of natural of landforms by poor cutting, grading, and filling practices, and by poor design or placement of roadside signs and utility lines. To protect views and rural character as well as other coastal resources, Policy BIO-TC-12, DevStd GEO-TC-1.1, and Action GEO-TC-3.4, as modified as suggested in LUP Modifications 126 and 132, minimize fragmentation of vegetation, restrict development on 20% to 30% slopes, and require that exempt roads that require grading of greater than 50 cu. yds. to be subject to permit. Furthermore, the policies that provide for overall watershed planning are inherently linked to visual resources as a result of the development restrictions on steep slopes that are visible from public viewing areas in the Toro Canyon Area, including policies and development standards added in suggested modifications, 101, 105, 127, 128, 129, 130, and 131. These policies and standards work in combination to site, design, and concentrate development in existing developed areas, minimize road lengths and driveways, and reduce fuel modification to the maximum extent feasible, prohibit development (including fuel modification, vegetation clearance and grading) on greater than 30% slopes, and prevent land divisions where land is unsuitable for development and would lead to additional parcels and development on properties with geologic hazards and steep slopes. These measures will serve to minimize impacts to visual resources consistent with Section 30251 of the Coastal Act.

Specifically, the Commission finds that development on slopes 30% or greater have the potential to substantially degrade the area's visual resources. As part of a watershed

planning approach which will preserve views and character to the maximum extent feasible the Commission finds it necessary to institute a program to designate properties having 30% or greater slopes as a Watershed Protection Overlay District and prohibit development on such slopes to the maximum extent feasible and consistent with siting, design, grading, water quality management, and land division development standards as detailed in LUP modification 159 and IP Modifications 170 and 171 (see "Watershed Protection" Section of this staff report). The Watershed Protection Overlay District includes provisions for Board of Architectural Review prior to issuance of a CDP for all proposed structures on slopes 30% or greater. Protection of the visible slopes and ridgelines is consistent with Section 30251 and IP modifications 170 and 171 conform with and are adequate to carry out the relative provisions of the Toro Canyon Plan LUP policies.

The Commission therefore finds that the proposed LUP amendments as submitted are inconsistent with and inadequate to carryout the requirements of Section 30251 of the Coastal Act unless modified as suggested above. Furthermore, the proposed IP amendments are not consistent with or adequate to carryout the provisions of the LUP, as modified, unless modified as suggested above.

## **E. HAZARDS, WATERSHED PROTECTION AND WATER QUALITY**

### **1. Coastal Act Policies**

Section 30230 of the Coastal Act states that:

***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.***

Section 30231 of the Coastal Act states that:

***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.***

Section 30233 of the Coastal Act states, in part:

***(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging***

*alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(7) Restoration purposes.*

*(8) Nature study, aquaculture, or similar resource dependent activities.*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already*

*developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section 30235 of the Coastal Act states:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Section 30236 of the Coastal Act states:

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30250 of the Coastal Act states, in relevant part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels...*

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually*

*compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30253 of the Coastal Act states, in part, that new development shall:

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

## **2. Existing LUP Policies**

Policy 2-2:

*The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district...*

Policy 2-5:

*Water-conserving devices shall be used in all new development.*

Policy 2-10:

*Annexation of rural area(s) to a sanitary district or extensions of sewer lines into rural area(s) as defined on the land use plan maps shall not be permitted unless required to prevent adverse impacts on environmentally sensitive habitat, to protect public health, or as a logical extension of services.*

Policy 3-1:

*Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.*

Policy 3-2:

**Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.**

Policy 3-3:

**To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, or where such restriction would cause the inverse condemnation of the parcel by the County.**

Policy 3-12:

**Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.**

Policy 3-13 (Hillside and Watershed Protection):

**Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.**

Policy 3-14 (Hillside and Watershed Protection):

**All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparations is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.**

Policy 3-15 (Hillside and Watershed Protection) :

**For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before beginning the rainy season.**

Policy 3-16 (Hillside and Watershed Protection):

**Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.**

Policy 3-17 (Hillside and Watershed Protection):

**Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be**

***stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.***

Policy 3-18 (Hillside and Watershed Protection):

***Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.***

Policy 3-19 (Hillside and Watershed Protection):

***Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.***

Policy 3-20 (Hillside and Watershed Protection):

***All development within the coastal zone shall be subject to the slope density curve (Plate A) of the County Zoning Ordinance No. 661 (Article VII, Section 20). However, in no case shall above-ground structures, except for necessary utility lines and fences for agricultural purposes, be sited on undisturbed slopes exceeding 40 percent.***

Policy 3-21 (Hillside and Watershed Protection):

***Where agricultural development will involve the construction of service roads and/or the clearance of natural vegetation for orchard development, a brush removal permit shall be required.***

Policy 3-22 (Hillside and Watershed Protection):

***Where agricultural development will involve the construction of service roads and the clearance of major vegetation for orchard development, cover cropping or any other comparable means of soil protection shall be utilized to minimize erosion until orchards are mature enough to form a vegetative canopy over the exposed earth.***

Policy 7-29:

***Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses, i.e., campgrounds, that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.***

Policy 9-11:

***Wastewater shall not be discharged into any wetland without a permit from the Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.***

Policy 9-14:

***New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a***

**reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.**

Policy 9-14:

**All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.**

### **3. Existing IP/CZO Policies**

Sec. 35-61. Development Standards: Beach Development.

**1. To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, or where such restriction would cause the inverse condemnation of the lot by the County.**

Sec. 35-97.9. ESH Environmentally Sensitive Overlay District: Development Standards for Wetland Habitats (in relevant part).

**1 All diking, dredging, and filling activities shall conform to the provisions of PRC §§ 30233 and 30607.1 of the Coastal Act. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:**

**...b. Dredging shall be limited to the smallest area feasible.**

**c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as delineated on the Spoil Storage Map dated February 1981. (Projects which result in discharge of water into a wetland require a permit from the California Regional Water Quality Control Board.**

**2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.**

**3. Except in Ocean Beach County Park, boating shall be prohibited in all wetland areas except for research or maintenance purposes.**

4. *Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in paragraph 5 of this Section, below...*

5. *Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.*

6. *Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.*

7. *Wetland sandbars may be dredged, when permitted pursuant to paragraph 1 of this Section and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.*

8. *No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.*

9. *New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.*

10. *Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.*

11. *No grazing or other agricultural uses shall be permitted in coastal wetlands except at the mouth of the Santa Maria River.*

Sec. 35-97.15. ESH Environmentally Sensitive Overlay District: Development Standards for Rocky Points and Intertidal Habitats.

*...3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.*

Sec. 35-97.18. ESH Environmentally Sensitive Overlay District: Development Standards for Native Plant Community Habitats (in relevant part).

*Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.*

**...2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.**

Sec. 35-97.19. ESH Environmentally Sensitive Overlay District: Development Standards for Stream Habitats.

**1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:**

- a. Soil type and stability of stream corridors.**
- b. How surface water filters into the ground.**
- c. Slope of land on either side of the stream.**
- d. Location of the 100-year flood plain boundary.**

**Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.**

**2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route location is feasible. All development shall incorporate the best mitigation measures feasible.**

**3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.**

**4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.**

**5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.**

**6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of P.R.C. § 30236 of the Coastal Act.**

#### **4. General Discussion**

The above Coastal Act policies, existing LUP policies, and implementation measures outline the County's program to abate hazards (e.g., flood, fire, erosion) and protect natural landforms, shoreline processes and water quality. The Toro Canyon Plan provides basic requirements for new development to implement fire protection measures. Fire hazard abatement policies were not modified, except as they relate to fuel modification. Suggested modifications pertaining to fuel modification are discussed in Section G.9, "Fuel Modification." The following sections address Flood Hazard, Shoreline Erosion and Protective Devices, Watershed Protection, and Water Quality.

#### **5. Flood Hazard**

Coastal Act Section 30250 provides a framework for new development to concentrate structures, minimize road lengths through site design, and avoid individual or cumulative impacts to coastal resources. Section 30253 provides that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Section 30236 allows for alterations to streambeds when required for flood control projects where no other feasible less damaging alternative is feasible and when necessary to protect public safety or existing development.

Four major creeks originate in the Santa Ynez Mountains and flow southward through the Toro Canyon Plan area: Picay Creek, Toro Creek (east and west branches), Garrapata Creek, and Arroyo Paredon Creek. Major flood control maintenance activities occur annually in these areas, including dredging of sediment and removal and spraying of creek vegetation. The purpose of annual maintenance is to remove obstructions that could either cause flooding, significant erosion, or plugging of downstream culverts and bridges. Many older developments lie within the 100-year

floodplain; however, new development is required to be at least two feet above the 100-year flood elevation.

The Flood Control District is authorized under Ordinance No. 3095 to determine appropriate standard for development subject to flooding within 50 feet of the top of bank of any watercourse. This document, however, is not a certified part of the LCP. Additionally, the implementation of flood control maintenance activities are predicated on the *Santa Barbara County Flood Control and Water Conservation District Annual Maintenance Plan*, which provides annual goals and projects to be carried out by the Flood Control District. Similarly, this document is not a certified part of the LCP.

The LUP contains the certified policy language that directs development in flood hazard areas. The intent is to avoid exposing new developments to flood hazards and to reduce the need for future flood control protection devices and resulting alteration of streams by regulating development within the 100-year floodplain. Hillside and Watershed Protection policies require areas subject to flood hazards to remain in open space and to provide suitable drainage.

The policies, development standards, and actions proposed in the Toro Canyon Plan are designed to minimize flood risk and erosion, prohibit new development from altering stream channels, and encourage restoration along creek banks. The proposed Toro Canyon Plan contains a number of policies which provide for the siting, design and construction of new development in a manner and/or location which minimizes risks from geologic, flood and fire hazard including a requirement that applications contain grading, drainage, and interim erosion control plans. Additional development standards provide for mitigation measures for development within flood hazard areas and adequate erosion and drainage control measures.

Policy FLD-TC-1 of the Toro Canyon Plan requires the minimization of flood risks through siting and land use controls, and engineering solutions for existing problems. The use of engineering solutions implies hardbank-type solutions. While Section 30236 of the Coastal Act allows for flood control projects when necessary to protect public safety or existing development, it also states that such projects shall be the least damaging alternative. The Commission finds that there may be less structural solutions and these types of alternatives should be carefully examined before contemplating a more permanent engineering solution. Therefore, the Commission finds it necessary to revise Policy FLD-TC-1, pursuant to LUP Modification 106, to specify that flood risks to life and property shall be minimized through appropriate sizing, design, siting, and land use controls, for new development. Existing problems would be addressed under separate new policy as described in LUP Modification 114 to require existing flood hazards to be addressed using the least environmentally damaging alternative consistent with all applicable policies of the Local Coastal Program and consider routine maintenance or other less intrusive solutions as a first priority over engineering structural solutions.

Development standards FLD-TC-1.1, FLD-TC-1.2, and FLD-TC-1.3 address siting and design constraints in floodways and floodplains. Under the Coastal Act, development must assure that it will not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. DevStd FLD-TC-1.1 requires development to be sited outside of floodways except for when it is consistent with other, non-certified, chapters of the County code. As discussed previously (refer to Section C.5, "Implied Approvals") such non-certified materials may serve as additional guidance to decision-makers, but the certified language of the LCP overrides that guidance in the coastal zone so this text has been stricken. DevStd FLD-TC-1.2 addresses siting of development within specific floodplains. Development within floodprone areas such as floodways and floodplains increases risk from flood hazard. This is inconsistent with Coastal Act requirements. Therefore, these two provisions have been combined as provided in Suggested LUP Modifications 107 to prohibit structures in floodprone areas except where it is an otherwise approvable project and no alternative building sites exists on the property. Furthermore LUP Modification 107 requires mitigation measures that eliminate or minimize risks as a result of such development. Non-structural public access improvements such as trails and accessways would continue to be permissible within floodprone areas consistent with the other provisions of the LCP.

In conjunction with the modifications to FLD-TC-1.1, LUP Modification 108 deletes reference to the siting of development in floodplains which is now restricted under Modification 107. In addition, the "reasonable use" language is no longer necessary since development will be located outside of the floodplain to the maximum extent feasible. Furthermore, reference to removal of significant riparian and wetland vegetation has been deleted since these would be environmentally sensitive habitats under the Toro Canyon Plan and LCP. Therefore, development in the ESH or ESH buffer would not be allowed except as authorized under LUP Modifications 79 and 80. DevStd FLD-TC-1.2 prohibited development within the floodplains unless such development would accomplish a major public policy goal of the Toro Canyon Plan or other beneficial projects approved by the Board of Supervisors. This language appears to give unlimited authorization for development for which there is inadequate information to assess the extent of impacts to coastal resources. Therefore, LUP Modification 108 deletes that language.

Additionally, LUP Modification 109 is necessary to ensure consistency with Coastal Act Section 30253 with regard to minimization of exposure to hazards. DevStd FLD-TC-1.3 requires development requiring raised finished floor elevations in areas prone to flooding to be constructed on raised foundations rather than fill material where feasible. However, since these types of engineering solutions are technically feasible, the language implies that this provision may not apply for other feasibility issues such as economics. Since it is technically feasible to avoid such hazards, LUP Modification 109 strikes the text "where feasible."

Action FLD-TC-2.4 provides standards for a comprehensive Master Drainage Plan in Toro Canyon such that drainage would be conveyed to the nearest drainage facility able to accommodate it, diversion of natural flow is avoided unless adequate facilities

exist, and the plan does not propose improvements that are inconsistent with modern floodplain management goals and environmental protection goals. While a Master Drainage Plan may be appropriate, it is not clear what is meant by modern floodplain and environmental protection "goals." This is a vague statement and is not specific as to the goals and standards by which future projects will be judged. Therefore, the Commission requires LUP Modification 120 to delete this reference. Furthermore, because actions implement policies, LUP Modification 119 provides a policy basis for the implementation of a Master Drainage Plan, for organizational consistency.

During the course of the Toro Canyon ESH review the County identified wetlands north of Padaro Lane, between the railroad tracks and the roadway, and along Santa Claus Lane (see Exhibit 6). These wetlands represent excavated drainages for the purpose of routing runoff downstream. These drainages were found to contain hydrophytic vegetation, thereby meeting the Commission's definition of wetland. The presence of these wetlands was confirmed in the field by Commission biologist, Dr. John Dixon. Dr. Dixon confirmed that these areas did meet wetland criteria but did not meet the definition of an environmentally sensitive habitat area. Therefore, the Commission requires these wetland areas to be mapped as "Wetland (Not ESH)" on the ESH Map as provided in LUP Modification 162 and IP Modification 167. See Section "Flood and Fire Hazard" for policy details on flood control issues.

Because these areas are not ESH, and they need to continue to convey floodwaters to protect existing structures from flood hazard, the Commission finds that it is appropriate to allow flood control activities which remove vegetation, debris, and sediment buildup in a manner that will not result in the enlargement, extension, or expansion of the existing drainage channels as prescribed in LUP Modification 75.

Land divisions may not be approved if the new parcels would not assure stability and structural integrity and create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area as required under Sections 30253 of the Coastal Act. A land division cannot be approved unless every new lot created would contain an identified building site that could later be developed consistent with all policies and standards of the LCP. Therefore, to ensure that minimize the amount of development subject to flood hazards, the Commission requires LUP Modification 124 to prohibits land divisions unless all proposed parcels can be demonstrated to be safe from flood hazards and that a safe, legal, all-weather access road can be constructed in conformance with all applicable policies of the LCP.

See Section G.9 "Stream Protection" for analysis of flood control related provisions that relate to stream alteration, erosion control, and restoration.

Based on the findings above, the Commission therefore finds that the proposed LUP amendments with regard to hazards as submitted are inconsistent with the requirements of Section 30253 of the Coastal Act unless modified as suggested above. Additionally, the proposed flood hazard implementation amendments are not consistent

with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **6. Shoreline Erosion and Protective Devices**

The southern extent of the Toro Canyon Planning Area aligns the Pacific Ocean for approximately 2 miles, including bluff and beachfront lands, zoned for residential uses. Coastal erosion has affected this part of the coast and has prompted the private construction of protective structures along much of the shoreline. County policies require coastal bluff setbacks to accommodate 75 years of blufftop retreat. Existing shoreline protective devices, primarily rock revetments have had adverse visual consequences and have restricted lateral beach access to varying degrees.

Past Commission review of shoreline projects has shown that such development results in potential individual and cumulative adverse effects to coastal processes, shoreline sand supply, and public access. Shoreline development, if not properly designed to minimize such adverse effects, may result in encroachment on lands subject to the public trust (thus physically excluding the public); interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with public access to and the ability to use public tideland areas. In order to accurately determine the adverse effects to coastal processes and public access which may result from proposed development, it is necessary to analyze the development in relation to characteristics of the project site shoreline, location of the development on the beach, and wave action.

One of the main functions of a shoreline protective device such as a seawall or revetment is the protection of the property or structures landward of the protective device. While they are often effective in protecting the landward development, however, they do nothing to protect the beach seaward of the revetment or seawall and can often have adverse effects on the nearby beach. These adverse effects ultimately cause additional adverse effects on the availability of public access to a beach. Scouring and beach erosion resulting from construction of a seawall or rock revetment will translate into a loss of beach sand at an accelerated rate. The resultant sand loss will be greater during high tide and winter season conditions than would otherwise occur if the beach were unaltered. In addition, as wave run-up strikes the face of the protective device and is deflected seaward, wave energy is concentrated at the face of the wall and ocean conditions along the beach will become more turbulent than would otherwise occur along an unarmored beach. The increase in turbulent ocean conditions along the beach will accelerate displacement of beach sand where the seawall is constructed over time.

The effects of shoreline protective devices on a beach has been documented in numerous past permit decisions by the Commission along the California shoreline. The Commission has found that one of the most critical factors controlling the impact of a shoreline protective device on the beach is its position relative to the surf zone. All other things being equal, the further seaward the wall is, the more often and more vigorously waves interact with it. The best place for a seawall or revetment, if one is necessary, is

at the back of the beach where it provides protection against the largest of storms. By contrast, a seawall constructed too near to the mean high tide line may constantly create problems related to frontal and end scour, as well as upcoast sand impoundment. Even though the precise impact of a structure on the beach is a persistent subject of debate within the discipline of coastal engineering, it is generally agreed that a shoreline protective device will affect the configuration of the shoreline and beach profile whether it is a vertical seawall or a rock revetment. It has been well documented by coastal engineers and coastal geologists that shoreline protective devices will adversely impact the shoreline as a result of beach scour, end scour (the beach area at either end of the structure), the retention of potential beach material behind the wall, the fixing of the back beach, and the interruption of longshore processes.

An additional concern relative to shoreline erosion is the phenomenon of sea level rise. There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion. For fixed structures on the shoreline, such as residences or protective devices, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. A small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with a physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to both inundation and wave attack, and those areas that are already exposed to wave attack will be exposed to more frequent wave attack with higher wave forces. An additional concern is that climatic changes associated with global warming and sea level rise could cause changes to storm patterns and wave activity for the entire coast. It is quite possible that some portions of the coast will experience more frequent storms. For these additional reasons to minimize future storm damage and to protect public access, it is important that new development along the shoreline, including shoreline protective devices, be located as far landward as feasible in order to minimize wave attack with higher wave forces as sea level rises over time.

Under the Coastal Act, development is required to be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply.

The existing LCP provides three basic policies regarding shoreline protective devices. To avoid the need for future protective devices, permanent aboveground structures shall not be permitted on the dry sandy beach, and shall be set back a sufficient distance from the bluff edge to be safe from bluff erosion. Construction of revetments, seawalls, cliff retaining walls, pipelines or outfalls, and other such construction is limited to those designed to eliminate or mitigate adverse impacts on local shoreline sand supply and which will not block lateral beach access. Policy 3-1 provides that seawalls shall not be permitted unless the County has determined that there are no other less damaging alternatives reasonably available for protection of existing principal structures. Policies 3-2 and 3-3 regulate structures or development to eliminate or mitigate adverse impacts on local shoreline sand supply and maintain lateral public access.

The Toro Canyon Plan contains policies and development standards to avoid or minimize hazards from coastal processes. Policy GEO-TC-4 requires that all development on shoreline properties shall be designed to avoid or minimize hazards from coastal processes, to minimize erosion both on and off-site, and to avoid the need for any shoreline protection devices at any time during the lifetime of the development. This policy is implemented by three development standards. DevStd GEO-TC-4.1 calls for minimizing irrigation, use of culverts and drainpipes and use of sewers to the maximum extent feasible. DevStd GEO-TC-4.2 requires drainage to be conveyed away from bluff faces and into existing drainage courses to the maximum extent feasible, and siting drainage features to minimize physical and visual disruption of bluff and beach areas. DevStd GEO-TC-4.3 allows the construction of new shoreline protective devices when: (1) the device is necessary to protect development that legally existed prior to the effective date of the coastal portion of this Plan or (2) the device is proposed to fill a gap between existing shoreline protection devices, consistent with the height and seaward extent of the neighboring devices. DevStd GEO-TC-4.3 further allows for repair and maintenance, which they define as including replacement, of legal shoreline protective devices as long as it does not exceed the existing height or seaward extent.

DevStd GEO-TC-4.3 is not consistent with the Sections 30253 and 30235 in two ways: (1) it allows stringline infill of shoreline protective devices for new development and (2) it allows replacement of shoreline protective devices under the repair and maintenance provisions. Therefore, the Commission requires LUP Modification 134 to delete language suggesting that the replacement of a shoreline protective device is repair and maintenance and to allow shoreline and bluff protection structures when needed to protect existing structures that were legally constructed prior to the effective date of the certification of the LCP and only when it can be demonstrated that said existing structures are at risk from identified hazards, that the proposed protective device is the least environmentally damaging alternative and is designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Alternatives analysis shall include the relocation of existing development landward as well as the removal of portions of existing development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second

residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, among others.

Furthermore, the Commission has found in past actions that there are a number of ways to site and design shoreline protective devices to specifically address the problems and issues associated with shoreline erosion and the construction of protective devices on a beach. To ensure consistency with Section 30253 and 30235 to minimize the need for and construction of shoreline protective devices and eliminate or mitigate associated risks and impacts to landforms, access, and shoreline sand supply, several additional policies have been suggested below to address siting, design, and need for shoreline protective devices.

LUP Modification 135 prohibits the use of shoreline protective devices for new development except when necessary to protect a new septic system and there is no other feasible alternative. Suggested Modifications 136 and 137 require that siting and design of new shoreline development including protective devices take into account anticipated future changes in sea level, and that new development on a beach or bluff be sited outside areas subject to hazards during the projected 100 year economic life of the development and/or be elevated above the base flood elevation and set back as far landward as possible.

Additionally LUP Modifications 138, 139, 140, and 141, provide that new development, including land divisions, new beachfront and blufftop structures, significant additions, accessory structures, and septic systems be sited and designed to minimize risks from wave hazards and to avoid the need to construct a protective device for the life of the development. Shoreline protection structures shall not be permitted for the sole purpose of protecting access structures as provide in LUP Modification 142. When it is determined that a shoreline protective device is necessary, the LUP Modification 143 requires that it be constructed as far landward as feasible, but, in no circumstance, further seaward than a stringline drawn between the nearest adjacent corners of protective devices on adjacent lots. LUP Modification 144 states that a "vertical" seawall shall be the preferred means of protection for existing structures built at sand level. Rock revetments may be allowed when constructed underneath existing foundations or determined to be the preferred alternative.

Due to the extreme hazards associated with development on a beach or coastal bluff, LUP Modifications 145 and 146 require property owners, as a condition of coastal development permits, to acknowledge and assume such risks and to waive any future claims against the permitting agency; and to acknowledge that future repairs or additions to a shoreline protective device shall not extend the footprint seaward. In certain circumstances, where geologic and engineering evaluations conclude that development can be sited and designed to not require a shoreline protective device, LUP Modification 147 requires property owners to waive any future rights to construct such device.

Based on the findings above, the Commission therefore finds that the proposed LUP amendments with regard to shoreline protection policies as submitted are inconsistent with the requirements of Section 30253 and 30235 of the Coastal Act unless modified as suggested above. Additionally, the proposed shoreline protection implementation amendments are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **7. Watershed Protection**

Protection of coastal watersheds is a primary objective of the Coastal Act. Numerous sections of the Act require protection of coastal resources which are contained within such watersheds: Section 30230 and Section 30231 requires maintenance and restoration of marine resources and biological productivity of all coastal waters including streams, wetlands estuaries and lakes; Section 30253 requires that development not contribute significantly to erosion; Section 30251 requires protection of visual resource and minimization of landform alteration; Section 30233 provides for only limited development within wetlands and then only under specific environmental constraints; Section 30236 limits development within streams; Section 30241, 30242 and 30243 require protection of agricultural soils and productivity; and Section 30250 requires that development be concentrated and in a manner that does not create significant adverse impacts either individually or cumulatively on coastal resources.

The certified LCP contains general policies addressing geology, hillsides, and topography. Hillside and Watershed Protection policies are intended to guide development on hillsides and within watersheds, and require minimizing cut and fill, fitting development to the site's topography, soils, geology, hydrology and other natural features, and specifying techniques for minimizing the effects of necessary grading. Additional policies require applications for grading permits and subdivision requests that are subject to geologic hazard setbacks from potentially active, historically active, or active faults.

Within the Toro Canyon Plan Area, the resources (high quality alluvial soils supporting highly productive agriculture; a watershed characterized predominantly by steep foothills protected by a large expanse of highly adapted chaparral vegetation; expansive coastal views of the foothills) are particularly sensitive to agricultural activities; and the agricultural activities which do occur (especially foothill orchards and greenhouse developments) have the potential to have extremely adverse effects on these critical resources. Agricultural soil and conservation practices have not been as effective as possible in minimizing erosion of cultivate soils and natural creek banks. Irrigation and grading practices have resulted in substantial erosion of both upper and lower valley soils with resultant adverse impacts on agricultural productivity.

Failure to minimize watershed erosion results in the annual deposition of excessive amounts of sediment in downstream areas. This is especially important since erosion rates within the upper watershed have a direct relationship to the scope and frequency of flood projects. Given the invasive methods of flood control maintenance relied upon in the creek corridors, it is particularly important to ensure that future development does

not lead to greater rates of soil erosion and sedimentation that would reduce the channel's capacity to convey storm flows. Site preparation for agriculture or residential development on relatively steep slopes would require removal of native ground cover, grading for building pads, and access road construction. These land modifications would increase the potential for runoff during the rainy season and from irrigation. The runoff would contribute to storm flows and potential for inundating floodplains downstream on Toro and Arroyo Paredon Creeks. The consequences of increased development in the steeper reaches therefore increase the potential for flooding in low-lying areas adjacent to downstream properties. This may increase the need for flood control activities or improvements, further impacting the downstream environment.

The rapid expansion of the avocado market, much of which has occurred since the certification of the existing LCP, increased the profitability of avocado production to an extent where steeper and steeper foothill areas became economically feasible to cultivate. The cutting of hillside agricultural service roads and stripping of hills of the chaparral vegetation, which is highly specialized in its ability to stabilize steep slopes, are increasing rates of soil erosion.

Excessive erosion of the upper watershed areas is also highly destructive of agricultural activities in the lower floodplain areas. Flood flow depositions of sediment can cause considerable damage to agricultural crops, at considerable expense.

The Final Environmental Impact Report (Santa Barbara County, 2002) prepared for this project reports that some recent projects have revealed that current land use and zoning designations allow the potential for inappropriate development in constrained areas. Steep slopes, poor soils, inadequate sewer service, sensitive habitats, high fire potential, and narrow winding roads are serious development constraints. No area-specific guidelines that address these concerns exist. One objective of the Toro Canyon Plan land use and zoning designation review was to decrease the potential for water pollution, loss of sensitive habitat, loss of roads and homes located on severely eroding hillsides, injury due to road conditions, and loss of life or significant amounts of property in the event of a fire. The Plan proposes to preserve the rural character and natural scenic beauty of Toro Canyon.

Watershed planning is a complex, multi-faceted planning approach that encompasses a number of resource issues, such as geologic hazards, erosion, water quality, visual resources, and native vegetative cover. While the LCP and Toro Canyon Plan contain policies and actions on those topics intended to meet the requirements of the Act, they do not provide the level of specificity required to adequately implement Coastal Act Sections 30230, 30231, 30241, 30242, 30243, 30250, 30251 within Toro Canyon given the specific sensitivity and resource constraints. The Commission is therefore recommending the changes below, which strengthen the Plan's basic approach.

Many watershed resource issues overlap with other sections of this staff report. Therefore, the following analysis does not represent an exhaustive examination of watershed-related policies and standards, but rather focuses on the key resource

constraints such as steep slopes. For organizational purposes, the watershed planning recommendations are divided into Land Use and Density, Siting and Design, and Management Measures followed by description of the implementation. Because of the importance of watershed planning, especially given the rural nature of the Toro Canyon Planning Area, and the need to represent the Plan more accurately, LUP Modification 125 serves to include "Watersheds" in the headings of "Geology, Hillside, and Topography."

#### Land Use and Density

As stated previously, Toro Canyon is mostly rural, consisting primarily of agricultural lands with some rural residential intermixed. Residences in existing Rural Neighborhoods are mostly custom homes, with a few tract homes on some of the smaller lots. It is notable however, from a watershed planning perspective, that residential building trends involve new custom homes with structures far larger than existing homes, from 5,000 to as large as 20,000 square feet. The Plan area also contains three small commercial areas along Highway 101.

At the most basic level, watershed planning begins with avoidance of resource impacts by locating the types of land uses and densities through Land Use Designations and Zoning. The Toro Canyon Plan proposes to modify land use designations and associated zoning in a manner that would reduce potential development density and the community's ultimate buildout potential.

The Toro Canyon Plan rezones some residential areas with significant development constraints to larger minimum parcel sizes. Many of these areas are characterized by limited public road access to parcels, narrow winding roads, steep slopes, poor soils, lack of public sewers, high fire hazard with poor excavation routes, and larger amounts of sensitive habitats including major creeks. For these reasons, limiting additional development density in these areas would reduce overall watershed impacts. The Plan also downzones a majority of the agricultural parcels to larger minimum lot sizes. However, this has more impact on long-term agricultural productivity rather than watershed impacts (though it does reduce the potential for agricultural residential buildout), since the extent of agricultural roads and cultivation is not dependent upon parcel size.

The Plan includes another significant shift in land use density by redesignating / rezoning foothill lands from Agriculture to Mountainous Area (MA) in order to balance resource protection with agricultural expansion in areas with limited access, steep slopes, poor soils, high fire hazards, and large areas of sensitive habitat. The MA designation allows agricultural uses, but includes greater protection of natural resources. The Mountainous designation is intended to protect lands unsuited for intensive development. Combined with the reduction in density of residential parcels, these changes would reduce the total potential density of future development that could occur within the Plan area.

Land divisions may not be approved if they would result in adverse impacts on coastal resources, such as water quality, wetlands and ESHA; contribute significantly to erosion; or would minimize risks to life and property, which are protected under Sections 30230, 30231, 30233, 30240, and 30253 of the Coastal Act. A land division cannot be approved unless every new lot created would contain an identified building site that can later be developed consistent with all policies and standards of the LCP. Therefore, the Commission finds that LUP Modifications 129 and 130 are necessary to prohibit land divisions, including lot line adjustments, unless all proposed parcels are demonstrated to be safe from erosion and geologic hazards; building pads, access roads, or driveways would not be located on slopes of 30%; and future development would not require grading on slopes of 30%.

### Siting and Design

Where development is unavoidable in constrained areas, the siting and design of development should avoid, where feasible, and minimize individual and cumulative impacts to watershed resources. Siting and design of new development is particularly important in Toro Canyon where much of the watershed is unsuited for intensive development, due to areas of steep topography, high potential for landslides and erosion, and significant biological communities. Such design considerations would be necessary to avoid exacerbating erosion and hillside scarring.

Coastal Act Section 30250 provides a framework for new development to concentrate structures, minimize road lengths through site design, and avoid individual or cumulative impacts to coastal resources. The Toro Canyon Plan proposes policies and development standards to limit development on slopes greater than 20 percent, to minimize grading, to avoid siting development near active and potentially active faults, to require revegetation of graded areas and appropriate drainage design. An additional measure limits grading for access roads to less than 50 cubic yards without a grading permit.

Four general suggested modifications encourage site, scale, and design of new development consistent with the requirements of Section 30250 and the specific resource protection policies. LUP Modification 4 provides that, in addition to the requirements of LUP Policy 2-11, all development, including agriculture, shall be scaled to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes. Regulatory measures to ensure such protection shall include but not be limited to restrictions on the following: size; color; reflectivity and height of structures; roofs and other architectural features; length of driveways; number of accessory structures; size of development envelopes; amount and location of grading; vegetation removal; and night lighting. LUP Modification 101 requires new development to be sited and designed to concentrate development in existing developed areas, minimize road lengths and driveways, and reduce fuel modification to the maximum extent feasible to minimize impacts to native habitat, areas of steep slopes, and/or highly erosive/sandy soils. LUP Modification 128 requires new development to be sited and designed to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation,

reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.

Suggested Modification 57 provides that development shall be sited on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources by providing for the following: (a) Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss; (b) Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development; (c) Preserving and protecting riparian corridors, wetlands, and buffer zones; (d) Minimizing disturbance of natural areas, including vegetation, significant trees, native vegetation, and root structures; (e) Ensuring adequate setbacks from creeks, wetlands, and other environmentally sensitive habitat areas; (f) Promoting clustering of development on the most suitable portions of a site by taking into account geologic constraints, sensitive resources, and natural drainage features; and (g) Utilizing design features that meet water quality goals established in site design policies

In addition to the general siting and design guidelines provided in the above suggested modifications, specific siting and design guidelines are provided in relation to geologic hazard constraints and significant biological communities.

Geologic hazards which may affect, and may be caused by, new development include landslides, soil creep, accelerated erosion, and increased sedimentation. These problems are generally related to development in steeply sloping foothill areas. The main areas of steep slopes (>30%) within the coastal zone are located north of Foothill Road (Exhibit 9). Given the low density of development in the steep foothill areas, existing structures have largely avoided severe geologic problems. There are foothill areas where severe slope stability problems have occurred.

The hazards policies and standards in the Toro Canyon Plan are intended to ensure that all new development minimizes risks to life and property in areas of high geologic, flood, and fire hazards. To implement the LUP, suggested modification 171 includes development standards, permit application requirements and other measures to ensure that permitted development is sited and designed to assure stability and structural integrity, and neither create nor contribute to erosion, geologic instability, or destruction of the site or surrounding area.

Steep slopes and unstable soils characterize the Toro Canyon area. As a result, land use practices such as agriculture on steep slopes has had adverse watershed impacts. As reported in the Final EIR (Santa Barbara County, 2002):

***As crop values have risen, increased agricultural development has occurred on steeper slopes and canyon hillsides. While most agriculture is well planned and installed, in some cases, poorly planned and executed foothill grading for crops and access roads has caused landslides, visual***

***degradation, habitat loss, significant erosion, and downstream sedimentation in creeks. In addition, once agricultural roads are in place, some property owners follow with additional grading for residential development, including driveways, building pads, yard areas, etc. Much of this has led to significant scarring of the terrain and ongoing erosion problems.***

To protect watershed resources that are adversely harmed as a result of the removal of native vegetative cover for new agriculture on steep slopes, the Commission requires LUP Modification 105 to prohibit the conversion of vacant land on slopes over 30 percent to new crop, orchard, vineyard, or other agricultural use. Existing, legally established agricultural uses shall be allowed to continue. Similarly, DevStd GEO-TC-1.1 of the Toro Canyon Plan addresses development on slopes greater than 20%. In areas of unstable soils, highly erosive soils, or on slopes between 20% and 30%, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion. LUP Modification 127 prohibits grading and/or development-related vegetation clearance where the slope exceeds 30 percent, with certain exceptions for driveways and utilities. LUP Modification 126 modifies DevStd GEO-TC-1.1 to reference the Watershed Protection Overlay District, pursuant to IP Modification 171, which implements these watershed protections standards.

Approximately 1,550 acres of the Toro Canyon Plan Area is chaparral high in the watershed's mountainous area. As reported by the Final EIR (Santa Barbara County, 2002):

***Depending upon parcel sizes, the potential disturbance area for a main house, guest house, driveways, landscaping, and orchards can range from 1 to 10 acres per parcel. Using an average of 5 acres of disturbance per unit, and given the data described in the paragraph above, 124 units could fragment 620 acres of open land. This is expected to include elimination of oak riparian forest, oak forest and woodland, scrub oak chaparral, chaparral, and coastal sage scrub. Elimination of grassland is not included in these totals. Direct removal of habitat as well as fragmentation of the remaining habitat would be a significant impact.***

***This could degrade the ability to support wildlife, including sensitive species described above. Fragmentation could occur in all of these habitats. This fragmentation would reduce the potential for survival of native species that rely on large areas for nesting or foraging. Human encroachment into these areas would introduce noise, lighting, litter, and predation by domestic animals that would disrupt, and in some cases eliminate, native animals. Changes in the faunal community could result if species unable to tolerate these human disturbances would abandon the immediate area. This could have a secondary effect on raptor occurrence within the area.***

Policy BIO-TC-12 of the Toro Canyon Plan provides that significant biological communities not designated ESH should not be fragmented by development into small,

non-viable areas. This would in large part, encompass the chaparral habitat which is a significant, relatively undisturbed biological community.

### Management Measures

Where development in constrained areas cannot avoid watershed impacts through siting and design, then short-term construction-related impacts and impacts associated with long-term use of such areas must be managed to mitigate erosion, sedimentation, and adverse effects on water quality and other downstream coastal resources. Marine resources, biological productivity and coastal water quality benefit the most from these types of specific project-level management measures.

Landform alteration from new development may impact the quality of surface waters through such means as reducing the area of pervious surfaces and altering natural drainage, filtration, and infiltration patterns. Grading and filling natural hydrologic features raises significant water quality issues, including the loss of the natural water filtration mechanisms that provide water quality, quantity, and conveyance benefits to the coastal environment. To ensure coastal resource protection consistent with Section 30230 and 30231, the Commission finds that the following suggested modifications are required.

LUP Modification 65 requires measures to be taken during construction to limit land disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss. This modification further requires avoidance of steep slopes, unstable areas, and erosive soils. Construction must also minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation. LUP Modification 64 requires development to minimize erosion, sedimentation, and the introduction of pollutants from construction-related activities to the maximum extent feasible. Applicants shall develop construction-phase erosion control and polluted runoff control plans and incorporate appropriate BMPs to meet the requirements.

LUP Modification 117 modifies DevStd FLD-TC-2.1 to incorporate Best Management Practices (BMPs) that would minimize the erosion of soils into natural and manmade drainages, where feasible. This may include, but is not limited to, sedimentation traps. Additionally, DevStd FLD-TC-2.2 requires grading and drainage plans to be submitted with any application that would increase total runoff from the site or substantially alter drainage patterns on the site or in the vicinity. However, the Commission recognizes that new development has the potential to adversely impact water quality for reasons other than an increase in site runoff. The introduction of common chemicals and pollutants to site runoff, even if at pre-development rates, would not be adverse to downstream waters and/or habitats. Therefore, LUP Modification 118 requires grading, drainage, and interim erosion control plans to be submitted with all application for development. Drainage and interim erosion control plans are essential to the protection of water quality.

Action FLD-TC-2.4 provides that a Master Drainage Plan may be developed for Toro Canyon which would generally address drainage conveyance. However, there is no hierarchical policy basis for such a plan. Therefore, the Commission is requiring LUP Modification 119 to add a policy that states preparation of a Master Drainage Plan may be undertaken subject to all of the provisions of the Toro Canyon Plan and certified LCP. This type of comprehensive plan has the potential to provide a net benefit to resources through its planning efforts.

Addressing Sections 30230, 30231, 30236, 30240, and 30250 of the Coastal Act, LUP Modification 131 regulates the development of new roads, bridges, culverts, and outfalls so that they do not cause or contribute to streambank or hillside erosion or creek or wetland siltation. This includes BMPs to minimize impacts to water quality such as construction phase erosion control and polluted runoff control plans, and soil stabilization practices. New stream crossings, including replacement of an existing stream crossing, must be bridged. Where space is available, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design.

The County has found that pre-permitting investigations for residential development have contributed to geologic scarring and increased erosion in the Plan area. Creation of access roads for truck-mounted mechanical augers and/or backhoes used for geologic hazards, soils, septic systems, or other investigations related to residential development has altered topography and resulted in geologic scarring. These investigations include earth moving activities that have resulted in clearing of vegetation and increased soil exposure to wind and water erosion. Since these investigations occur prior to permit approval, there are currently no enforceable restrictions on these activities. LUP Modification 132 restates Action GEO-TC-4 to require a coastal development permit for roadways constructed to provide access for geologic, geotechnical, and septic system testing that require grading of greater than 50 cubic yards, subject to all other applicable County provisions.

### Implementation

The comprehensive nature of watershed planning necessarily incorporates a number of separate resource issues, including protection of water quality, native cover and biological productivity, ESH, and geologic hazards. As a result of this cross-resource planning, clear implementation and its contribution to the overall Toro Canyon Plan watershed planning effort is essential. Though the protection of watershed resources cannot be reduced to just one issue, land use constraints hinge, in large part, on topographic constraints. Lands particularly unsuited for intensive development include lands that have steep slopes 30 percent or greater. This percentage is emphasized in the Toro Canyon Plan area by the existing line of agricultural development. Though some agriculture has occurred on slopes 30% or greater, areas with 30% or steeper slopes, zoned for agriculture, primarily remain vacant. In most of Toro Canyon, these steep agricultural areas transition into the large expanse of highly adapted native chaparral still evident along Paredon Ridge.

To protect watershed functions and rural character, the Commission requires the incorporation of a Watershed Protection Overlay, pursuant to IP Modification 171, within the Toro Canyon Plan area where land use intensification, including removal of native vegetation and grading for new development, in areas of steep slopes contribute to increased surface runoff, erosion, downstream siltation, and hillside scarring. Specifically, the area to be included in the WTR Overlay District shall include all lands within the coastal zone portion of the Toro Canyon Planning Area having slopes 30% or greater as described in LUP Modification 159 and IP Modification 170.

The WTR Overlay District supplements the development standards of the Toro Canyon Plan through illustration of constrained areas and through clarifying implementation measures. The intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that (1) provides maximum protection to coastal waters and downstream properties; (2) preserves rural character and public views; and (3) limits development in areas constrained by lack of adequate services and access, and geologic and fire hazards.

The WTR Overlay requires additional application requirements to adequately describe the project in relation to applicable development constraints. Supplemental application requirements include a delineation of any disturbed areas on the parcel and evidence of previous permit or evidence showing no authorization was necessary for the disturbance. The application must also be accompanied by a water quality management plan and fuel modification for these sensitive areas. Water quality management plans must be designed to minimize the introduction of pollutants to surface waters, groundwater, and/or other coastal water body.

Supplemental findings are required to ensure that the proposed development meets all applicable development standards detailed within the Overlay District, including use of property, slopes, development areas, siting and design, water quality management plans, confined animal facilities, historic use and disturbance of property, and land divisions. The Overlay District also provides additional application requirements and finding for approvals of Conditional Use Permits (CUPs). These provisions are described below.

The uses of the property and the siting, design, and size of any development approved on parcels within this district, shall be limited, restricted, and/or conditioned to minimize impacts to coastal waters, downstream properties, and rural character on and adjacent to the property, to the maximum extent feasible. This includes the prohibition of development on 30% slopes, or greater, to the maximum extent feasible, and a formal determination by a qualified professional that development on slopes between 20% and 30% will not result in unstable slopes or severe erosion.

Where all feasible building sites are constrained by steep slopes, the County may only permit development where all siting, design, and other provisions of the WTR Overlay District are met. In no case shall the approved development exceed the maximum development area as described in Section 35-102G.17. The maximum allowable

development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites include areas exceeding 30% slope are within this District shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. Mitigation of adverse impacts to hillside stability, coastal waters, downstream properties, and rural character that cannot be avoided through the implementation of siting and design alternatives shall be required. Additionally, driveways and/or utilities may be located on slopes 30% or greater where there is no less environmentally damaging feasible alternative means of providing access to a building site.

New development must be sited and designed to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody. Confined animal facilities are prohibited on all slopes 30% or greater.

Any disturbed area where previous permits or other historic evidence cannot be provided to indicate that the removal of vegetation and grading disturbance occurred pursuant to proper authorization, the County Planning and Development review shall assume that the removal was not legally permitted and the subject area(s) shall be restored, unless an after-the-fact coastal development permit is issued consistent with all current standards under the provisions of this Article. The County shall not recognize unauthorized vegetation removal or grading, and shall not predicate any approval on the basis that vegetation has been illegally removed or degraded.

Furthermore, land divisions that would result in building pads, access roads, or driveways located on slopes of 30% or greater, or result in grading on slopes 30% or greater shall be prohibited. All land divisions shall be designed such that the location of building pads and access roads minimizes erosion and sedimentation.

The WTR Overlay District further provides that a coastal development permit may include conditions that are necessary to ensure protection of watershed function, rural character, and land unsuited for development. Such conditions may limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, require the alteration of the design of the development to ensure protection of the habitat, or require any other condition deemed necessary for protection of coastal resources by the approving body.

Based on the findings above, the Commission therefore finds that the proposed LUP amendments with regard to watershed protection as submitted are inconsistent with the requirements of Sections 30230, 30231, 30233, 30240, 30250 and 30253 of the Coastal Act unless modified as suggested above. Additionally, the proposed watershed protection implementation amendments are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **8. Water Quality**

Toro Canyon lies within the Toro Creek and Arroyo Paredon Creek Watersheds. Numerous coastal creeks drain from these watersheds into the Pacific Ocean and Santa Barbara Channel, where valuable coastal resources and popular public recreation areas and activities exist. Maintaining and restoring water quality throughout the Toro Canyon watersheds is necessary to protect the sensitive coastal resources and public amenities that exist in these areas.

The Commission shares responsibility for regulating nonpoint source water pollution in the Coastal Zone of California with the State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB have been co-leads in developing and implementing the January 2000 *Plan for California's Nonpoint Source Pollution Control Program* (Plan), which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. Some of these management measures and practices are best implemented at the local planning level, since they can be most cost effective during the design stage of development.

The Commission and the Central Coast Regional Water Quality Control Board (CCRWQCB) are both working to protect water quality in the Santa Barbara area, although each has different authorities and responsibilities in that effort. The Commission has primary responsibility for protecting coastal resources, including water quality, from the impacts of development in the coastal zone. The SWRCB and RWQCBs have primary responsibility for regulating discharges that may impact waters of the state through writing discharge permits, investigating water quality impacts, monitoring discharges, setting water quality standards and taking enforcement actions where standards are violated. Given the common goal of clean coastal water quality, there is a gray zone where the authorities of these agencies overlap. For example, based on the need to regulate land use in order to protect water quality, the CCRWQCB has provided guidance and requirements in its Phase II National Pollutant Discharge Elimination System (NPDES) Permit for land use development that may impact water quality. The Toro Canyon Plan reflects these guidance and requirements with some modifications due to the site-specific conditions in Toro Canyon, the additional requirements of the Coastal Act and comments of interested parties including the County of Santa Barbara.

The County of Santa Barbara has submitted a Draft Storm Water Management Program (SWMP) to the CCRWQCB to meet the Phase II NPDES requirements. This SWMP is a comprehensive program addressing the impacts of stormwater and polluted runoff on water quality, and identifying measures and activities to reduce these impacts. The policies, development standards and actions in the Toro Canyon Plan reflect the SWMP where applicable. The Santa Barbara SWMP can be found at [www.countyofsb.org/project\\_cleanwater](http://www.countyofsb.org/project_cleanwater).

The Commission recognizes that new development in the County of Santa Barbara and especially the Toro Canyon area has the potential to adversely impact coastal water

quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states that:

***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.***

New development often results in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on project sites. The reduction in permeable surface therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. The cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology. Additionally, runoff from impervious surfaces results in increased erosion and sedimentation.

Further, pollutants commonly found in runoff associated with new development include:

- petroleum hydrocarbons such as oil and grease from vehicles;
- heavy metals;
- synthetic organic chemicals including paint and household cleaners;
- soap and dirt from washing vehicles;
- dirt and vegetation from yard maintenance;
- litter and organic matter;
- fertilizers, herbicides, and pesticides from household gardening or more intensive agricultural land use;
- nutrients from wastewater discharge, animal waste and crop residue; and
- bacteria and pathogens from wastewater discharge and animal waste.

The discharge of these pollutants to coastal waters can cause cumulative impacts such as:

- eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size;
- excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species;

- disruptions to the reproductive cycle of aquatic species;
- acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and
- human diseases such as hepatitis and dysentery.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health.

The goal of the Toro Canyon Plan water quality policies is to protect and enhance water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development. The objectives of the policies are three-fold:

- Protect, enhance and restore natural drainages, wetlands, streams, and groundwater recharge areas.
- Promote the elimination of pollutant discharge, including nonpoint source pollution, into the County's waters through new construction and development regulation including but not limited to site planning, environmental review and mitigation, and permit conditions of approval.
- Promote Best Management Practices to limit water quality impacts from existing development, including septic system maintenance and County services.

The Toro Canyon Plan contains several policies to meet the goal of protecting and enhancing water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development. The majority of these policies are contained under the heading Wastewater, Water, and Water Quality, renamed in suggested modification 36, although there are also water quality policies within the Biological Resources, Flooding and Drainage, and Geology, Hillside and Topography sections. The main goals of pollution prevention and elimination, the protection of pristine waters, and the restoration of impaired waters are reflected in suggested modifications 46 and 47.

As mentioned above, wastewater discharge has the potential to contribute pollutants to runoff. Several policies relating to wastewater have been modified or added to the existing policies. These include suggested modifications 39, 40, 43, and 141, and incorporate siting, design, installation, operation and maintenance requirements to reduce impacts to water quality, and special wastewater protection for beachfront development, as this land use has a higher potential to impact water quality due to its proximity to coastal waters. Development including confined animal facilities is also required to protect water quality through siting, design, management and maintenance requirements, as this land use has the potential to contribute pollutants such as nutrients and pathogens to coastal waters. These requirements are reflected in suggested modifications 42 and 45. There are also policies that require landscaping practices and vegetation maintenance activities to minimize erosion and sedimentation, minimize the use of nutrients, pesticides and other chemicals and use efficient irrigation

practices, as these types of activities are known to generate pollutants such as fertilizers, pesticides, nutrients, sediment and increased runoff. Suggested modifications 67, 85, 86, and 87 include policies related to landscaping and vegetation maintenance practices. There are other types of development and land use activities that are known to generate high numbers or concentrations of pollutants and pose a threat to water quality. These types of development include roads, bridges, parking lots, commercial development, restaurants, gasoline stations, car washes, automotive repair facilities, beachfront development and development on steep slopes, and policies have been added to address the water quality impacts from these developments in suggested modifications 131, 58, 59, 60, 61, 63, 133, and 62.

Several policies have been modified or added to provide specifically for the requirement of Best Management Practices (BMPs) related to siting and design of the project, the construction phase of the project, and the post-construction phase of the project. These policies include the requirement of Erosion and Sediment Control Plans and Storm Water Quality Management Plans, as specified in suggested modifications 66, 48, and 171. These plans must specify the BMPs that will be implemented (both temporary and permanent) to protect water quality, as required by modification 172.

Development during the construction phase has the potential to contribute pollutants through erosion and sedimentation and through discharge of construction materials or chemicals. Therefore, suggested modifications 64, 65, and 117 require that construction phase development minimize erosion and sedimentation, minimize the introduction of pollutants, limit land disturbance activities such as clearing and grading, minimize disturbance of natural vegetation, limit cut-and-fill to reduce erosion and sediment loss, avoid steep slopes, unstable areas, and erosive soils, and incorporate other BMPs as necessary to minimize erosion and sedimentation. Suggested modification 118 requires that all development submit grading plans that specify temporary and permanent BMPs to minimize erosion and sedimentation.

As discussed above, development often results in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land and results in an increase in the volume and velocity of stormwater runoff, modification to stream morphology and increased erosion and sedimentation. Policies have been modified or added to the Toro Canyon Plan, including suggested modifications 52, 53, 54, 55, and 56, that require the preservation or restoration of natural hydrologic conditions. This can be achieved by measures such as promoting infiltration, minimizing impervious surfaces, and protecting the absorption, purification, and retention functions of natural drainage systems by designing the drainage plan to complement and utilize existing drainage patterns and systems, and conveying drainage from the developed area of the site in a non-erosive manner. Suggested modification 120 requires the diversion of natural flow to be avoided in order to preserve the natural hydrologic conditions and avoid impacts to water quality. In addition, suggested modification 57 requires development to be sited on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources by providing for the following:

- Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;
- Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;
- Preserving and protecting riparian corridors, wetlands, and buffer zones;
- Minimizing disturbance of natural areas, including vegetation, significant trees, native vegetation, and root structures;
- Ensuring adequate setbacks from creeks, wetlands, and other environmentally sensitive habitat areas.

These measures discussed above are all types of site design BMPs. In addition to site design BMPs, source control BMPs are also required to be implemented in the project design, as specified in suggested modification 49. Structural treatment control BMPs are required for all residential development 1 acre or greater in disturbance and all commercial, industrial, and transportation/vehicle development 0.5 acres or greater in disturbance. In addition, in some instances the implementation of site design and source control BMPs alone will not be sufficient to protect water quality as required by the Toro Canyon Plan, LCP or Coastal Act. Therefore, when necessary to protect water quality, structural treatment BMPs will be required along with site design and source control measures. These requirements are incorporated in suggested modification 49.

The Commission finds that designing BMPs to accommodate (infiltrate, filter or treat) the runoff from the more frequent storms, rather than for the largest infrequent storms, results in improved BMP performance. In similar areas of the coast, the Commission has previously required structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85<sup>th</sup> percentile, 24 hour storm event. The County of Santa Barbara has adopted standards that include sizing criteria for volume-based and flow rate-based structural treatment control BMPs, as described below in an excerpt from the Santa Barbara County Draft Storm Water Management Program.

***These standard conditions will be required on all new or redevelopment projects that are one acre or larger in size for residential development, or 0.5 acre or larger in size for commercial, industrial, and transportation/vehicle development. The conditions require treatment control BMPs be installed to accommodate rainfall events up to 1.2 inches in volume, or 0.3 inches per hour. Events or flows greater than this would be by-passed. This sizing criterion is based on storm event analysis and continuous rainfall/runoff simulation (SYNOP and SWMM) on rainfall data from 1948 to 1999.***

*The criteria for Santa Barbara County did not analyze 24-hour storms as this typically truncates many storm events artificially (i.e., storm events often begin and end before and after midnight, respectively) and is not how storm events actually occur. The approach used to obtain the 1.2 inch sizing criteria was based on the U.S. EPA statistical rainfall analysis program SYNOP, which was used to convert the hourly rainfall data to individual storm events with inter-event mean times (the dry period used to separate and aggregate hours of rainfall into "events") of 6 hours or greater and total rainfall depth of 0.1 inches or greater (storms less than 0.1 inch were omitted because they do not typically generate creek flows or significant runoff). Thus, these values provide a more accurate value than the 85th percentile value commonly used in other communities (if converted to a percentile approach, these values represent a range between the 70th to 90th percentile, depending on where in the County rainfall is measured).*

Based on the discussion above, the Commission finds that the County design criteria standards provide equivalent water quality protection as the 85<sup>th</sup> percentile design standard. Therefore, the Commission requires, through suggested modification 50, that the post-construction structural treatment control BMPs that are required be designed and installed according to County Flood Control District and County Water Agency standards and guidelines, including accommodating, at a minimum, rainfall events up to 1.2 inches in volume or 0.3 inches per hour. In addition, structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure proper functioning for the life of the development, and permits for development shall be conditioned to require ongoing application and maintenance as is necessary for effective operation of all BMPs (including site design, source control, and treatment control), as required in suggested modification 51.

These policies contained in the Toro Canyon Plan provide for the protection and enhancement of water quality and the beneficial uses of local coastal waters and ground waters from adverse impacts related to land development. Therefore, the Commission finds that the Toro Canyon Plan meets the requirements of and is in conformity with Section 30231 of the Coastal Act.

## **F. AGRICULTURE**

### **1. Coastal Act Policies**

Section 30113 of the Coastal Act defines "prime agricultural land" as:

*...those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

Section 51201(c) states in relevant part:

*"Prime agricultural land" means any of the following:*

*All land that qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications.*

**Land which qualifies for rating 80 through 100 in the Storie Index Rating.**

**Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.**

**Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.**

Section 30241 of the Coastal Act states:

**The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:**

**(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.**

**(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.**

**(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.**

**(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.**

**(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.**

**(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.**

Section 30241.5 of the Coastal Act states:

**(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but**

**not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:**

**(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.**

**(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.**

**For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.**

**(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.**

Section 30242 of the Coastal Act states:

**All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 such permitted conversion shall be compatible with continued agricultural use on surrounding lands.**

Section 30243 of the Coastal Act states:

**The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.**

## **2. Existing LUP Policies**

Policy 2-11:

**All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.**

Policy 3-20:

**All development within the coastal zone shall be subject to the slope density curve (Plate A) of the County Zoning Ordinance No. 661 (Article VII, Section 20). However, in no case shall above-ground structures, except for necessary utility lines and fences for agricultural purposes, be sited on undisturbed slopes exceeding 40 percent.**

Policy 3-21:

**Where agricultural development will involve construction of service roads and/or the clearance of natural vegetation for orchard development, a brush removal permit shall be required.**

Policy 3-22:

**Where agricultural development will involve the construction of service roads and the clearance of major vegetation for orchard development, cover cropping or any other comparable means of soil protection shall be utilized to minimize erosion until orchards are mature enough to form a vegetative canopy over the exposed earth.**

Policy 8-2:

**If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, rezoning to a non-agricultural zone district shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.**

Policy 8-3:

**If a parcel is designated for agricultural use and is located in a rural area contiguous with the urban/rural boundary, conversion shall not be permitted unless:**

- a. The agricultural use of the land is severely impaired because of physical factors (e.g., high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and**
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and**
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted.**

Policy 8-4:

**As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall**

*make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division.*

Policy 9-16a Wetland:

*No grazing or other agricultural uses shall be permitted in coastal wetlands.*

Policy 9-26 White-tailed Kite:

*There shall be no development including agricultural development, i.e., structures, roads, within the areas used for roosting and nesting.*

Policy 9-42 Streams:

*The following activities shall be prohibited within stream corridors: cultivated agriculture, pesticide applications, except by a mosquito abatement or flood control district, and installation of septic tanks.*

### **3. Existing IP/CZO Policies**

Sec. 35-64. Agricultural Lands

*1. If a lot is zoned for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, rezoning to a non-agricultural zone district shall not be permitted unless such conversion of the entire lot would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with PRC §§ 30241 and 30242 of the Coastal Act.*

*2. If a lot is zoned for agricultural use and is located in a rural area contiguous with the urban/rural boundary, rezoning to a non-agricultural zone district shall not be permitted unless:*

*a. The agricultural use of the land is severely impaired because of physical factors (e.g., high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and*

*b. Conversion would contribute to the logical completion of an existing urban neighborhood, and*

*c. There are no alternative areas appropriate for infilling within the urban area or there are no other lots along the urban periphery where the agricultural potential is more severely restricted.*

Sec. 35-97.14. Development Standards for White-Tailed Kite Habitats.

*1. There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.*

**2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.**

**3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.**

**4. In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.**

**Sec. 35-140.2 Tree Removal Applicability.**

**A Coastal Development Permit under Sec. 35-169 shall be required for the removal of any tree which is six inches or more in diameter measured four (4) feet above the ground and six feet or more in height and which is 1) located in a County street right-of-way; or 2) located within 50 feet of any major or minor stream except when such trees are removed for agricultural purposes; or 3) oak trees; or 4) used as habitat by the monarch butterflies.**

**4. General Discussion**

The Toro Canyon Plan area experiences a combination of mild climatic conditions, prime agricultural soils, available water sources, and proximity to major markets, making the area a valuable agricultural resource. The ability to grow a diverse range of high-yield specialty crops, such as avocados, kiwis, cherimoyas, cut flowers, and nursery stock plants, provides growers with the flexibility to respond to market and environmental changes. Additionally, greenhouses are prevalent on the flatter reaches of the Plan area.

Open field agriculture production in the Plan area is dominated by avocado orchards. However, the area's unique climate also results in the area being one of the State Leaders in high-yield specialty crops including citrus, cherimoyas, passion fruit, kiwis, bananas and other sub-tropical fruits. Numerous open field growers also use the area's unique resources to produce high quality cut flowers and nursery products in the lower reaches of the foothills and throughout the valley flat land. This diversity of crops contributes to the overall agricultural productivity of the area by providing growers with the flexibility to respond to market and environmental changes.

The Coastal Act policies provide for the continuation of coastal agriculture on prime agricultural lands. Within the Toro Canyon Plan area, prime soils combine with unique coastal climates for highly productive agriculture. The LCP contains several policies regarding new development and protection of agricultural resources. Section 30250 of the Coastal Act requires that new development be located within, or within close proximity to, existing developed areas able to accommodate such development. Consistent with Section 30250, Policies 2-1 and 2-6 of the LCP require that new development, including any division of land, must ensure adequate public services (i.e., water, sewer, roads, etc.) are available. In addition, Policy 2-12 of the

LCP provides that the densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by site specific conditions. Sections 30241 and 30242 of the Coastal Act require that all agricultural lands be protected and maintained and that conversion of such lands shall be limited. Consistent with Sections 30241 and 30242, Policy 8-2 of the LCP provides that parcels designated for agricultural use located in rural areas shall not be converted unless such conversion would allow for another priority use under the Coastal Act such as public access, recreation, habitat protection, etc. Policy 8-4 of the LCP requires that land division of agricultural land shall not diminish the long-term agricultural viability of the parcels involved.

The Toro Canyon Plan proposes to preserve agricultural areas in the planning area by rezoning most coastal zone agricultural lands to larger minimum parcels sizes. In general, rezones were proposed because of very steep topography, high probability of landslides and erosion, high visibility, poor accessibility, and very high fire hazard. The rezones provide additional measures to guide appropriate development of these areas. In addition, the redesignation of land from Agriculture to Mountainous Area is proposed for the most remote parts of the planning area where steep slopes (defined as greater than 40 percent) are already constraints to agricultural production. The redesignation to Mountainous would not lead to the loss of agriculture productivity because it allows for continuation of cultivated agriculture (with some restrictions). The Mountainous Area land use designation is intended to balance the preservation of resources and open lands with agricultural expansion.

Larger minimum parcel sizes are proposed to ensure agricultural viability, and reduce potential land divisions that would lead to agriculturally non-viable parcels. Reducing the size of agricultural parcels is generally expected to impair productivity of current agricultural operations on entire parcels by reducing acreage in production and reducing flexibility in operations. Land divisions would increase the potential for non-agricultural development (e.g., residences and roads). Additional residential or accessory development on the parcel would diminish land available for continued agricultural uses. Reduced productivity could result in the abandonment of commercial agriculture, and the cumulative reduction in the land available for agricultural uses within Santa Barbara County.

Within the coastal zone, areas with 30% slopes or greater, including mountainous parcels, are included in within a Watershed Protection Overlay District (see Section E.7) to restrict development on steep slopes that individually and cumulatively contribute to erosion, sedimentation, and have adverse impacts to rural character, water quality, and potentially downstream agriculture. Existing agriculture would be allowed to continue, however, the Watershed Protection Overlay prohibits new development on slopes 30% or greater as described in IP Modification 171.

The Commission finds that the proposed down-zoning of agricultural parcels in the Plan area will increase the long-term viability as agricultural parcels consistent with Coastal Act requirements.

Section 30241 of the Coastal Act requires that the maximum amount of prime agricultural land be maintained in agricultural production, and Section 30243 of the Coastal Act states "the long-term productivity of soils...shall be protected..." These policies are incorporated as guiding principles of the certified LUP agricultural policies. Combined, these policies require maximum protection of prime soils and the productivity of these soils. Consistent with past guidance, greenhouses can be interpreted as maintaining agriculture land in production, even if they do not make direct use of the soil, provided that they protect the long-term productivity of the soil and protect the agricultural economy. Greenhouses that put concrete or other hardscape on prime agricultural soil do not protect the agricultural economy because it does not maintain the flexibility of prime agricultural soils to be readily restored to their original productivity level.

Therefore, the Commission requires LUP Modification 17 to protect prime soils consistent with Section 30241 and 30243. LUP Modification 17 requires that structures, including greenhouses that do not rely on in-ground cultivation, be sited to avoid prime soils to the maximum extent feasible in areas with prime agricultural soils. This policy is implemented through the TCP Overlay District as outlined in IP Modification 172, Section 35-194.9, Agricultural Soils.

Additionally, the Toro Canyon Plan provides special exception for meeting LCP and Coastal Act requirements for agricultural infrastructure. DevStd BIO-TC-4.4 indicates that essential infrastructures for existing agricultural production should be protected and maintained and that if any conflicts between policies arises, then essential agricultural infrastructure would override other policies. While the Coastal Act calls for the protection of agriculture, the proposed development standard, in essence, calls for a balancing in favor of agricultural structures though the specific details of the project are not known. As described in Section 1.6, in cases such as these, if balancing of policies does occur, the balancing of policies requires specific analysis with the outcome that is most protective of resources. Therefore, the Commission finds it necessary to delete DevStd BIO-TC-4.4 as provided in LUP Modification 90. This changes would not preclude the continued routine maintenance of nonconforming agricultural support structures.

## **5. Agriculture to Residential Conversion**

A fundamental policy of the Coastal Act is the protection of agricultural lands. The Act sets a high standard for the conversion of any agricultural lands to other land uses. Section 30241 of the Coastal Act requires the maintenance of the maximum amount of prime agricultural land in agricultural production to assure the protection of agricultural economies. Section 30113 of the Coastal Act defines "prime agricultural land" as

*...those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.*

Section 51201(c) states in relevant part:

*"Prime agricultural land" means any of the following:*

- (1) All land that qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications.*
- (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.*
- (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.*
- (4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.*

Section 30241 also requires minimizing conflicts between agricultural and urban land uses through six tests. Section 30241 of the Coastal Act states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

If the viability of existing agricultural uses is an issue, Section 30241.5 of the Coastal Act provides criteria to be addressed regarding the agricultural "viability" of such land.

These findings must address an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP Amendment request. Section 30241.5 of the Coastal Act states:

*(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

*(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*

*(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

Section 30242 of the Coastal Act provides additional requirements for conversion of properties that are suitable for agriculture, but are not necessarily prime agricultural land. Section 30242 states:

*All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Coastal Act Sections 30241, 30241.5 and 30242 provide the basis for analyzing conversion of agricultural land as well as land use on properties adjacent to farmland. The sections address a variety of scenarios that could impact agricultural production. The County is proposing to rezone seven parcels from agriculture (40-acre minimum parcel size) to Single Family Residential Minimum 2 acre. These parcels, comprising a

total of approximately 16 acres, are located northeast of the intersection of Foothill and Toro Canyon Roads. Section 30241 also requires minimizing conflicts between agricultural and urban land by meeting all six criteria. Though the proposed parcels do not meet the definition of prime agricultural lands under the Coastal Act, Commission staff is recommending against the conversion because it does not minimize conflicts or assure long-term productivity, and fails meet two important criteria under 30241(a) and (b).

The County submitted an *Agricultural Feasibility of the Toro Canyon Area, Carpinteria, Santa Barbara County*, dated July 16, 2003 and prepared by an independent agricultural consultant. A summary of the parcel size and use was provided in the analysis:

Assessor Parcel Number	Size	Use
155-14-13	1.84 acre	Extensive excavation for new house construction, no agricultural production
155-14-56	1.77 acre	Mainly residential, about 20 remaining avocado trees.
155-14-57	2.96 acre	Residential, with about 80 avocado trees, crops sold to offset costs, operate a small water well for irrigation.
155-14-58	1.00 acre	Residential, about 5 remaining avocado trees
155-14-38	5.65 acre	Two residences, with about 240 avocado trees.*
155-14-39	2.00 acre	Residential, with about 90 avocado trees.*
155-14-49	1.00 acre	Residential, with about 20 avocado trees.*

\* Avocado orchards on these lots operated by one owner as a unit.

The Agricultural Viability Report argues that these lots have limited potential for different agricultural crops because the site is steeply sloped with heavy clay soils. The only identified potential crop is avocado orchards which are reported to being in poor condition because of the presence of Avocado Root Rot disease. Additionally an arguments is made that the small parcel sizes render them unsuitable for commercial agriculture. Utilizing data from parcels 155-14-38, -39, and -49, the five-year economic analysis reported an average annual income of \$705/acre and average annual cost of \$1,057/acre. The economic data is compared within the report with the University of California Cooperative Extension study "Avocado Sample Establishment and Production Costs and Profitability Analysis for Ventura and Santa Barbara Counties."

Note, Commission records used in the early 1980s during the LCP process show only three parcels, not seven. As with this LCP amendment, the Land Use Plan and Zoning

Maps do not constitute a finding that the parcel lines shown are indicative of lot legality. Parcel delineations are for general planning purposes only and their accuracy cannot be guaranteed. A history of parcel creation was not submitted with this amendment and therefore staff was unable to discern when the division of land occurred, and if it occurred prior to the Coastal Act. A preliminary search of our records indicate that no final local action notices were received for a land division in that area since the certification of the LCP.

The proposed amendment reduces the "Urban" area land use category by shifting the Urban/Rural boundary line inward to encompass a smaller portion of the northwestern part of Toro Canyon. In this region, much of the area inside the existing urban boundary line is actually rural in nature, with relatively large lot sizes and significant development constraints. The urban boundary line has been relocated within the coastal zone to encompass only the relatively small properties along Ladera, Freehaven, and Macadamia Lanes, and the "Cima Del Mundo" properties zoned 5-E-1 on East Valley Road (see Exhibit 7). The shift in the Urban/Rural boundary reduces the Urban area in the coastal zone by designating it an Existing Developed Rural Neighborhood.

The proposed agricultural conversion parcels would be included as part of the Torito Road Rural Neighborhood. While the reduced density of rural residential development may have comparatively less impact to coastal resources than more dense urban areas, there remains a very real threat to the long-term productivity of agriculture as a result of the increasing trend for rural ranchette-style housing. As mentioned previously, residences within existing Rural Neighborhoods are mostly custom homes, with a few tract homes on some of the smaller lots. However, the County has recognized an increasing trend for residential development for new custom homes with structures far larger than existing homes, from 5,000 to as large as 20,000 square feet.

The Commission recognizes that the pressure for the County to incorporate additional smaller parcels into the Rural Neighborhoods will increase as the demand for housing rises. As the pressure for housing continues to rise, Coastal Act requirements to preserve and protect the maximum amount of coastal agriculture are increasingly jeopardized. In certain cases, under the Coastal Act, agriculture may be converted where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

At first glance, due to the smaller configuration of the parcels, it appears that the conversion would result in a logical expansion of the Rural Neighborhood boundary. However, it would not establish a "stable" boundary between residential and agricultural uses. Though the proposed conversion parcels are surrounded to the south and west by residential ranchette land uses and to the north by an existing rural neighborhood, the area to the east would remain designated agriculture. An adjacent agricultural parcel, not included in the proposed conversion, is also much smaller than the 40-acre minimum parcel size, and there are two more parcels to the east of lesser size with

available infrastructure consistent with 30250. Each of these parcels could presumably claim that economic viability is infeasible due to steep slopes and parcel size.

As a result, the conversion of the proposed seven parcels does not provide a clearly defined buffer area. To the contrary, it encourages further migration of rural residential uses in areas that are currently zoned for agricultural production. Some of these parcels would likely meet the criteria defined under Section 30250 for conversion if the proposed seven-parcel conversion were to occur.

As a result of the aforementioned development pressures, the Commission finds that delineating stable boundaries and clearly defined buffer areas must be maintained to avoid conflicts between agriculture and urban uses. The conversion of the proposed parcels would represent attrition of the long-term viability of agriculture in Toro Canyon by cumulatively converting agricultural parcels to residential parcels, and not providing an adequate buffer to minimize conflicts with the larger agricultural parcels.

The proposed residential designation would allow for one additional land division. However, as suggested through Modification 171, the Watershed Protection Overlay would be applied to lands with slopes 30% or greater. The provisions of this Overlay do not allow further land divisions if parcels would be created that would not provide a building pad area of less than 30%. Even then, such development would need to conform to the other provisions of the Toro Canyon Plan which require geotechnical review to confirm that all geologic and erosion hazards are abated for development on greater than 20% slopes.

As a result of the above factors, the Commission recognizes the general constraints on agricultural and residential development on 30% slopes or greater. The Commission finds that though the proposed agricultural parcels may be constrained, and its economic viability into the future may be questionable, the existing agricultural designation does not preclude residential development on legal parcels, as would be allowed under the proposed residential designation. However, retaining the agricultural designation will not allow further division of the parcels. Such a division is inappropriate in these circumstances, given the geotechnical constraints.

Therefore the Commission finds that the proposed agricultural conversion to residential on the seven parcels off of Toro Canyon Road does not meet the Section 30241 criteria to minimize conflicts by establishing a stable limit between residential and agricultural land uses. Therefore Commission requires LUP Modification 158 and IP Modification 169 to retain the Agriculture, Minimum 40-acre designation on APNs # 155-014-013, 155-014-038, 155-014-039, 155-014-049, 155-014-056, 155-014-057, 155-014-058.

Based on the findings above, the Commission therefore finds that the proposed LUP amendments with regard to protection of coastal agriculture as submitted are inconsistent with the requirements of Sections 30241 and 30243 of the Coastal Act unless modified as suggested above. Additionally, the proposed agriculture protection

implementation amendments are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **G. MARINE AND LAND RESOURCES**

### **1. Coastal Act Policies**

Section 30230 of the Coastal Act states that:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30236 of the Coastal Act states:

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section 30240 states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

### **2. Existing LUP Policies**

Policy 1-2:

*Where policies within the land use plan overlap, the policy which is most protective of coastal resources shall take precedence.*

Policy 1-3:

*Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's Comprehensive Plan or existing ordinances, the policies of the coastal land use plan shall take precedence.*

Policy 2-11:

*All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.*

Policy 7-4:

*The County, or appropriate public agency, shall determine the environmental carrying capacity for all existing and proposed recreation areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any other areas designated as "Habitat Areas" by the land use plan. A management program to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced. The level of the facility development (i.e., parking spaces, camper sites, etc.) shall be correlated with the environmental carrying capacity.*

Policy 9-1:

*Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.*

Policy 9-6 Wetland:

*All diking, dredging, and filling activities shall conform to the provisions of Sections 30233 and 30607.1 of the Coastal Act. Dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:*

- a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.*
- b. Dredging shall be limited to the smallest area feasible.*

*c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diaphragms, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as delineated on the Spoil Storage Map, dated February, 1981. (Projects which result in discharge of water into a wetland require a permit from the California Regional Water Quality Control Board.)*

Policy 9-7 Wetland:

*Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.*

Policy 9-8 Wetland:

*Boating shall be prohibited in all wetland areas except for research or maintenance purposes.*

Policy 9-9 Wetland:

*A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.*

*The upland limit of wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.*

*Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.*

Policy 9-10 Wetland:

*Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.*

Policy 9-11 Wetland:

**Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.**

Policy 9-12 Wetland:

**Wetland sandbars may be dredged, when permitted pursuant to Policy 9-6 above, and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.**

Policy 9-13 Wetland:

**No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.**

Policy 9-14 Wetland:

**New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.**

Policy 9-15 Wetland:

**Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.**

Policy 9-16a Wetland:

**No grazing or other agricultural uses shall be permitted in coastal wetlands.**

Policy 9-16b Wetland:

**The County shall request the Department of Fish and Game to identify the extent of degradation which has occurred in the Carpinteria Estero and Goleta Slough pursuant to Section 30411 of the Coastal Act. As part of the study, the Department, working jointly with the Santa Barbara Flood Control Department and the Soil Conservation Service, will also identify the most feasible means of restoration and the area of wetlands to be restored.**

Policy 9-17 Native Grassland:

**Grazing shall be managed to protect native grassland habitat;**

Policy 9-18 Native grassland:

**Development shall be sited and designed to protect native grassland areas.**

Policy 9-19 Vernal Pools:

**No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.**

Policy 9-20 Vernal Pools:

**Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or with a buffer zone of five feet or greater.**

Policy 9-21 Vernal Pools:

**Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.**

Policy 9-22 Butterfly Trees:

**Butterfly trees shall not be removed except where they pose a serious threat to life of property, and shall not be pruned during roosting and nesting season.**

Policy 9-23 Butterfly Trees:

**Adjacent development shall be set back a minimum of 50 feet from the trees.**

Policy 9-26 White-tailed Kite:

**There shall be no development including agricultural development, i.e., structures, roads, within the areas used for roosting and nesting.**

Policy 9-27 White-tailed Kite:

**Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.**

Policy 9-28 White-tailed Kite:

**Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.**

Policy 9-29 White-tailed Kite:

**In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.**

Policy 9-30 Rocky Point and Intertidal Areas:

**In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed in beaches adjacent to intertidal areas.**

Policy 9-31 Rocky Point and Intertidal Areas:

**Only light recreational use shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.**

Policy 9-32 Rocky Point and Intertidal Areas:

**Shoreline structures, including piers, groins, breakwaters, drainages, and seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.**

Policy 9-35 Native Plant Communities (e.g., coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species & other plants of special interest):

*Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.*

Policy 9-36 Native Plant Communities:

*When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.*

Policy 9-37 Streams:

*The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:*

- a. soil type and stability of stream corridors;*
- b. how surface water filters into the ground;*
- c. slope of the land on either side of the stream; and*
- e. location of the 100-year floodplain boundary.*

*Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.*

Policy 9-38 Streams:

*No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.*

Policy 9-39 Streams:

***Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.***

Policy 9-40 Streams:

***All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, revegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.***

Policy 9-41 Streams:

***All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.***

Policy 9-42 Streams:

***The following activities shall be prohibited within stream corridors: cultivated agriculture, pesticide applications, except by a mosquito abatement or flood control district, and installation of septic tanks.***

Policy 9-43 Streams:

***Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of P.R.C. § 30236 of the Coastal Act.***

### **3. Existing IP/CZO Policies**

Sec. 35-53. Overlay District Designations and Applicability. *(in relevant part)*

***...If any of the provisions of the overlay district conflict with provisions of the zoning district regulations, the provisions which are most restrictive shall govern... The provisions of the ESH Overlay District are more restrictive than any base zone district and therefore the provisions of the ESH shall govern over the regulations of any base zone or other overlay district.***

Sec. 35-97.2. Applicability and District Boundaries as a Guide.

***The provisions of this overlay district shall apply to land or water zoned ESH on the applicable Santa Barbara County Zoning Map. For purposes of determining the application of this overlay district to any lot of land or water, the zoning maps shall be the guide. If the habitat area delineated on the applicable zoning maps is determined by the Coastal Planner not to be***

*located on the particular lot or lots, the regulations of this overlay district shall not apply.*

Sec. 35-97.3. Identification of Newly Documented Sensitive Habitat Areas.

*If a newly documented environmentally sensitive habitat area, which is not included in the ESH Overlay District, is identified by the County on a lot or lots during application review, the provisions of Secs. 35-97.7. - 35-97.19. shall apply. The County will periodically update the application of the ESH Overlay District to incorporate these new habitat areas (including the 250 foot area around the habitat).*

Sec. 35-97.4. Affect of ESH Overlay District.

*Within the ESH Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional regulations of the ESH Overlay District before the issuance of a coastal development permit under Sec. 35-169. See Sec. 35-53. concerning conflict between provisions of ESH and base zone district.*

Sec. 35-97.5. Processing.

*In addition to the application requirements of the base zone district, applications for a coastal development permit for any development in the ESH Overlay District shall include:*

- 1. A description of the flora and fauna which occupy the site or are occasionally found thereon, setting forth with detail those areas where unique plant and animal species or their habitats may be found on the site.*
- 2. A delineation of all streams, rivers, water bodies, and wetlands located on the site.*
- 3. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including description of the surfacing material to be used.*
- 4. Any other information pertinent to the particular development which might be necessary for the review of the project requested by the Planning and Development Department.*

*Upon receipt of an application for development within the ESH Overlay District, the Coastal Planner shall determine the potential of the proposed development to adversely impact an environmentally sensitive habitat area. If the proposed development is exempt from CEQA and is determined by the Coastal Planner to have no potential for adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a coastal development permit, the Coastal Planner shall issue the permit.*

*If the proposed development is exempt from CEQA and the Coastal Planner determines that the proposed development has potential for adverse impacts on an environmentally sensitive habitat area, the project shall be processed through environmental review and where necessary, a site inspection by a*

**qualified biologist to be selected jointly by the County and the applicant shall be required. If the environmental document indicates that the development has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a coastal development permit, the Coastal Planner shall issue the coastal development permit with appropriate conditions if necessary. If the environmental document indicates that the development has significant unavoidable adverse impacts on an environmentally sensitive habitat area, the Coastal Planner shall refer the project to the Planning Commission for decision after a noticed public hearing.**

**Sec. 35-97.6. Finding Required for Approval of Coastal Development Permits.**

**Prior to issuance of a coastal development permit for any development within the ESH Overlay District, a finding shall be made that the proposed development meets all applicable development standards in Secs. 35-97.8. through 35-97.19.**

**Sec. 35-97.7. Conditions on Coastal Development Permits in ESH.**

**A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.**

**Sec. 35-97.9. Development Standards for Wetland Habitats.**

**1 All diking, dredging, and filling activities shall conform to the provisions of PRC §§ 30233 and 30607.1 of the Coastal Act. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:**

**a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.**

**b. Dredging shall be limited to the smallest area feasible.**

**c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as**

delineated on the Spoil Storage Map dated February 1981. (Projects which result in discharge of water into a wetland require a permit from the California Regional Water Quality Control Board.

2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.

3. Except in Ocean Beach County Park, boating shall be prohibited in all wetland areas except for research or maintenance purposes.

4. Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as:

a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or

b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

5. Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.

6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.

7. Wetland sandbars may be dredged, when permitted pursuant to paragraph 1 of this Section and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.

**8. No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.**

**9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.**

**10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.**

**11. No grazing or other agricultural uses shall be permitted in coastal wetlands except at the mouth of the Santa Maria River.**

Sec. 35-97.10. Development Standards for Native Grassland Habitats.

- 1. Grazing shall be managed to protect native grassland habitats.**
- 2. Development shall be sited and designed to protect native grassland areas.**

Sec. 35-97.11. Development Standards for Vernal Pool Habitats.

- 1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.**
- 2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.**
- 3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.**

Sec. 35-97.12. Development Standards for Butterfly Tree Habitats.

- 1. Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.**
- 2. Adjacent development shall be set back a minimum of 50 feet from the trees.**

Sec. 35-97.14. Development Standards for White-Tailed Kite Habitats.

- 1. There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.**
- 2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.**

**3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.**

**4. In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.**

**Sec. 35-97.15. Development Standards for Rocky Points and Intertidal Habitats.**

**1. In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.**

**2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.**

**3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.**

**Sec. 35-97.16. Development Standards for Subtidal Reef Habitats.**

**1. Naples reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources. If evidence of depletion is found, the County shall work with the California Department of Fish and Game and sport and commercial fishing groups to assess the extent of damage and implement mitigating measures.**

**Sec. 35-97.17. Development Standards for Seabirds Nesting and Roosting Site Habitats.**

**Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.**

**Sec. 35-97.18. Development Standards for Native Plant Community Habitats.**

**Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.**

**1. Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.**

**2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation.**

*In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.*

Sec. 35-97.19. Development Standards for Stream Habitats.

**1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:**

- a. Soil type and stability of stream corridors.**
- b. How surface water filters into the ground.**
- c. Slope of land on either side of the stream.**
- d. Location of the 100-year flood plain boundary.**

**Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.**

**2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route location is feasible. All development shall incorporate the best mitigation measures feasible.**

**3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.**

**4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor**

*clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.*

*5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.*

*6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of P.R.C. § 30236 of the Coastal Act.*

Sec. 35-140.1 General Regulations - Tree Removal Purpose and Intent.

*The purpose of this section is to regulate the removal of certain trees within the Coastal Zone. The intent is to preserve healthy trees that are important for the protection of habitat areas and the scenic and visual quality of the County*

Sec. 35-140.2 Tree Removal Applicability.

*A Coastal Development Permit under Sec. 35-169 shall be required for the removal of any tree which is six inches or more in diameter measured four (4) feet above the ground and six feet or more in height and which is 1) located in a County street right-of-way; or 2) located within 50 feet of any major or minor stream except when such trees are removed for agricultural purposes; or 3) oak trees; or 4) used as habitat by the monarch butterflies.*

Section 35-140.3 Tree Removal Processing.

*In addition to the requirements for the issuance of a coastal development permit set forth in Sec. 35-169., a coastal development permit for the removal of trees shall not be issued unless a Coastal Planner makes one of the following findings:*

- 1. The trees are dead.*
- 2. The trees prevent the construction of a project for which a coastal development permit has been issued and project redesign is not feasible.*
- 3. The trees are diseased and pose a danger to healthy trees in the immediate vicinity, providing a certificate attesting to such fact is filed with the Planning and Development Department by a licensed tree surgeon.*
- 4. The trees are so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.*

**4. General Discussion**

Toro Canyon extends from the crest of the Santa Ynez Mountains in Los Padres National Forest to the Pacific Ocean, supporting diverse biological resources and habitats, including Southern Coast Live Oak Riparian Forest, Coast Live Oak Forest,

Coast Live Oak Woodland, Scrub Oak Chaparral (none within coastal zone), Chaparral, Coastal Sage Scrub, Native Grassland, Wetlands, Sandy Beach, Marine, and four principal creeks (Picay, Toro, Garrapata, and Arroyo Paredon Creeks) and their tributaries. Although residential and agricultural development has fragmented this habitat, there remain large expanses of native vegetation, rare and sensitive plant and animal species, and key habitat linkages.

The Coastal Act, Coastal Land Use Plan, and Conservation Element of the Comprehensive Plan contain numerous policies that require protection of a variety of sensitive plant and animal species and environmentally sensitive habitats, including streams and riparian habitats, wetlands (such as vernal pools), native grasslands, oak/riparian woodlands, oak forests, monarch roosting sites, and native vegetation (including coastal sage scrub and chaparral).

The Toro Canyon Plan proposes a variety of policies and development standards to limit the impacts of development on biological resources including the reduction of land use densities and the redesignation of some lands (e.g., to Mountainous Area). These policies, development standards, and actions build upon existing adopted policies to protect biological resources. The Plan's policies and standards include provisions for ESH determinations (BIO-TC-1.1 - BIO-TC-1.3), setbacks and buffer zones from environmentally sensitive habitats (BIO-TC-1.4), restoration of zoning violations adversely impacting ESH (BIO-TC-1.5), limitations on landscaping near ESH and restoration requirements (BIO-TC-2, BIO-TC-2.1, BIO-TC-2.2), use of conservation easements to preserve important biological habitats (BIO-TC-3), siting development to minimize scale and avoid habitat fragmentation and fuel modifications (BIO-TC-4.1 - 4.3, BIO-TC-12, BIO-TC-12.1), reduced impacts to ESH from residential additions (BIO-TC-5 - BIO-TC-5.3), provisions for nonconforming structures (BIO-TC-6), minimization of stream channel disturbance (BIO-TC-11), specific requirements for Southern Coast Live Oak Riparian Forest buffer development (BIO-TC-11.1), alluvial well extractions (BIO-TC-11.2), trail siting requirements (BIO-TC-12.2 and Appendix E), funding of restoration (BIO-TC-12.3), protection of native and non-native specimen trees and trees that provide raptor nesting (BIO-TC-13 - BIO-TC-14), protection of steelhead trout and associated streams (BIO-TC-15 - BIO-TC-15.2), and limits to grading on steep slopes (GEO-TC-1.1).

## **5. Environmentally Sensitive Habitat Designations**

The Coastal Act and certified LCP provide the definition of "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

Debate has occurred about whether some habitat types merit the definition as "ESH" within the Toro Canyon Planning Area. ESH types have already been identified by the County's certified Coastal Plan as follows:

Dunes	Subtidal Reefs
Wetlands	Rocky Points and Intertidal Areas
Native Grasslands	Kelp Beds
Vernal Pools	Seabird Nesting and Roosting Areas
Butterfly Trees	Native Plant Communities
Marine Mammal Rookeries and Hauling Grounds	Streams
White-tailed Kite Habitat	

The LCP reports that the following criteria were used in determining that the above habitats in the County's coastal zone warranted mapping under the ESH overlay:

1. Unique, rare, or fragile communities which should be preserved to ensure their survival in the future, e.g., dune vegetation, native grasslands.
2. Rare and endangered species habitats that are also protected by Federal and State laws, e.g., harbor seal rookeries and haul out areas.
3. Plant community ranges that are of significant scientific interest because of extensions of range, or unusual hybrid, disjunct, and relict species.
4. Specialized wildlife habitats which are vital to species survival, e.g., white-tailed kite habitat, butterfly trees.
5. Outstanding representative natural communities that have values ranging from a particularly rich flora and fauna to an unusual diversity of species.
6. Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future.
7. Areas that are important because of their biological productivity such as wetlands, kelp beds, and intertidal areas.
8. Areas that are structurally important in protecting natural landforms and species and species, e.g., dunes which protect inland areas, riparian corridors that protect stream banks from erosion and provide shade, kelp beds which provide cover for many species.

The Coastal Act and LCP recognize that the resource areas that are considered ESH are not static over time. Development across the state results in the loss of natural areas and fragmentation of habitat, subsequently certain habitats and/or plant and animal species may become more rare and their protection more critical in the future. Additionally, scientific study may reveal new information and understanding of the existence, rarity, or importance of certain habitats and species.

The County's updated review identified several species occurring, or potentially occurring, within the Plan area that currently have a protected status on a federal and/or

state level. The status of protected species, current as of December 2001, in the Plan area and their respective habitats are described in more detail below.

The federally threatened California Red-Legged Frog occurs in aquatic habitats along streams and rivers, preferring pools with dense emergent or overhanging vegetation. Red-legged frog could occur in Toro Creek, but they are not likely due to the lack of suitable habitat. The Southwestern Pond Turtle is a California Species of Special Concern that occurs throughout Santa Barbara County along rivers and streams with permanent ponds. Suitable habitat is present in and along well-wooded sections of Toro Creek. The Plan area, as part of the entire South Coast area of Santa Barbara County, is designated critical habitat for the Southern California steelhead trout, which has the potential to occur in any of the streams and creeks. Other sensitive aquatic species such as the California newt and two-striped garter snake are known to occur in the Toro Canyon region and are considered sensitive and declining (Jennings and Haynes, 1994). These species may be associated with Arroyo Paredon and Picay Creeks, which also have favorable characteristics for these sensitive species.

Other sensitive species which are either expected or have the potential to inhabit or use the project area include Least Bell's Vireo, Pacific Slope Flycatcher, Warbling Vireo, Willow Flycatcher, and others (Toro Canyon Elementary School Proposed Final EIR, 1998). Three sensitive plant species, Plummer's Baccharis, Chaparral Mallow, and White Flowered Sticky Phacelia, occur in the Summerland Community Plan area to the west. The Toro Canyon Plan includes two known Monarch Butterfly habitats that are mapped at locations on Padaro Lane.

## **6. Habitats Within Toro Canyon Plan Area**

The County identified the biological resources in Toro Canyon from a range of information sources. Biological studies of specific development project sites within Toro Canyon and the Carpinteria Valley provided a background for the general biological resources in the Plan area. County Planning and Development Department (P&D) aerial photographs of the Toro Canyon area, taken on June 6, 1997 were evaluated to determine the location of major vegetation types. P&D biologists and experts on aerial photograph interpretation assessed all of the biological information described above and conducted brief field investigations during 1999 and early 2000, as well as during adoption hearings on the Plan later in 2000 and through early 2002, to develop the following general natural habitat classifications and prepare the Plan's Biological Resources and Environmentally Sensitive Habitat Map. The following includes a description of habitat types within the coastal zone portion of the Toro Canyon Planning Area as described in the Toro Canyon Plan.

### ***Southern Coast Live Oak Riparian Forest***

Toro Canyon has the largest, contiguous coast live oak riparian forest on the South Coast. Covering roughly 550 acres, the habitat extends down the branches of Toro Creek and Garrapata Creek, spreading out from the creek banks hundreds and sometimes thousands of feet onto the floodplains, connecting as one system between

Lambert and Toro Canyon Roads. The forest is comprised of about 90 percent coast live oak and 10 percent western sycamore. These trees reach about 60 feet in height and have average diameters of 20 to 30 inches. The forest canopy of interlocking branches provides habitat for at least as many as 57 bird species, and perhaps as high as 83 species including three hawk species, as many as four owl species, four woodpecker species, and many others. White-tailed kites are known to roost and nest regularly in this habitat (Holmgren and Rindlaub 1988, Storrer and Philbrick 1998). Due to the dominance of non-natives in the understory at lower elevations there is less diversity of mammals, amphibians and reptiles than in areas higher in the watershed where there is a greater percentage of natives in the understory. The unusual close proximity of the creeks and oaks contributes to the richness of this habitat and high species diversity which was documented in a 1988 survey where more than 60 different animal species and an additional 30 species were expected. Because of the high diversity and because this habitat has been almost completely eliminated in the region, the remaining habitat is extremely important (Holmgren and Rindlaub 1988).

#### *Coast Live Oak Forest / Coast Live Oak Woodland*

The Coast Live Oak Forest community ranges from Sonoma County to Carpinteria, reaching its southern limit of distribution in the Plan area (Holland 1986). Where a species or entire community reaches the northern or southern limit of its range, it is significant because it is a place where ecological and evolutionary change can occur. A significant oak forest occurs along Toro Canyon Park Road in and near the park itself. There are approximately 260 acres of mapped oak forest in the community including 100 acres of dense forest on the north slope below Paredon Ridge. Another oak forest, about 16 acres in size, occurs at the northwest corner of East Valley Road and Ladera Lane. A pair of white-tailed kites ("Fully Protected") were believed to be nesting here in 1998. The understory here is predominantly native and well developed; species diversity is high. Abundant oak seedlings are also present here. Other species in this community include lemonade berry, laurel sumac, red berry and fuchsia-flowered gooseberry, poison oak, wild blackberry, wild cucumber, wild rose, melic grass, giant rye, wood mint, and hummingbird sage (Storrer and Philbrick 1998).

Approximately 50 acres of Coast Live Oak Woodland are mapped within the Toro Canyon Planning Area. This community is dominated by coast live oaks occurring on the north slopes of the upper portion of the canyon. This community is slightly less dense than the oak forest and oak riparian forest described above.

NOTE: Coast Live Oak Woodland is combined with Coast Live Oak Forest as one habitat designation on the Biological Resources map.

#### *Chaparral*

This community is similar in appearance to scrub oak chaparral, but lacks scrub oak as the dominant shrub species. It includes chamise, manzanita, coastal sage, mountain lilac, mountain mahogany, coast live oak, toyon, scrub oak, sumac, black sage, sun-rose, deer brush, nightshade and goldenrod (Philbrick 1993). It supports the same animal population as the scrub oak chaparral. Roughly 1,550 acres are vegetated by

chaparral. Where chaparral borders on riparian woodland, an "edge" environment is created that is highly beneficial to birds and other animals (Tierney and Storrer 1990). Toro Canyon has several areas of "edge" communities where chaparral and oak forest or riparian forest meet, creating strong interdependence between the communities. Chaparral is an important source of refuge and forage for mammals which in turn attracts scavengers and predators to this habitat, including bobcat, gray fox, coyote and mule deer (Tierney and Storrer 1990). Typical bird species include wren-tit, California quail, Bewick's wren, and California thrasher. Reptiles such as western fence lizard, southern alligator lizard, striped racer, rattlesnake, and kingsnake are also widely represented in chaparral due to its dense cover and abundant insect and rodent populations. Western pond turtle (California Species of Special Concern) and California newt could occur in the chaparral within 1,000 feet or more from one of the riparian systems.

#### *Coastal Sage Scrub*

Coastal sage scrub is another Toro Canyon foothill community. This community, abundant in the County, is usually found on dry and rocky slopes below the chaparral. California sagebrush, several sage species, California buckwheat, coyote bush and California encelia dominate coastal sage scrub. Coastal prickly pear cactus (*Opuntia littoralis*) is an occasional member of this community (Smith 1998). Roughly 38 acres are mapped as being vegetated by coastal sage scrub. As many as 24 species of mammals are known to frequent this which provides protective cover for many small mammals that are important prey for resident carnivores and birds of prey (Little 1997).

#### *Native Grassland*

Several patches of native grassland (*Nassella lepida*) have been documented in Toro Canyon, including several acres along upper Toro Canyon Road (800 and 900 blocks) and Arroyo Paredon Creek (Philbrick 1990), and approximately 0.25 acre along the dirt road leading down into Santa Monica Canyon. These are not shown on the Plan ESH Map. Other patches of native grassland are likely in Toro Canyon. Purple needlegrass (*Nassella pulchra*) has also been found in the Plan area along the Hidden Valley Lane area, and in lower Toro Canyon along East Valley Road. Native California grasslands, formerly widespread, have been displaced throughout California by annual European grasses, urbanization, agriculture and fire suppression. Grasslands provide important foraging and breeding habitat for a wide variety of passerine bird species and birds of prey, and often form transitional zones between scrub and woodland habitats. These edge habitats tend to be very high in species diversity.

#### *Streams*

Four creeks and their tributaries in Toro Canyon provide important habitat for many species, transport nutrients and sediments, and allow replenishment of sand at downstream beaches. Riparian areas provide dense vegetation and often water to drink. Many species of wildlife that live in the chaparral, oak forests, and coastal sage scrub visit riparian habitats to drink or feed. The creeks in the Plan area also provide a movement corridor that allows larger mammals to travel within residential areas to and

from more isolated sites. Riparian habitats and their associated streams form a central connecting link between all the habitats in the Plan area. These habitats connect the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost.<sup>4</sup> Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."<sup>5</sup> In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

Specific characteristics of each of the four creeks in the Plan area are described below.

*Picay Creek.* Originating in northwestern Toro Canyon, Picay Creek continues southwest into the Montecito Planning area, feeding into Romero Creek. Coast live oaks, western sycamore, and arroyo willow dominate in this area. Native understory vegetation includes wood fern, snowberry, wild rose, giant rye and mountain mahogany. Where disturbance has occurred previously, weedy understory plants, particularly German ivy dominate. Yellow warbler has been observed in Picay Creek, is a California species of special concern and is a likely breeder along the creek. Other birds occurring in Picay Creek include red-shouldered hawk, black-chinned hummingbird, downy woodpecker, Pacificslope flycatcher, Wilson's warbler and black-headed grosbeak, among others (Storrer and Philbrick 1998).

*Toro Creek.* Toro Creek is a major wildlife corridor that supports numerous birds, small mammals, and aquatic species. The overstory consists of mature large western sycamore, coast live oak, and occasional Eucalyptus trees, with many sycamore and oak trees exceeding 3 feet in diameter. The oak riparian forest understory is dominated by non-native weedy species, although native species are also present. In the lower portion of the watershed, there are numerous weedy species in the oak riparian forest understory include garden nasturtium, German ivy, greater periwinkle, and castor bean. Native species in the oak riparian forest understory include poison oak, wild blackberry, wild rose, hedge nettle, Douglas' mugwort, white nightshade, and scarlet monkeyflower. These native species are more common in the upper portion of the watershed, above

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<sup>4</sup> Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

<sup>5</sup> Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

Vista Linda Lane (Stevens, personal communication 2000). The sediments of the creekbed support horsetail, smartweed, and willow herb. The creek aquatic habitat supports green algae and water cress. Birds that nest in Toro Creek include mallard, song sparrow, and lesser goldfinch. Several birds that are listed as Species of Special Concern, including yellow warbler, yellow breasted chat, Allen's hummingbird, and Pacific-slope flycatcher, are known to use Toro Creek during migration and/or nesting periods (Kisner 1998). Red-legged frog (Threatened) could occur in the creek, but they are not likely due to the lack of suitable habitat. Above Vista Linda Lane, Toro Creek has suitable habitat for southwestern pond turtle (State Species of Special Concern). Further south, the creek is probably too steeply incised for the turtle to get out of the channel. No recent records of steelhead trout are known from this stream (Spencer, personal communication 2000).

*Garrapata Creek.* A well-developed southern oak riparian forest habitat corridor occurs along Garrapata Creek. Vegetation here includes sycamore, live oak and eucalyptus trees with an understory of primarily non-native periwinkle. Existing vegetation provides roosting, foraging, and nesting habitat for several raptor and passerine species and foraging habitat for small animals, although certain segments of the oak riparian forest along Garrapata Creek have been disturbed. The eucalyptus trees along Garrapata Creek provide nesting habitat for red-tailed hawks (Storrer, 1989). The creek is drier than others in the Plan area, probably due to the small size of its watershed. Suitable habitat for red-legged frogs, southwestern pond turtles and steelhead trout is not known to exist in this creek (Spencer, personal communication 2000).

*Arroyo Paredon Creek.* Arroyo Paredon Creek drains the eastern section of the Plan area, from the chaparral covered hillsides, through Toro Canyon Park, just below the confluence with Oil Canyon Creek, and continues south-west to Highway 101. Arroyo Paredon Creek supports a healthy oak riparian forest including oaks and sycamores in the northern section of the Plan area (Storrer 1998). An endemic form of bitter gooseberry (*Ribes amarum* var. *hofmannii*) has occurred in this creek in the past but was removed by scouring during recent flooding (personal communication, Spencer 2000). South of East Valley Road, the channel has been modified considerably and does not support most animal species typical of riparian habitats. There are no recent records of steelhead trout from this stream. (Spencer, personal communication 2000).

### *Sandy Beach*

The marine interface in Toro Canyon consists of approximately 2 miles of sandy beach habitat on the shoreline of the Pacific Ocean. Shorebirds such as western snowy plover, western sandpiper, marbled godwit, long-billed curlew, and willet, use the local coastline for feeding, particularly during the winter months. Offshore species include the brown pelican and the California least tern; both species are federally-listed endangered species (Tierney 1990).

### *Wetlands*

In addition to the wetlands identified outside of the coastal zone, similar small wetlands may also occur in Toro Canyon which are not detectable on P&D's aerial photographs or have not yet been observed during the field investigations.

### *Marine Habitat*

The marine interface in Toro Canyon consists of approximately two miles of sandy shoreline and rocky intertidal habitat along the Pacific Ocean. Numerous species of shorebirds use the local coastline for feeding, particularly during the winter months. Offshore species include the brown pelican and the California least tern, both listed as endangered (Tierney 1990).

## **7. Effects of Human Activities and Development**

The County's review of the Toro Canyon Planning Area indicates that since the certification of the LCP, development in the Toro Canyon area has raised concerns over issues related to the extent of development northward into the foothills and impacts to biological resources such as the removal of oaks and damage to riparian and other habitats. The habitats of the Toro Canyon area were found to support a high diversity of biological resources including stretches of relatively undisturbed habitat serving as wildlife corridors connecting the mountainous Los Padres National Forest and the Pacific Ocean. This type of connectivity among habitats within an ecosystem and connectivity among ecosystems has been found to be very important for the preservation of species and ecosystem integrity. In a recent statewide report, the California Resources Agency<sup>6</sup> identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to governor Gray Davis, sixty leading environmental scientists have endorsed the conclusions of that report.

As with much of Santa Barbara County, the Toro Canyon Plan Area is experiencing increasing pressures for residential as well as agricultural development. The Toro Canyon Plan notes that a significant amount of residential development has been proposed recently for Toro Canyon and surrounding areas. In addition, several ranches in the rural areas have been graded and hillsides have been cultivated into orchards. After agricultural roads are in place, large residential estates have sometimes been developed. Building trends involve new custom homes with structures far larger than existing homes, from 5,000 to as large as 20,000 sq. ft.

Empirical evidence indicates that this intensification of development has resulted in adverse impacts to the area's sensitive resources. In that regard, the County found that (Santa Barbara County, February 2002):

***Substantial portions of the Plan area's oak forest, oak riparian forest and chaparral habitat have been lost or severely degraded from agricultural***

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<sup>6</sup> California Resources Agency. 2001. Missing Linkages: Restoring Connectivity to the California Landscape. California Wilderness Coalition, Calif. Dept of Parks & Recreation, USGS, San Diego Zoo and The Nature Conservancy. Available at: <http://www.calwild.org/pubs/reports/linkages/index.htm>

*development for clearance and the invasion of exotic plant species such as German ivy (Tierney and Storrer 1990). Several rare and sensitive plant species are located within these communities (e.g., Nuttall's scrub oak) which could be lost due to new development and may require a designated state or federal listing in the future. The Plan addresses this planning issue by identifying scrub oak chaparral as ESH. The introduction of aggressive, weedy plant species such as sweet fennel and castor bean have also inhibited reestablishment of chaparral and coastal sage scrub communities. In addition, these communities have been deliberately eliminated to reduce fire hazards. Further development of vacant parcels within mountainous areas and along creeks would fragment and degrade remaining habitats and their ability to support wildlife.*

*Activities that release oil, grease, pesticides, fertilizers, sewage, animal waste, and other toxic wastes threaten Toro Canyon creeks. Some agricultural activities can create chemical runoff, which flows into creeks, marshes and ocean, with potential impacts to these fragile habitat areas. Hillside grading activities have caused erosion and accumulation of sediment, which has interfered with the reproduction of these habitat areas.*

#### **8. Environmentally Sensitive Habitat Mapping**

As a result of the updated review of the Plan area as described above, the County found that the much of the habitat within the Toro Canyon Plan area met the definition of ESH consistent with the certified LCP and Coastal Act. In order to facilitate planning, the County updated the ESH map that depicts the approximate location and boundaries of ESH (Exhibit 8). The ESH map is not, however, intended to definitively assign the ESH designation to individual parcels. Conversely, there may be areas that are not mapped that are ESH. These maps will always be subject to revision, refinement and small-scale adjustments, and site-specific ESH determinations may be required in particular cases.

The County identified the biological resources in Toro Canyon from a range of information sources (see Section "Habitats Within Toro Canyon Area") and utilized this information to develop the ESH map based on aerial photograph interpretation and field investigations during 1999 and early 2000, as well as during adoption hearings on the Plan later in 2000 and through early 2002. Within the coastal Toro Canyon Plan Area, most of the ESH is *Southern Coast Live Oak Riparian Forest* with several large areas of *Coast Live Oak* and three areas of *Coastal Sage Scrub*. The ESH Map also identifies two *Monarch Butterfly Habitat* areas and an *Intertidal* ESH area in the southwestern corner of the Plan area. *Wetlands* and *Native Grasslands* have not been mapped in the coastal portion of the Plan area. However, given the potentially small and isolated nature of these habitat types, these resources are more likely to be identified during the application review process.

The County proposes to amend the *Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay Map* and *Environmentally Sensitive Habitat Zoning and Land*

*Use Overlays Article II Map* to include the updated ESH areas within the Plan area. The Land Use Overlay Map ESH delineations are identical to the Zoning Article II Map and, for convenience, have been combined into one representative ESH Map as shown in the Toro Canyon Plan.

The Coastal Act requires that areas meeting the definition of ESH be protected, as provided by Section 30240. One way that the LCP provides for the protection of ESH is by generally depicting the location of known resources on the ESH Map. However, if the policies protecting ESH were applied only to the areas shown on the map, there would not be complete assurance that all areas meeting the definition of ESH would be protected as required by the Coastal Act. The ESH Map is a valuable source of information on the presence of sensitive resources. The map is a useful tool for identifying many of the habitat areas that meet the definition of ESH. However, in this area, and other areas, mapping is not the definitive designation of ESH. It requires an on-the-ground determination on a site-by-site basis. It is also clear that the ESH Map must be updated periodically to reflect current information.

The ESH Map, as described above, was developed using available information, including field visits. The map accurately depicts the location of ESH areas according to the method used. However, it would be necessary to conduct in-depth site-specific biological surveys of the entire Plan area in order to map ESH down to a site-by-site level. Conducting such surveys would not only be time and cost prohibitive, but also an inefficient method to determine location of ESH. Site-specific biological surveys of the entire area would still only provide an accurate depiction of ESH at one point in time. However, the determination of ESH is not static over time, since certain habitats and/or plant and animal species may become more rare and their protection more critical in the future or scientific study may reveal new information and understanding of the existence, rarity, or importance of certain habitats and species.

Action BIO-TC-1.1 of the Toro Canyon Plan provides the intent and function of the Toro Canyon ESH Map. Action BIO-TC-1.1 lists the identified habitats that shall be presumed to be environmentally sensitive provided that the resource is actually present on the project site during the review process. Action BIO-TC-1.1 specifies that ESH shall be protected and preserved through implementation of the LCP's ESH Overlay District. Additionally, Action BIO-TC-1.1 provides that the scale of the overlay maps precludes complete accuracy in the mapping of habitat areas. In some cases, the precise location of habitat areas is not known or, alternately, the migration of species or discovery of new habitats may result in the designation of new areas. In order to address these issues, the County shall periodically update the boundaries of the designations in order to incorporate new data.

Though BIO-TC-1.1 provides a framework for the function and implementation of the ESH Map, it is vague with regard to implementation of standards for non-mapped ESH. To provide a mapping tool adequate to implement ESH protection provisions consistent with Section 30240 of the Coastal Act, the Commission finds it necessary to clarify that ESH development standards must be implemented if ESH is determined to be present

on a site that was not identified on the ESH Map, as detailed in LUP Modification 69. BIO-TC-1.1 specifies that ESH shall be preserved "on development project sites." This is inconsistent with Coastal Act Section 30240 which requires ESH to be protected against any significant disruption of habitat values and development in areas adjacent to environmentally sensitive habitat areas to be sited and designed to prevent impacts which would significantly degrade those areas. Therefore, to ensure that any adjacent ESH is protected consistent with Section 30240, LUP Modification 69 strikes the reference to the "project site."

DevStd BIO-TC-1.3 specifies that the process for delineating the exact boundary of ESH occurs during an application for development, as specified in the certified LCP. In the coastal zone, the LUP requires projects within 250 of designated ESH (as shown on the ESH Map) to meet the applicable habitat protection policies of the land use plan. Project plans associated with such development projects are required to show the precise location of the habitat and would be subject to inspection by a qualified biologist. Section 35-97.3 of the certified Zoning Ordinance states that if a newly documented ESH is identified, but is not shown on the ESH Map, it shall still be subject to all applicable habitat protection standards.

Action BIO-TC-1.2 states that "the Rural Neighborhoods [RNs] of Torito Road, Serena Park, La Paquita and Ocean Oaks shall be designated on the Toro Canyon Plan ESH Overlay Map as areas of potential biological merit requiring further biological study for ESH delineation during an application for development." Properties subject to this policy are designated as "Areas of Potential Biological Merit" on the ESH Map. The County has indicated that this is intended to clarify that listed habitat types are not categorically ESH but shall be presumed to be "environmentally sensitive," provided that the actual habitat area(s) on a project site meet the criteria for ESH of the Coastal Act. Proposed development on such properties would require site-specific biological assessments to ascertain the actual extent of any ESH on the property and the effects of the proposed development on any ESH areas.

Due to the extent of existing development within the Rural Neighborhoods, the Board of Supervisors directed P&D staff to limit the mapping of oak riparian areas to the stream channel only, under the assumption that during the application for future development the exact boundary of ESH would be determined through specific study and protected consistent with the certified LCP requirements. However, the task of delineating only the stream channels in Torito Road Rural Neighborhood was considered overly difficult to map due to the "extensive tree canopy and the streams' meandering courses through the neighborhood not located in uniform incised channels. Mapping this would require a survey by a civil engineer to account for every segment of the stream path(s) through Torito Road Rural Neighborhood, which is beyond the mapping abilities in P&D and not the general plan level of mapping conducted in previous area and community plans" (Memo from P&D Staff to Board of Supervisors, October 26, 2001). Therefore, the mapping of riparian ESH corridors through Rural Neighborhoods was delineated to include the riparian canopy as evident on aerial photographs and through field check, rather than the stream channels only. To address the Board's concerns, however, a

caveat was added to the ESH Map legend for Areas of Potential Biological Merit stating that: Within these areas, the mapped ESH extent along streams is intended to represent the "Top of Creek Bank" only; the extent of any associated riparian habitat must be determined by site-specific review.

Limiting the designation of ESH to the *top of creek bank only* discounts the importance of the adjacent riparian vegetation and canopy as integral part of the stream ecosystem and habitat. Riparian vegetation associated with streams is a critical factor in protecting the stream channel itself by providing area for infiltration of runoff, minimizing erosion and sedimentation. Additionally, riparian areas are species-rich because of their multi-layered vegetation, available water supply, vegetative cover, and ability to provide central connectivity with other habitats. This habitat type is vital in connecting biological communities from the highest elevation of chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way. As a result of these factors, riparian areas are an essential refuge and oasis for much of the area's wildlife.

Furthermore, the certified LCP already recognizes the importance of riparian vegetation by including it in the ESH designation. LUP Policy 9-37 provides for protection of streams such that "riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible."

For the above reasons, the Commission finds that ESH is not limited to the creek channel, but rather includes the entire riparian canopy. Therefore, the Commission finds it necessary to revise the ESH Map legend to strike all reference to ESH restriction to top of creek bank, as required in LUP Modification 160 and IP Modification 165.

As recognized by the County, designating the area for further biological study would not substantially differ from the regular review process, as exists outside the RNs. However, it does put property owners on notice that further development of their parcels will require substantial scientific study. There are no other proposed standards that address "Areas of Potential Biological Merit" in the Toro Canyon Plan and all such future development would be subject to the applicable ESH provisions.

The Commission finds that the County's adoption of the "Areas of Significant Biological Merit" concept itself does not provide any conflict with Section 30240 of the Coastal Act. However, the implementation of this concept lacks sufficient specificity to determine the level at which ESH determinations will be made. To ensure that future study adequately identifies any potential ESH consistent with ESH protection required under the Toro Canyon Plan policies, IP Modification 172 (Section 35-194.2 of the Zoning Code) specifies the requirements to be included in the biological analysis. Such as study must include detailed, site-specific information to provide adequate analysis that it is consistent Section 30240.

### Torito Road Rural Neighborhood

The County has applied special standards for delineation of ESH within the designated Rural Neighborhoods (RN). As described above, due to the extent of existing development within the Rural Neighborhoods, the Board of Supervisors directed P&D staff to limit the mapping of oak riparian areas to the stream channel only, under the assumption that during the application for future development the exact boundary of ESH would be determined through specific study. However, the task of delineating only the stream channels in Torito Road Rural Neighborhood was considered overly difficult to map due to the "extensive tree canopy and the streams' meandering courses through the neighborhood not located in uniform incised channels.

In a memo from County Planning Staff to the Board of Supervisors, dated October 17, 2001, staff reported on the status of mapping in the Torito Road Rural Neighborhood as follows:

***The ESH-TCP Map has been revised to reflect Board direction to only designate the riparian streams as new ESH (West Branch of Toro Canyon Creek and tributaries of East Branch Toro Canyon Creek and Garrapata Creek) beyond the existing designated ESH under the current certified LCP ESH Map (only East Branch Toro Canyon Creek). In addition, the ESH-TCP Map also contains designations of "areas of potential biological merit" as recommended by the Planning Commission and supported by the Board. The revised ESH Map has the following effects:***

- \* ESH designation along West Branch of Toro Canyon Creek has been refined (Less ESH mapped);***
- \* With computer mapping and further field review, the certified ESH mapping of the East Branch of Toro Canyon Creek has been refined and reduced (Less ESH mapped);***
- \* Under the revised ESH mapping, four properties in the neighborhood previously defined as "areas of potential biological merit" are not longer subject to the proposed designation.***
- \* Within the Rural Neighborhood of La Paquita, 5 parcels were removed from the "areas of biological merit" designation with further refinement of the computer mapping.***

***Commission staff has indicated that it will carefully examine the use of "areas of potential biological merit" rather than the ESH designation originally proposed in the Draft Toro Canyon Area Plan.***

Further clarification was provided in an October 26, 2001 memo from County staff to Board of Supervisors:

***ESH Designation of Oak Riparian Forest in Torito Road Rural Neighborhood:***

*The Board heard testimony from Mr. Levin, property owner at 2930 Torito Road, that the revised ESH mapping in the Torito Road Rural Neighborhood for the western branch of Toro Canyon Creek continues to designate the riparian habitat rather than just the stream channel as previously directed by the Board on July 9, 2001. Staff attempted to meet the Board direction by revising the ESH mapping in streams in Torito Road to avoid developed areas visible through aerial photography and a site visit. Staff believes that this revised mapping met the intent of the Board and consistency with the County LCP for streams which includes definitions and protection policies for stream and riparian vegetation (definitions for streams, riparian vegetation and stream corridors; and LCP Policies 9-37, 9-38, 9-40 through 9-42). The streams through the Torito Rural Neighborhood are difficult to map due to the extensive tree canopy and the streams' meandering courses through the neighborhood not located in uniform incised channels. Mapping this would require a survey by a civil engineer to account for every segment of the stream path(s) through Torito Road Rural Neighborhood, which is beyond the mapping abilities in P&D and not the general plan level of mapping in previous area and community plans.*

*At the close of the hearing on October 22, Mr. Levin suggested that a note on the map could provide guidance to identify where the stream is located within Torito Road. After further review of this concept, Staff has included a note on the ESH-TCP Map that describes the intent of the ESH mapped along streams to represent "top of creek bank" only, and the extent of any associated riparian habitat must be determined by site-specific review. In order for the map notation to also be referenced in the text of the Plan, Staff recommends reinserting the "top of creek bank" definition previously in the Plan during the Planning Commission hearings contained within DevStd BIO-TC-2.1.*

County staff visited sites within the Torito Road to refine the ESH Map to maintain the edge of the mapped ESH outside the developed building footprints on most properties, to the maximum extent feasible.

As a result, the ESH Map represents the riparian canopy adjacent to the stream corridor (i.e., the ESH designation roughly parallels the first visible residential disturbance as you move away from the creek). However, in the case of the Torito Road RN, the continuous/historic canopy extends in and around the existing residences. Although the riparian habitat was mapped as Southern Coast Live Oak Forest on the ESH Map, the riparian ESH designation was limited to the creek channel as indicated in the legend of the ESH map which limits the actual ESH to the "top of creek bank only." As proposed, the adjacent riparian habitat would only be considered ESH if the resulting biological study proved that it was ESH. However, as detailed in the previous section, the Commission finds that ESH is not limited to the creek channel, but includes the entire riparian canopy and therefore requires the ESH Map legend to strike all reference to ESH restriction to top of creek bank, pursuant to LUP Modification 160 and IP Modification 165.

The Commission recognizes that existing legal residential development exists among the ESH and such development is not ESH. Existing legal development, graded or

disked areas, and those portions of riparian corridors that have been so altered and degraded as to lose most habitat value would not be considered ESH as evidenced in further biological study. Though some of these areas may be shown within the mapped ESH, the Commission finds that the ESH Map is a planning level tool that is not intended to provide a precise delineation on an individual parcel level. In addition, the Commission finds that this designation of ESH will not unduly burden property owners because the sites already require a detailed biological survey to be conducted, and furthermore, as provided in the certified LCP and the proposed Toro Canyon Plan, any development that does not meet the definition of ESH (such as the footprint of legal residential development) shall not be subject to the ESH provisions. The footprint of existing lawfully established residential development (roads, driveways, residences, landscaping and accessory structures), if mapped ESH, shall not be deemed ESH.

#### Wetland Drainages

During the course of the Toro Canyon ESH review the County identified wetlands north of Padaro Lane, between the railroad tracks and the roadway, and along Santa Claus Lane (see Exhibit 6). These wetlands represent excavated drainages for the purpose of routing runoff downstream. These drainages were found to contain hydrophytic vegetation, thereby meeting the Commission's definition of wetland. The presence of these wetlands was confirmed in the field by Commission biologist, Dr. John Dixon. Dr. Dixon confirmed that these areas did meet wetland criteria but did not meet the definition of an environmentally sensitive habitat area. Therefore, the Commission requires these wetland areas to be mapped as "Wetland (Not ESH)" on the ESH Map as provided in LUP Modification 162 and IP Modification 167. See Section "Flood and Fire Hazard" for policy details on flood control issues.

#### Butterfly Habitat Loon Point

As shown in Exhibit 5, the existing certified LCP ESH Overlay Map delineates a Butterfly Habitat area in Loon Point adjacent to the southwestern boundary of the Plan Area. However, on the proposed ESH Map, this area is not retained as ESH. The submitted record and analysis is silent as to why this area has specifically been removed from ESH status. The County has indicated that the reason it was not included in the ESH Overlay is because of its lack of incorporation into the *Monarch Butterfly Overwintering Site in Santa Barbara County, California* by Dr. Daniel Meade (November 1999), which describes butterfly habitat areas countywide. Though the study provides scientific study and background on many butterfly habitats throughout the County, the report itself does not suggest that it is comprehensive. Given that this area is already a part of the certified LCP, the County has not provided supporting evidence to indicate that this area specifically does not warrant further protection. The aerial photograph shows that existing tree cover still exists in the general area. A search of the County records indicated that no projects have been permitted through the County in the vicinity of the ESH since the certification of the LCP. Furthermore, if the removal of habitat trees had potentially occurred without benefit of a permit, this would constitute an activity inconsistent with the protection of ESH afforded in the LCP and would require restoration, not the removal of ESH designation. Therefore, the Commission

finds that there is not enough evidence to suggest that the butterfly habitat area shown on the certified map does not merit further protection, and requires the mapped ESH to be retained as described in LUP Modification 161 and IP Modification 166. Though the designation would be retained, the LCP has adequate provisions for areas that are mapped as ESH on the Overlay Map but which do not meet the definition of ESH. Additionally, if further study of the area definitively illustrates that such ESH classification should be removed, the County may update the ESH Map through the LCP amendment process.

#### Butterfly Habitat Padaro Lane

During the course of the Toro Canyon ESH review, the County staff identified an additional butterfly habitat area at 3197 Padaro Lane, near Beach Club Road, as shown on Exhibit 6. However, this area was not included on the proposed ESH Map submitted as part of this LCP amendment. During the County public review process, Mr. Hromadka, property owner at 3197 Padaro Lane asserted that this property is not ESH because (1) the Calvert report on butterfly habitat (1991) found that the property does not seem sufficiently sheltered to be a high quality site even though monarchs did aggregate there for a short period of time and (2) Dr. Meade's report (1999) found that the subject property had changed dramatically with the location being virtually abandoned in favor of the dense eucalyptus growth found at 3177 Padaro Lane.

The County's inclusion of the butterfly habitat at 3197 Padaro Lane was based upon the Calvert and Meade reports which provided countywide assessments of various monarch butterfly habitat sites. Originally Mr. Hromadka's assertion that the subject property did not contain ESH was based on the fact that the Meade study did not identify his property as butterfly habitat, but rather a site at 3459 Padaro Lane. Dr. Meade verified with County staff that the butterfly habitat site was located at 3197 Padaro Lane, and that the address listed in the report (3459 Padaro Lane) was an error (see Exhibit 10).

County staff conducted further analysis of the site and made the following conclusions (Board of Supervisors Staff report dated January 11, 2002):

***Hromadka Property (3197 Padaro Lane): Staff conducted an additional site visit to the Hromadka property on December 14, 2001, per the direction of the Board to verify the type and location of trees associated with the monarch butterfly aggregation documented in the Dr. Mead (1999) and William Calvert (1992) studies. Staff verified that the trees along the east side of the long driveway on the property are a few Monterey pine trees and Arizona ash, exotic broadleaf trees, both described in the above-referenced studies. These trees are located within the fence line of the Hromadka's eastern property line, and consequently appear to staff to be correctly identified on the Hromadka property.***

***Staff has previously provided your Board with the evidence to support the designation of this transitory aggregation site as ESH (please refer to prior staff reports for the Board's public hearings held on July 9 and November 5,***

**2001). The property owner, Mr. Donald Hromadka, remains concerned that the proposed ESH designation on his property is not warranted, based upon his interpretation of the findings in the Dr. Meade report describing this aggregation site as virtually abandoned. Staff disagrees with this conclusion since the purpose of the countywide aggregation study by Dr. Meade was the assessment of existing sites and identification of new aggregation sites. This process resulted in the determination that eleven of the documented existing aggregation sites were no longer viable aggregation sites due to loss of trees and/or changed conditions. The habitat on the Hromadka property was not included on this list, but remained identified as an aggregation site, as further explained in Dr. Meade's letter to staff dated June 25, 2001, distributed to Board members at the July 9 and November 5, 2001 public hearings.**

The Calvert report identified approximately 100 clusters of butterflies on trees lining the driveway to the house, with an estimated number of butterflies between 5,000 to 8,000 on January 20, 1990 and January 27, 1990. On October 25, 1990 an estimated 2,500 butterflies were observed in this location. On January 6, 1991, the aggregations were no longer observed.

The Meade report is an update of the Calvert report that assessed the monarch population during the 1998-1999 overwintering period from October through March. Dr. Meade reported fifty butterflies in November 1998 and two in October 1998. Though this is clearly a marked difference from the 1990/1991 Calvert monarch count, two important issues give rise to the argument that this area is an ESH. First, the subject property is still functioning as transitory site and has been known to harbor an extensive aggregation site in the past. Second, the precise location of aggregation sites may shift from year to year.

As allowed by the County, the aggregation site on the subject property does not contain substantial numbers of overwintering butterflies. However, the study identifies this type of aggregation site as "transitory," playing an important role in the migratory function of the monarch butterflies, as noted in the management recommendations in the report (Meade, 1999):

***Without autumnal and transitory sites it is likely that Monarch butterfly mortality will increase. These habitats provide valuable layover and shelter locations while the butterflies move along the coast. Even though a site may have only 30 butterflies at a give time, the number of butterflies that move through the site during the season may be in the tens-of-thousands. Autumnal aggregation sites directly contribute individuals to the permanent aggregation sites. If new autumnal and transitory sites are found, they should also be protected.***

Monarch butterflies are known to be extremely sensitive to changes in environmental factors which may change the overwintering habits of the monarchs. As noted in Dr. Meade's correspondence (June 21, 2001, Exhibit 10), "the precise location of aggregations change from year to year in this area. Even though the site at 3197 held few monarch butterflies during our 1998 and 1999 surveys, it could harbor substantial aggregations in the future." It appears that such a shift occurred from 3197 Padaro

Lane to 3177 Padaro Lane. During Meade's field observations, nearby site located at 3177 Padaro Lane was observed to now harbor the main aggregation of monarch butterflies in the South County, south of Ellwood, with 9,500 reported in November 1998.

The debate appears to hinge on whether this (now) transitory site, experiencing a decline in use, meets the definition of an environmentally sensitive area. Based on the available evidence, such a transitory site, with its known historic aggregations in combination with its proximity to the now larger aggregation site several properties away, still serves as an important habitat to maintain the viability of monarch populations and meets the definition of ESH. Therefore, to be consistent with Section 30240 of the Coastal Act with regard to protection of ESH, the Commission finds it necessary to require the butterfly habitat at 3197 Padaro Lane to be delineated on the ESH Map as described in LUP Modification 161 and IP Modification 166.

### Kelp

As shown in Exhibit 5, the existing certified LCP ESH Overlay Map delineates an offshore kelp bed in the vicinity of where Garrapata Creek empties to the ocean. Kelp is recognized in the LUP as ESH with general policy text calling for the County to work with jurisdictional agencies to ensure protection of these resources. The County is proposing to delete this area entirely from the ESH Map because the area is outside of the County's permit jurisdiction. Though this area lies within the retained permit jurisdiction of the Coastal Commission, upstream projects and resultant water quality impacts could adversely impact kelp beds. Therefore, on a planning level, it is desirable to know where these sensitive resources are located, irrespective of jurisdictional boundaries. Therefore, the Commission requires the mapped Kelp ESH to be retained as described in LUP Modification 163 and IP Modification 168.

The Commission therefore finds that the proposed LUP amendments on the ESH Overlay Map as submitted are inconsistent with the requirements of Section 30240 of the Coastal Act unless modified as suggested above. Additionally, the proposed IP ESH Map amendments are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **9. Protection of Environmentally Sensitive Habitat Areas**

The Coastal Act requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values. No development may be permitted within ESH, except for uses that are dependent on the resource. Section 30240 of the Coastal Act further requires that development adjacent to ESH is sited and designed to prevent impacts that would significantly degrade ESH and to be compatible with the continuance of the habitat areas. Section 30240 of the Coastal Act also requires that development adjacent to parks and recreation areas must be sited and designed to prevent impacts.

The existing certified LCP provides general policies which require development adjacent to areas designated on the land use plans or resource maps as ESH, to be regulated to avoid adverse impacts on habitat resources, including measures such as setbacks, buffers, grading and water quality controls. Additionally the LUP and Zoning Ordinance provide specific development standards by ESH type.

The General Land Use provisions in the Toro Canyon Plan provide the basic framework for implementation of the Toro Canyon Plan, including provisions for agricultural, residential, and commercial development in a manner that protects coastal resources consistent with the Coastal Act. Given that this *general* section of the Plan provides a basic approach for implementation of the plan, as well as development and protection of resources, staff notes that this is the appropriate location to call out the overriding requirement for protection of coastal resources, as specified in other sections of the Plan. To ensure that coastal resources, including ESH, are protected consistent with Section 30230, 30231, 30240, and 30250, the Commission requires LUP Modifications 4 and 5 to establish that the scale of development is dependent upon the extent of coastal resources and to specify that ESH and public access take priority over other development standards. Suggested Modification 4 provides that in addition to the requirements of LUP Policy 2-11, all development, including agriculture, shall be scaled to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes. Regulatory measures to ensure such protection shall include but not be limited to restrictions on the following: size; color; reflectivity and height of structures; roofs and other architectural features; length of driveways; number of accessory structures; size of development envelopes; amount and location of grading; vegetation removal; and night lighting. Suggested Modification 5 states that the protection of ESHA and public access takes priority over other development policies or standards. Where there is any conflict between ESH protection standards and other development standards, the conflict will be resolved by applying those that are most protective of ESH resources or public access.

The Toro Canyon Plan builds off of the framework of the certified LCP by identifying general ESH types and providing a general framework for additional protection. Policy BIO-TC-1 specifies that ESH shall be protected and where appropriate, enhanced. For clarity and consistency with Section 30240 of the Coastal Act, LUP Modification 71 specifies that ESH shall also be protected against significant disruption of habitat values and only uses dependent upon such resources shall be allowed. The protection of ESH afforded through the Toro Canyon Plan is primarily through the designation of ESH (Action BIO-TC-1.1), implementation of ESH buffers (DevStd BIO-TC-1.4), and specific requirement that documented zoning violations that result in degradation of ESH shall require the preparation and implementation of a habitat restoration plan (DevStd BIO-TC-1.5).

Additionally, to ensure that ESH is protected against any significant disruption of habitat values, LUP Modification 77 specifies that accessways and trails located within or adjacent to ESH must be sited to minimize impacts to ESH to the maximum extent feasible. LUP Modification 94 modifies DevStd BIO-TC-5.3 to include provisions that if

any native vegetation is damaged pursuant to permitted temporary construction activities, the subject area will be restored. LUP Modification 79 provides general guidance that new development must be sited and designed to avoid impacts to ESH. In the design and review of new development, alternative projects must be identified and analyzed. If there is no feasible alternative that can avoid or eliminate all significant impacts to resources, then the alternative that results in the fewest or least significant impacts should be selected. Any impacts that cannot be avoided through the implementation of siting or design alternatives must be mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts on the project site. In no case can mitigation measures be substituted for implementation of the project alternative that would avoid impacts to ESH.

Land divisions may not be approved if they would result in adverse impacts on coastal resources, such as water quality, wetlands and ESH, which are protected under Sections 30230, 30231, and 30240. A land division cannot be approved unless every new lot created would contain an identified building site that can later be developed consistent with all policies and standards of the LCP. Therefore, the Commission requires LUP Modification 84 to limit land divisions, including certificates of compliance, except for mergers and lot line adjustments for property which includes area within or adjacent to an ESH or parklands only if each new parcel being created could be developed (including construction of any necessary access road), without building in ESH or ESH buffer, or removing ESH for fuel modification.

Furthermore, removal of ESH or ESH buffer for agricultural purposes is inconsistent with Section 30240 of the Coastal Act. Agricultural activities that require the removal of major native vegetation meets the definition of development under the certified LCP. Additionally, agriculture is not a use dependent upon ESH resources. Therefore, to retain consistency with Section 30240 and the provisions of the LCP, the Commission requires LUP Modification 105 which prohibits the conversion of vacant land in ESH, ESH buffer, or on slopes over 30 percent to new crop, orchard, vineyard, or other agricultural use. Existing, legally established agricultural uses shall be allowed to continue.

As provided above, DevStd BIO-TC-1.5 provides that zoning violations that degrade ESH shall be restored pursuant to a habitat restoration plan. In concert with this, LUP Modification 78 provides an underlying basis for the protection of ESH resources from unpermitted disturbance such that any area mapped, or otherwise identified through historic evidence, as ESH shall not be deprived of protection as ESH, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated.

#### ESH Buffers

Siting and designing new development such that an adequate buffer is provided between the outer edge of the ESH and development will minimize adverse impacts to

these habitats. Providing a significant distance between new development and ESH will ensure that removal or thinning of native vegetation for fuel modification will not be required to provide fire protection. Additionally, the transitional "ecotones" between different habitat types are particularly valuable areas with a higher diversity of plants and animals. The provision of adequate buffers around ESH protects ecotones. Natural vegetation buffers also protect riparian habitats by providing area for infiltration of runoff, minimizing erosion and sedimentation. Finally, natural vegetation buffers minimize the spread of invasive exotic vegetation that tends to supplant native species, from developed areas into sensitive resource areas.

DevStd BIO-TC-1.4 proposes the following minimum buffer areas from the boundaries of *Southern Coast Live Oak Riparian Forest* (varies depending upon whether in a Urban or Rural area and presence of riparian vegetation, see discussion below), *Coast Live Oak Forests* (25 ft. from edge of canopy), *Monarch Butterfly Habitat* (50 ft. from habitat), *Native Grassland* (25 feet), *Coastal Sage Scrub* (20 feet), *Scrub Oak Chaparral* (25 feet from edge of canopy), and *Wetlands* (100 feet). Note, scrub oak chaparral was not identified, nor presumed to be present, in the coastal zone portion of the Toro Canyon Plan area.

The proposed 100-foot *Wetland* buffer and 50-foot *Monarch Butterfly Habitat* buffer is consistent with the certified LCP requirements and with past Commission requirements. The certified LCP does not provide specific setbacks for *Native Grassland* or *Coastal Sage Scrub*, but generally requires that development be sited and designed to protect the respective habitat types. Native oak woodland, such as *Coast Live Oak Forest*, is also protected by certified LCP policies, generally, requiring that all land use activities be carried out in a manner as to avoid damage to native oak trees. The proposed buffers were reviewed by Commission biologist and determined to be adequate in the Plan Area, and are consistent with provisions of the certified LCP.

However, there are two major areas of debate with regard to the proposed ESH buffers: (1) the measurement approach for *Southern Coast Live Oak Riparian Forest* ESH buffer and (2) ability to adjust any of these *minimum* buffer areas downward. As proposed, the ESH buffer for *Southern Coast Live Oak Riparian Forest* would be 100 feet in Rural areas and 50 feet in Urban, Inner-rural areas, and Existing Developed Rural Neighborhoods (EDRN)/Rural Neighborhoods, as measured from the top of creek bank. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-rural areas, and EDRN/Rural Neighborhoods from the outside edge of the Southern Coast Live Oak Riparian Forest canopy.

Presently, the setback for streams, including all riparian vegetation, is presumptively 100 feet in rural areas and 50 feet in urban areas. These buffers may be adjusted upward or downward on a case-by-case basis. The buffer is established based on soil type and stability of stream corridors; how surface water filters into the ground; slope of the land on either side of the stream; location of the 100-year floodplain boundary; and consultation with Department of Fish and Game and the Regional Water Quality Control

Board. The LCP is ambiguous as to the exact methodology to determine where the buffer is measured from, though it states that "riparian vegetation shall be protected and shall be included in the buffer." As detailed above, riparian vegetation associated with streams is an integral part of the stream ecosystem and a critical factor in protecting the stream channel itself. Riparian areas are species-rich because of their multi-layered vegetation, available water supply, vegetative cover, and ability to provide central connectivity with other habitats. This habitat type is vital in connecting biological communities from the highest elevation of chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way. As a result of these factors, riparian areas are an essential refuge and oasis for much of the area's wildlife.

Siting and designing new development such that an adequate buffer is provided between the outer edge of the canopy of riparian vegetation and development will minimize adverse impacts to these habitats. Providing a significant distance between new development and riparian areas will ensure that removal or thinning of native vegetation for fuel modification will not be required to provide fire protection. Additionally, the transitional "ecotones" between different habitat types are particularly valuable areas with a higher diversity of plants and animals. The provision of adequate buffers around streams and riparian corridors protects the ecotone.

Natural vegetation buffers also protect riparian habitats by providing area for infiltration of runoff, minimizing erosion and sedimentation. Finally, buffers minimize the spread of invasive exotic vegetation that tend to supplant native species. The presence of surface or subsurface water throughout the year makes riparian areas especially susceptible to invasion by non-native species that can in many instances out compete native plants. Invasive plant species do not provide the same habitat values as natural riparian areas.

The Commission has consistently found in past actions, that riparian ESH buffers are appropriately measured from the edge of canopy, not from edge of streambank. In this case, the proposed buffer would be 100 feet from top of creek bank if the habitat is limited to the creek channel. If habitat extends beyond the creek bank, which is quite often the case, then the buffer extends 50 feet from the outside edge of the canopy in rural areas. The required buffers are reduced in urban areas and rural neighborhoods. To ensure that these resources are protected through use of an adequate ESH buffer consistent with Section 30240 of the Coastal Act, the Commission finds that LUP Modification 72 is necessary to specify that the ESH buffer from *Southern Coast Live Oak Riparian Forest* and streams shall be measured from the outer edge of the canopy, or top of creek bank, whichever is greater.

The Commission further finds that such minimum ESH buffer standards are necessary to ensure the protection of environmentally sensitive resources and any subsequent reduction to the buffer may adversely impact resources. Therefore, the Commission requires LUP Modification 74 which only allows reductions to the ESH buffers standards if the policies restrict development to such an extent that it would result in the taking of property as described in LUP Modification 79. However, LUP Modification 74 specifies

that variances to other required development standards that are unrelated to resource protection, such as street setbacks, shall be permitted where it is necessary in order to avoid or minimize impacts to ESHA. Consistent with this, the policy text in DevSTd BIO-TC-1.4 has been modified through LUP Modification 72 to strike all reference to the adjustment of minimum ESH buffers on a case-by-case basis.

Additional concerns have been raised in regard to the buffer for native grassland habitat areas. BIO-TC-1.4 only provides buffers from native grasslands that are ¼-acre in size. However buffers serve to move the source of disturbance away from sensitive areas. If native grassland areas are determined to be ESH, then a buffer is needed. The County has stated that the purpose of the ¼-acre threshold was to more or less identify when native grasslands are significant enough to require setback protection. However, the significance of native grassland habitat is not rested upon the size of the habitat. There may be other factors, such as adjacency to other ESH or open space, or presence of sensitive species, where smaller areas of grassland would meet ESH criteria. For these reasons, LUP Modification 72 is required in order to strike text which limits native grassland buffers to area ¼-acre in size.

As proposed, there would be a minimum 20-foot buffer from coastal sage scrub ESH and 25-foot buffer from native grassland ESH. Generally speaking, the Commission recognizes that there may be some minor level of impact to ESH that would not significantly degrade ESH and would be compatible with the continuance of such areas, in a manner consistent with Section 30240 of the Coastal Act. Given the sensitivity of coastal sage scrub and native grassland habitats to disturbance and the transitioning nature of the ESH buffers, the Commission finds it necessary to impose LUP Modification 73 to require, as a condition of approval of new development adjacent to coastal sage scrub and native grassland, the applicant to plant the associated ESH buffer areas with appropriate native plants. The enhancement of the buffers will serve to shield the ESH from adverse impacts associated with residential development such as water quality impacts.

The proposed LCP amendment would allow special provisions to allow the expansion of nonconforming agricultural support structures that are located within ESH or ESH buffer areas. Such an exception provides a lesser degree of resource protection than the existing LCP and is not consistent with Section 30240 of the Coastal Act. Therefore, the Commission requires modification of the TCP Overlay District, through IP Modification 172, to modify subsections 6 of the nonconforming structure policy, striking the text that allows expansion of nonconforming agricultural structures within ESH buffers.

#### Torito Road and Rural Neighborhoods

The County recognized that there were special circumstances with respect to the Torito Road Rural Neighborhood: (1) the area was subdivided and mostly built-out prior to the Coastal Act, and (2) many of the parcels are entirely within the historic riparian ESH or ESH buffer with no other suitable locations on site that would meet the provisions of the Toro Canyon Plan or LCP. As a result, many of the parcels are highly constrained

against future development, including minor additions or improvements, based on the requirements of the LCP and Toro Canyon Plan.

The Toro Canyon Plan therefore provides for additions to such legal nonconforming development in ESH and ESH buffer when certain standards are met. Policy BIO-TC-5 makes special provisions for development in Existing Developed Rural Neighborhoods in the Plan area due to the existing land subdivision and built environment, where existing structures and related landscaped areas are within the ESH buffer. As proposed, structural additions to existing main and secondary dwelling units are allowed limited encroachment into ESH buffer areas subject to specified development standards. DevStd BIO-TC-5.1 allows existing residential structures in any zone district and existing agricultural support structures on agriculturally-zoned property (as defined in the TCP Overlay District) located within designated ESH buffer areas to construct structural additions that conform to the following guidelines: a. Second-story additions shall be considered the preferred design alternative to avoid ground disturbance with limited canopy reduction including limbing of oaks and sycamores; and habitat trees for Monarch Butterflies and nesting raptors (subject to restricted pruning during nesting season). b. Where the existing structure is located only partially inside an ESH or ESH buffer area, additions shall be located on those portions of the structure located outside or away from the ESH or ESH buffer area. DevStd BIO-TC-5.2 requires development on vacant parcels containing ESH shall be subject to Policy BIO-TC-4 and the applicable General Planning Area ESH regulations. DevStd BIO-TC-5.3 prohibits all construction activity in ESH areas and to the maximum extent feasible shall be avoided in ESH buffer areas.

Section 30240(b) of the Coastal Act requires development in areas adjacent to ESH to be sited and designed to prevent impacts which would significantly degrade such areas, and to be compatible with the continuance of such habitat areas.

As provided above, the County has mapped the riparian habitat by removing development footprints to the extent that they could be identified. In this case, the mapped ESH is roughly contiguous with the line of existing residential development, and the established ESH buffer extends another fifty feet, incorporating significant areas of residential development within the buffer. Because of this line of disturbance, the buffer itself is to some extent artificially created by disturbance. Typically new development is anticipated to be setback to allow the full buffer in order to minimize adverse impacts to these habitats. In this case, that would translate to no development in rural neighborhoods including minor additions. However, given the unique circumstances, there may be potential for some additions or improvements to primary residences within the ESH buffer that would not have adverse impacts to the adjacent resources consistent with 30240(b).

Therefore, the Commission finds that some minor additions and improvements in ESH buffer may be allowed if the site-specific biological study, prepared by a qualified biologist, supports a determination that such development is sited and designed to avoid any adverse impacts the riparian canopy or individual riparian species, including

the oak and sycamore species. Policy BIO-TC-5 is modified pursuant to LUP Modification 91 to allow structural additions or improvements to the existing primary residence where such development is proven not to adversely impact the adjacent riparian species and habitat and meets all other provisions of this Plan and the LCP including development standards for native and non-native protected tree species, and development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4.

LUP Modification 92 outlines the basic standards for additions or improvements to existing lawfully constructed primary residences in Existing Developed Rural Neighborhoods within ESH buffer or adjacent to ESH as follows: a. Second story additions shall be considered the preferred design alternative to avoid ground disturbance b. Additions shall be allowed only if they: are located a minimum of 6 feet from any oak or sycamore canopy dripline; do not require removal of oak or sycamore trees; do not require any additional pruning or limbing of oak or sycamore trees beyond what is currently required for the primary residence for life and safety; minimize disturbance to the root zones of oak or sycamore trees to the maximum extent feasible (e.g., through measures such as raised foundation or root bridges); preserve habitat trees for Monarch Butterflies and nesting raptors and do not extend new areas of fuel modification into ESH areas. c. Additions shall be located on those portions of the structure located outside or away from the ESH. If the subject development cannot be located away from ESH, then the extension of a ground level development footprint shall be denied. d. Improvements, such as decomposed granite pathways or alternative patios, may be allowed in existing developed areas within the dripline of oak and sycamore trees if such improvement are permeable, and do not require compaction of soil in the root zone.

Additionally, LUP Modification 97 allows the reconstruction of lawfully constructed primary residences in Existing Developed Rural Neighborhoods located within ESH buffer areas or adjacent to ESH due to normal wear and tear such as structural pest damage or dry rot, at the same or lesser size (square footage, height, and bulk) in the same footprint. However, if the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the LCP including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4, as modified as suggested. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. LUP Modification 9 and IP Modification 172 (Section 35-194.4) implement these exceptions for additions and reconstructions to nonconforming primary residences in Rural Neighborhoods.

LUP Modification 93 revises the policy text to clarify that development on *vacant* parcels in Rural Neighborhoods does not have any special rights with regard to ESH. Vacant parcels shall be subject to the takings language where the application of ESH and ESH buffers likely constitute a taking of private property.

The above provisions are intended to allow additions and reconstruction of aging legal residences consistent with the ESH protection policies of the Coastal Act, specifically Section 30240(b). Even with these allowances, there may be very limited expansion potential that can meet such standards. In some cases, the location of residences in and amongst the historic riparian canopy constrain the site to an extent that further expansion or development is not consistent with Section 30240 and site-specific biological studies will not support additional development. Though the understory may be degraded in some areas, the extensive continuous canopy and clusters of historic riparian canopy have retained important resource value, especially with regard to their connection to the stream habitat; and therefore, limits on development and expansion are required to ensure protection of the ESH. It is important to note that any projects within 100 feet of the stream would require a Notice of Final Action appealable to the Coastal Commission, encompassing many of the developments under the tree canopy in Torito Road.

Additionally, LUP Modification 95 encourages the County to support an effort to develop a neighborhood management plan for the riparian oak forest that supports tree recruitment and use of native understory species in the Torito Road Rural Neighborhood. This could be implemented through the LUP Modification 96 requirement that landscape plans prepared for new development adjacent to ESH or ESH buffer in Existing Developed Rural Neighborhood, as determined by a qualified biologist, include the use of locally native understory species and to the maximum extent feasible plant additional riparian trees species to ensure the long-term preservation of the riparian canopy.

#### Fuel Modification

The majority of Toro Canyon is a high fire hazard zone, which includes all areas north of Foothill Road, and the area between Toro Canyon Road and west of Lambert Road, north of Highway 101. Santa Barbara County Fire Department requires additional measures for development in high fire hazard areas including: access roads width; steepness and turnout requirements; water infrastructure; automatic sprinkler systems, vegetation management plans; and special construction standards.

The Fire Department removes, by hand, brush and overgrowth within approximately 100 feet of structures and along major access roads to reduce fuel loads. This technique reduces the quantity of material that could be burned in a major fire, minimizing the fire's potential severity. This maintenance activity is implemented in lieu of constructing fuel breaks that have historically not been a part of the planning efforts in Toro Canyon (Santa Barbara County, FEIR, 2002).

The Plan proposes to rezone of parcels that would reduce the potential buildout density that could occur without the Plan, thus reducing the potential risk of fire hazard. However, new development would still occur in high fire hazard areas. The Plan proposes development standards including reducing potential foothill development, siting development in areas of lowest fire hazard, providing two routes of ingress and egress, submitting fuel management plans, and the use of fire retardant roof materials,

which would potentially reduce the threat to life and property from fire hazards. Policy FIRE-TC-3 requires that fuel breaks in Toro Canyon be sited and designed to be an effective means of reducing wildland fire hazards and protecting life and property, while also minimizing disruption of biological resources and aesthetic impacts to the maximum extent feasible.

Notwithstanding the need to protect structures from the risk of wildfire, fuel modification results in significant adverse impacts that are in excess of those directly related to the development itself. Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification would vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. Requirements for fuel modification in this area typically extend 100 feet from structures. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels.

Montecito Fire Protection District Standards 93-1, Vegetation Management Standards requires a minimum of 30 feet clearance of all flammable vegetation away from structures and a second zone to reduce or remove inflammable plants up to 100 feet from the structure or to the property line. Clearance of up to 50 feet from structures may be necessary where development exists in relation to slopes. The vegetation management standards specify:

***Property owners should clear native brush and other fuels, leaving 20 feet or more between individual specimen trees and large shrubs. Trees in poor or declining condition should be removed first. If remaining trees and shrubs touch, they should be thinned to create openings between the tops of the trees. Young healthy trees and shrubs should be retained over older more mature plants whenever possible. Dead material on both trees and shrubs must be removed. Tall, dry grass species should be moved, cleared by hand, or grazed to insure fire safety. This applies regardless of property lines.***

The Toro Canyon Plan provides policies to ensure adequate fire protection and safety for life and property, including provisions for vegetation fuel management. Within the area next to approved structures (typically out to 30 feet from the structure), all native vegetation must be removed and ornamental, low-fuel plants substituted. In the second zone, native vegetation may be removed, widely spaced, or thinned. Native vegetation may be retained if thinned, although particular high-fuel plant species must be removed (Several of the high fuel species are important components of the coastal sage scrub community). In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned.

Obviously, native vegetation that is cleared and replaced with ornamental species, or substantially removed and widely spaced will be lost as habitat and watershed cover. Less obvious is the likelihood that even thinned areas will be greatly reduced in habitat

value. Even where complete clearance of vegetation is not required, the natural habitat can be significantly impacted, and ultimately lost. For instance, in coastal sage scrub habitat, the natural soil coverage of the canopies of individual plants provides shading and reduced soil temperatures. When these plants are thinned, the microclimate of the area will be affected, increasing soil temperatures, which can lead to loss of individual plants and the eventual conversion of the area to a dominance of different non-native plant species. The areas created by thinning between shrubs can be invaded by non-native grasses that will over time out-compete native species.

For example, undisturbed chaparral vegetation on steep slopes in the Plan area and the downslope riparian corridors, ordinarily contains a variety of tree and shrub species with established root systems. Depending on the canopy coverage, these species may be accompanied by understory species of lower profile. The established vegetative cover, including the leaf detritus and other mulch contributed by the native plants, slows rainfall runoff from canyon slopes and staunches silt flows that result from ordinary erosional processes. The native vegetation thereby limits the intrusion of sediments into downslope creeks. Accordingly, disturbed slopes where vegetation is either cleared or thinned are more directly exposed to rainfall runoff that can therefore wash canyon soils into downgradient creeks. The resultant erosion reduces topsoil and steepens slopes, making revegetation increasingly difficult or creating ideal conditions for colonization by invasive, non-native species that supplant the native populations.

The cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Finally, the introduction of artificial irrigation required for fuel modification has impacts on habitat. For example invasive Argentine ants are better adapted to the wetter conditions of irrigated areas than are ant species native to California and tend to out-compete them. The loss of the native ants impacts arthropod species that rely on native ants as a food source.

Fuel modification meets both the Coastal Act and LCP definition of development. DevStd BIO-TC-4.3 allows fuel modification within ESH or ESH buffer areas when consistent with the balancing provisions of the Coastal Act. As more fully described under Section 1.6 "Balancing Policy Conflicts" LUP Modification 88 strikes the text referencing Coastal Act balancing and clarifies that new development which requires fuel modification in association with existing lawful development within ESH or ESH buffer may only be permitted when findings can be made that fuel modification in ESH or ESH buffer was minimized to the maximum extent feasible. LUP Modification 89 provides for fuel modification for new development such that: new development requiring vegetation fuel management within ESH and ESH buffer areas may only be permitted where, subject to a coastal development permit, findings are made that the proposed fuel modification overlaps fuel modification zones associated with existing legal development and/or that any fuel modification within ESH or ESH buffer is the minimum amount necessary to protect the structure(s) and that all feasible measures including reduction in scale of development, use of alternative materials, and siting have been implemented to reduce encroachment into ESH and ESH buffer. The

coastal development permit shall include a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&D may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the impacts to ESH.

Other provisions for fuel modification in the Toro Canyon Plan include DevStd BIO-TC-4.1 which requires development to be sited and designed at a scale that avoids disruption and fragmentation of biological resources in ESH areas, minimizes removal of significant native trees, preserve wildlife corridors, minimizes fugitive lighting in ESH areas, and redirects drainage away from ESH. DevStd BIO-TC-4.2 regulates vegetation fuel management when the disturbed area is greater than ½-acre, in ESH or ESH buffer areas, when it requires removal of significant trees, or when general regulations for repair and maintenance call for additional review. DevStd FIRE-TC-3.2 provides that fuel breaks shall not result in the removal of protected healthy oaks, to the maximum extent feasible. Within fuel breaks, treatment of oak trees shall be limited to limbing the branches up to a height of eight (8) feet, removing dead materials, and mowing the understory. Along access roads and driveways, limbing of branches shall be subject to the vertical clearance requirements of the CSFPD and MFPD. Where protected oaks have multiple trunks, all trunks shall be preserved

Policy Fire-TC-2 states that fire hazards in the Toro Canyon Planning Area shall be minimized in order to reduce the cost of/need for increased fire protection services while protecting the natural resources in undeveloped areas. However, the Commission finds that sensitive natural resources must be protected in all areas, not limited to pristine undeveloped areas. Therefore, LUP Modification 19 proposes to strike the text which focuses protection in undeveloped areas only.

Policy Fire-TC-1 requires coordination with the Fire Protection Districts to maintain and improve fire prevention and protection for the residents. However, staff notes, that it is crucial for this type of coordination to include an approach to protect sensitive habitat and protected trees to the maximum extent feasible. Therefore LUP Modification 18 articulates that minimizing impacts to resources is an important factor in addition to the concerns for life and safety. DevStd Fire-TC-2.2 provides general siting and design guidance to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation. As described above, the effects of thinning vegetation have adverse ecosystem impacts. Therefore, to protect resources to the maximum extent feasible, LUP Modification 20 first clarifies that new development that should be sited to avoid impacts to resources and secondly, among the other measures, fuel modification such as thinning and limbing of trees, should also be minimized to the maximum extent feasible.

### Stream Protection

In addition to protection as ESH under Section 30240 of the Coastal Act, streams and associated riparian habitat are protected under additional Coastal Act policies in order to maintain the biological productivity and quality of coastal waters. Section 30231

requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Notwithstanding the stream protection provisions, the Coastal Act recognizes that in a few limited circumstances, it may be necessary to alter a stream. Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply projects; protection of existing structures in the floodplain where there is no feasible alternative; or improvement of fish and wildlife habitat.

Siting and designing new development such that an adequate buffer is provided between the outer edge of the canopy of riparian vegetation and development will minimize adverse impacts to these habitats. Due to the importance of importance of adjacent riparian corridor habitat, LUP Modification 73 requires the ESH buffer for Southern Coast Live Oak Forest and Stream ESH to be measured from the outer edge of the canopy of riparian vegetation as discussed in Section "ESH Buffers" above. Providing a significant distance between new development and riparian areas will ensure that removal or thinning of native vegetation for fuel modification will not be required to provide fire protection. Additionally, the transitional "ecotones" between different habitat types are particularly valuable areas with a higher diversity of plants and animals. The provision of adequate buffers around streams and riparian corridors protects the ecotone.

Natural vegetation buffers also protect riparian habitats by providing area for infiltration of runoff, minimizing erosion and sedimentation. Finally, buffers minimize the spread of invasive exotic vegetation that tend to supplant native species. The presence of surface or subsurface water throughout the year makes riparian areas especially susceptible to invasion by non-native species that can in many instances out compete native plants. Invasive plant species do not provide the same habitat values as natural riparian areas.

Natural drainage ways provide treatment, infiltration, and attenuation of runoff, all of which are mechanisms that protect and enhance coastal water quality. According to a federal NPS pollution guidance document<sup>7</sup>, the preservation of natural drainage features is important because "...riparian areas, wetlands, and vegetative buffers serve as filters and trap sediments, nutrients, and chemical pollutants... [and] may also have the added benefit of providing long-term pollutant removal capabilities without the comparatively high costs usually associated with structural controls." (*Justification of Watershed Protection Management Measure*, from the "g-Guidance" published by NOAA and the EPA)

Surface water runoff enters natural drainages by sheet flow, is slowed by the vegetation, and may be filtered as sediments fall out of suspension and plants phytoremediate pollutants. Runoff may also be infiltrated into the soil and treated as the water moves through the substrate. The flow of water through natural hydrologic

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<sup>7</sup> Section 6217(g) of Coastal Zone Act Reauthorization Amendments, 16 U.S.C. § 1455b(g), requires NOAA and the EPA, in consultation with other federal agencies, to publish and periodically revise a NPS pollution Management Measures Guidance document known as the "g-Guidance." California's NPS Plan is based on this document.

features also helps maintain physical parameters of water, including temperature, dissolved oxygen, and salinity. Accordingly, substantially grading or filling natural drainages would result in the loss of these important water quality functions.

In addition to the buffers, Policy BIO-TC-11 provides a general policy basis for protection of streams as ESH. BIO-TC-11 provides that natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts. Policy BIO-TC-11 further provides that "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan. The Coastal Act outlines specific requirements for stream alteration under Section 30236 wherein flood control projects are allowed only as necessary to protect public safety or existing development, and when such projects are the least damaging alternative.

To ensure that Section 30236 requirements are met, LUP Modification 99 prohibits stream alteration except as specifically allowed for water, flood control, or fish enhancement projects as described in LUP Modification 113 (see below) or as allowed pursuant to a takings claim as described in LUP Modification 79 (see Section "Economically Viable Use"). Furthermore, the reference to hardbank channelization is deleted as this issue is addressed more appropriately in the flood control modifications LUP 113 and 114.

DevStd BIO-TC-11.1 requires that ESH buffer for Southern Coast Live Oak Riparian Forest be provided on grading and building plans. BIO-TC-11.1 also regulates lighting adjacent to riparian areas, drainage, and native vegetation removal. LUP Modification 100 deletes the language regarding drainage because it conflicts with the water quality provisions as outlined in the "Water Quality" section of this staff report. LUP Modification 100 also strikes the sentence "all ground disturbance and native vegetation removal shall be minimized." Though ground disturbance and native vegetation removal in the Southern Coast Live Oak Riparian Forest ESH should be minimized to the maximum extent feasible, the statement in this location is confusing. Southern Coast Live Oak Riparian Forest ESH is subject to the applicable ESH provisions, and removal of this habitat for new development can only occur when approved pursuant to takings provisions as described in LUP Modification 79. Therefore to ensure that the ESH protection provisions are not inadvertently reduced, the reference to removal of native vegetation should be deleted.

Four major creeks originate in the Santa Ynez Mountains and flow southward through the Toro Canyon Plan area: Picay Creek, Toro Creek (east and west branches), Garrapata Creek, and Arroyo Paredon Creek. Major flood control maintenance activities occur annually in these areas, including dredging of sediment and removal and spraying of creek vegetation. The purpose of annual maintenance is to remove

obstructions that could either cause flooding, significant erosion, or plugging of downstream culverts and bridges. The flood control provisions of the Toro Canyon Plan provide direction with regard to alteration of streams, disturbance to riparian habitat, and erosion.

To minimize future need for any stream alterations to protect structures from flood hazards, LUP Modification 107 prohibits new buildings in areas that are floodprone. Additionally, ESHA buffers around streams and riparian areas, as described previously, will serve to site new development a significant distance from any stream, providing protection from flooding. The LCP requires a buffer that is 50 feet in urban and rural neighborhoods and 100 feet in rural areas.

Policy FLD-TC-4 provides that development except for flood control activities shall avoid alteration of creek banks, channel inverts, and channel bottoms in their natural state, and that revegetation and restoration of riparian habitat shall be encouraged. This implies approval of all manner of Flood Control District activities. However, as mentioned above, under Coastal Act Section 30236, flood control projects are allowed only as necessary to protect public safety or existing development, and when such projects are the least damaging alternative. Coastal Act Section 30236 requirements have been added as a separate policy through LUP Modification 113 to allow channelizations or other substantial alterations of streams and desiltation/dredging projects only when certain conditions are met, including confirmation that there is an overriding need to protect public safety or existing structures and that the proposed project is the only feasible least damaging alternative. Additionally, such a project would minimize impacts to coastal resources in all other respects and provide mitigation of impacts. FLD-TC-4 must then be modified to reference the provisions in Modification 113 so that flood control activities are limited to those projects meeting these specific requirements. This cross-referencing is implemented through LUP Modifications 110 and 122.

DevStd FLD-TC-2.1 includes provisions to develop check dams or other erosion control features in the streams. Again, as described above, even necessary development that would alter the stream in such a manner would have to meet the tests for feasibility and mitigation as outlined in LUP Modification 113. Therefore, FLD-TC-2.1 has been modified, through suggested LUP Modification 117, to delete the specific requirement for erosion control measures as deemed appropriate by Flood Control and Planning. FLD-TC-2.1 is modified to allow, generally, Best Management Practices with new development to minimize erosion. This allows flexibility if there is a less damaging alternative. Furthermore, the deletion of the specific erosion control measure language allows the policy in LUP Modification 113 to set the overall requirements for stream altering development.

Additionally, the Commission recognizes that less intrusive measures (e.g., biostructures, vegetation, and soil bioengineering) are preferable, less damaging alternatives consistent with Section 30236 and therefore preferred for flood protection over "hard" solutions such as concrete or riprap channels. This requirement is

described in LUP Modification 113 and further expanded upon in LUP Modification 114 for existing flood hazards.

Policy FLD-TC-3 and DevStd FLD-TC-2.1 address the interaction of flood control projects and impact to the riparian environment. Policy FLD-TC-3 states that flood control maintenance activities shall seek to minimize disturbance to riparian/wetland habitats, consistent with the primary need to protect public safety, and additional guidance for public maintenance work is provided by the Flood Control District's current certified Maintenance Program EIR and current approved Standard Maintenance Practices. DevStd FLD-TC-2.1 specifies that erosion control measures should be designed to avoid impacts to riparian vegetation to the maximum extent feasible.

The Commission finds that the Policy FLD-TC-3 is not protective of stream and riparian resources by "seeking to minimize disturbance." Though the Coastal Act recognizes the need to minimize risks from hazards, it also recognizes the importance of protecting environmentally sensitive resources. All flood control activities within streams must be shown to be the *most* protective feasible alternative. Therefore, LUP Modification 121 strikes text in recognition that LUP Modification 113 provides criteria for when appropriate flood control measures may be implemented. In addition, in recognition the protection allowed ESH, LUP Modification 115 requires that such flood control measures not diminish or change stream capacity, percolation rates or habitat values. "Hardbank" measures (e.g., use of concrete, riprap, gabion baskets) or channel redirection may be permitted only if all less intrusive flood control efforts have been considered and have been found to be technically infeasible. Less intrusive measures shall include, but not be limited to biostructures, vegetation, and soil bioengineering. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration and mitigation on or adjacent to the stream channel shall be required, subject to a Restoration Plan.

Additionally, FLD-TC-4.1 allows for restoration of creek banks to be incorporated into landscape plans for new development to the maximum extent feasible. This includes review by the Flood Control District for consistency with Floodplain Management Ordinance #3898 and for consistency with current floodplain management and environmental protection goals. LUP Modifications 111 and 123 require deletion of the consistency analysis because Ordinance #3898 is a non-certified document that may change without benefit of an LCP amendment, and the text regarding floodplain and environmental goals is too vague. The County has not specified to what extent projects would be judged against these non-specific goals. Similarly, DevStd BIO-TC-1.4 implies that the Flood Control District is the agency responsible for approving restoration plans. However, while the Flood Control District may have review authority, the approval of development and conditions is implemented by the Planning Department. To clarify responsibility, LUP Modification 72 has been revised to indicate that the Flood Control District is a consulting agency during review of habitat restoration plans.

Recognizing that road crossings through stream channels have unavoidable impacts, LUP Modification 131 requires that new, or replacement stream crossings, must be via

bridge. This includes projects where Arizona crossings would be upgraded; however, as allowed under the existing LCP road crossings damaged due to calamity (e.g., flooding) would be allowed to be rebuilt in the same manner. Further, the suggested modification requires water quality BMPs and prohibits new roads, bridges, culverts, and outfalls if they would cause or contribute to streambank or hillside erosion.

Specifically, Action FLD-TC-1.5 directs further investigation of drainage issues along the southeastern portion of Padaro Lane. In order to address these issues, the county will initiate an investigation of feasible engineering and maintenance solutions involving all affected parties, including but not necessarily limited to residents and upstream property owners, the County Public Works Department including the Flood Control District, Caltrans, and the Union Pacific Railroad. FLD-TC-1.5 specifically allows for local drainageways and culverts to be cleared annually, as necessary. However, as mentioned above, flood control projects and stream alteration are only allowed under certain circumstances as identified in Section 30236. Therefore, without knowing what drainageways and culverts would be cleared annually, such determinations must be determined on a case-by-case basis consistent with the requirements. Additionally, the FLD-TC-1.5 implies that further study would rely heavily on the preliminary engineering study previously prepared for the area. A copy of this study was not readily available for staff review. However, if as implied, the engineering analysis is a technical feasibility study and does not include environmental analysis alternatives, environmental review of the alternatives would be require individual review for consistency with the Coastal Act and LCP requirements. Therefore, LUP Modification 116 reduces emphasis on reliance on just the engineering study and requires that alternatives for further investigation consider less intrusive measures (e.g., biostructures, vegetation, and soil bioengineering) solutions as the primary means of defense against flood hazard and shall require maximum mitigation for all impacts to wetland, riparian, or other native trees and habitat.

### Protected Trees

The LCP provides standards for tree removal to preserve healthy trees that are important for the protection of habitat areas and the scenic and visual quality of the County. These trees are important coastal resources. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, contribute nutrients to watersheds, and are important scenic elements in the landscape. Trees that are part of a woodland, savannah, or riparian ESH would be protected from removal or other development impacts. However, due to past development impacts, or historical land uses like agriculture, individual trees exist that may not be part of a larger intact habitat area. Additionally, development may be permitted within ESH in order to avoid a taking of private property, as discussed above. In such cases, native trees should still be protected. Finally, native trees that are not part of a larger, intact habitat may nonetheless provide nesting or roosting habitat for raptors and other birds that are rare, threatened, endangered, fully protected, or species of special concern. It is critical to such species that the tree habitat be protected. In past permit actions, the Commission has required that the removal of

native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for siting development.

As provided above, native and non-native protected trees require protection. DevStd BIO-TC 13.1 provides basic principle for protection by protecting the general area around the driplines from further disturbance. To provide a more adequate level of specificity with regard to further protection, LUP Modification 102 elucidates that the protected area be a *minimum* rather than *general* setback of six feet outside of tree driplines, unless there is no other feasible alternative. This is consistent with the Commission's past requirements for development to be setback from the dripline of oak trees, for example.

LUP Modification 103 requires that mitigation be provided where the removal of trees cannot be avoided by any feasible project alternative. The Commission has found, through permit actions, that replacement trees, particularly oak trees, are most successfully established when the trees are seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of at least ten replacement trees for every tree removed or impacted to account for the mortality of some of the replacement trees.

Policy BIO-TC-14 further provides that non-native trees shall be protected where they provide known raptor nesting or major and recurrent roosting sites. It is unclear when and how a raptor nesting site is "known." It is uncertain if this would require a specific biological survey or anecdotal knowledge or other means of recognition. This vagueness undermines the implementation value of the protection of such resources. Therefore to recognize *any* and *all* raptor nesting habitat, LUP Modification 104 strikes the word known.

#### Habitat Restoration and Landscaping Requirements

Invasive plant species, by definition, supplant native plants, and subsequently, lead to the degradation of natural habitats. The presence of surface or subsurface water throughout the year makes riparian areas especially susceptible to invasion by non-native species that can in many instances out compete native plants. Invasive plant species do not provide the same habitat values as natural riparian areas. Policy BIO-TC-2 requires landscaping to use "appropriate plant species to ensure compatibility with and preservation of ESH." The Commission finds that invasive plants are not appropriate in a rural setting such as Toro Canyon, especially given the large expanse of habitat types, and the large riparian corridors that are able to transport nutrients and seeds to downstream areas. Therefore to protect ESH consistent with Section 30240 of the Coastal Act, the Commission requires all policies, development standards, and guidelines to indicate that no invasive plants will be allowed in the Toro Canyon Plan area as provided in LUP Modifications 81, 82, and 154.

In cases where habitat enhancement or habitat restoration is proposed in ESH or ESH buffer areas, the Commission finds that ESH may be adversely impacted if such an

activity is not carried out in a manner respectful of the environmental resource constraints. Therefore the Commission requires LUP Modification 83 to direct habitat restoration and/or invasive plant removal within ESH and ESH buffer areas to be conducted outside of the breeding/nesting season of any sensitive species that may be affected by the proposed activities. Habitat restoration activities shall use hand removal methods to the maximum extent feasible. Where removal by hand is not feasible, mechanical means may be allowed. Use of pesticides or other chemical techniques shall be avoided to the maximum extent feasible, and when determined to be necessary, shall include mitigation measures to ensure site specific application with no migration to the surrounding environment.

#### Exterior Lighting

Wildlife can be impacted by artificial night lighting associated with new development. In order to protect habitat values as required by Section 30240 of the Coastal Act, the Commission has found, in permit actions, that it is necessary to consider alternatives for siting and designing development in order to ensure that the alternative chosen is the one that minimizes impacts to ESHA. Therefore, LUP Modification 76 requires exterior night lighting to be minimized, shielded and directed away from ESH wherever lighting associated with development adjacent to ESH cannot be avoided. LUP Modification 143 further prohibits for high intensity perimeter lighting or other light sources, e.g., lighting for sports courts or other private recreational facilities in ESH, ESH buffer, or where night lighting would increase illumination in ESH.

#### Use of Chemicals In and Adjacent to ESH

The use of insecticides, herbicides, or any toxic chemical substances has the potential to significantly degrade ESH. The use of pesticides and/or herbicides by agriculturalists for production, the Forest Service for firebreak maintenance, the County for mosquito abatement, and County Flood Control for creek capacity maintenance pose potential adverse effects to both agriculture and downstream coastal waters. During severe floods herbicide residues carried in overland flows can damage orchard crops and can end up as chemical residues in sediment deposits.

The potential impacts include the reduction of biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, the reduction of optimum populations of marine organisms and adverse impacts on human health (see the "Water Quality " Section of this report for specific details). To ensure that coastal resources, including ESH, are protected consistent with Section 30230, 30231, 30240, the Commission finds it necessary to impose LUP Modifications 85, 86, and 87 which limit use of chemical substances within and adjacent to ESH to the maximum extent feasible. Where no other feasible alternative exists, the timing of applications must be carefully controlled to ensure ESH is protected.

The Commission therefore finds that the proposed LUP amendments with regard to the protection of ESH submitted are inconsistent with the requirements of Sections 30230, 30231, 30236, and 30240 of the Coastal Act unless modified as suggested above.

Additionally, the proposed ESH protection implementation amendments are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

#### **10. Economically Viable Use**

There may be cases where the majority or the entirety of a legal parcel contains habitat that is environmentally sensitive habitat area. Under Section 30240 of the Coastal act, no development, with the exception of a resource-dependent use, could be permitted on such a site. However, Section 30240 must be applied in concert with other Coastal Act requirements, particularly Section 30010. This section states that:

***The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.***

Thus if strict application of the ESHA protection requirements of Section 30240 would cause a taking of property, then the policy must be applied in a manner that would avoid this result. The U.S. Supreme Court has held that, in some situations, a permit decision may constitute a categorical or "per se" taking under *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1005. According to *Lucas*, if a permit decision denies all economically viable use of property by rendering it "valueless", the decision constitutes a taking unless the denial of all economic use was permitted by a "background principle" of state real property law. Background principles are those state law rules that inhere in the title to the property sold to be developed and that would preclude the proposed use, such as the common law nuisance doctrine.

Second, if the permit decision does not constitute a taking under *Lucas*, a court may consider whether the permit decision would constitute a taking under the ad hoc inquiry stated in cases such as *Penn Central Transp. Co. v. New York City* (1978) 438 U. S. 104, 123-125. This inquiry generally requires an examination into factors such as the character of the government action, its economic impact, and its interference with reasonable, investment-backed expectations, as well as any background principles of property law identified in *Lucas* that would allow prohibition of the proposed use.

To alleviate this concern, LUP Modification 79 provides a mechanism to determine through a formal economic viability determination whether the application of the policies and standards contained in the LCP regarding use of property designated as Environmentally Sensitive Habitat area would likely constitute a taking of private property. If so, a use that is not consistent with the Environmentally Sensitive Habitat provisions of the LCP shall be allowed on the property, provided that such use is

consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic viability determination. LUP Modification 79 provides that such a project would have to be the alternative that would result in the fewest or least significant impacts, and any impacts to ESH that could not be avoided through the implementation of siting and design alternatives would be mitigated to the maximum extent feasible, with priority given to on-site mitigation.

LUP Modification 80 makes clear that an economic viable use determination, for the purposes stated above, requires the applicant to provide specific information to determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope/nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined. This economic viability determination is implemented through LUP Modification 172 which outlines information requirements to complete an economic viability study in Sec. 35-194.6 and 35-194.7 of the Toro Canyon Plan Overlay.

The Commission therefore finds that the proposed LUP amendments with regard to the protection of ESH submitted are inconsistent with the requirements of Section 30240 of the Coastal Act unless modified as suggested above. Additionally, the proposed ESH protection implementation amendments are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **H. PUBLIC ACCESS**

### **1. Coastal Act Policies**

Coastal Act Section 30210 states that:

***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

Coastal Act Section 30211 states:

***Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.***

Coastal Act Section 30212(a) states:

***Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:***

***(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.***

***(2) adequate access exists nearby, or,***

**(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.**

Coastal Act Section 30212.5 states:

**Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**

Coastal Act Section 30214 states:

**(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:**

**(1) Topographic and geologic site characteristics.**

**(2) The capacity of the site to sustain use and at what level of intensity.**

**(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.**

**(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.**

**(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.**

**(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.**

Section 30252 of the Coastal Act states:

**The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute**

*means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

## **2. Existing LUP Policies**

### **Policy 2-7:**

*Consistent with PRC Section 30604(e), the County may deny a project for a period of up to one year if the Board of Supervisors finds that 1) a public agency has been specifically authorized to acquire the property on which the development is located, and 2) there are funds available or funds could reasonably be expected to be made available within one year for such acquisition.*

### **Policy 3-1:**

*Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.*

### **Policy 3-2:**

*Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.*

### **Policy 3-3:**

*To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, or where such restriction would cause the inverse condemnation of the parcel by the County.*

### **Policy 7-1:**

*The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:*

**a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.**

**b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.**

**c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.**

**Policy 7-2:**

**For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:**

**a. Another more suitable public access corridor is available or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline, or**

**b. Access at the site would result in unmitigable adverse impacts on areas designated as Habitat Areas' by the Land Use Plan or**

**c. Findings are made, consistent with PRC § 30212 of the Coastal Act, that access is inconsistent with public safety or military security needs, or that agriculture would be adversely affected, or**

**d. The lot is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.**

**The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.**

**Policy 7-3:**

**For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area of the easement to be granted shall be determined by the County based on findings reflecting historic use, existing and future public recreational needs and coastal resource protection. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the lateral easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other**

**obstructions that may limit public lateral access shall be removed as a condition of development approval.**

**Policy 7-7:**

**During the zoning and implementation phase of the LCP, the County shall establish a schedule for acquisition of areas proposed for new or expanded access and/or recreation. The schedule shall designate responsible agencies, time frame, and methods for implementing all access and recreation proposals set forth in this plan.**

**Policy 7-8:**

**Increased opportunities for beach access shall be provided in the Carpinteria planning area.**

**Implementing Actions:**

**a) The County shall accept and open for use the vertical easements offered in connection with developments on Padaro Lane (APN 5-400-35) and Beach Club Drive (APN 5-390-23). A footpath from the public road to the beach, bike racks, and trash cans shall be provided and maintained.**

**b) Dedication of a vertical access easement and construction of a trail to the beach shall be required of any development on the easterly end of the Carpinteria bluffs (refer to Section 4.2.3).**

**Policy 7-25:**

**Easements for trails shall be required as a condition of project approval for that portion of the trail crossing the parcel upon which the project is proposed.**

**Policy 7-26:**

**All proposed trails for the coastal zone shall be incorporated into the County's Master Plans for hiking, biking, and equestrian trails.**

**Policy 9-32 Rocky Point and Intertidal Areas:**

**Shoreline structures, including piers, groins, breakwaters, drainages, and seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.**

**3. Existing IP/CZO Policies**

**Sec. 35-61. Development Standards: Beach Development.**

**1. To avoid the need for future protective devices that could impact sand movement and supply, no permanent above-ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers, or where such restriction would cause the inverse condemnation of the lot by the County.**

**2. For all new development between the first public road and the ocean, granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:**

**a. Another more suitable public access corridor is available or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline, or**

**b. Access at the site would result in unmitigable adverse impacts on areas designated as Habitat Areas' by the Land Use Plan or**

**c. Findings are made, consistent with PRC § 30212 of the Coastal Act, that access is inconsistent with public safety or military security needs, or that agriculture would be adversely affected, or**

**d. The lot is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed. The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc. This policy shall not apply to development excluded from the public access requirements of the Coastal Act by PRC § 30212 or to development incidental to an existing use on the site.**

**3. For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, the lateral easement shall include all beach seaward of the base of the bluff. In coastal areas where the bluffs are less than five feet, the area of the easement to be granted shall be determined by the County based on findings reflecting historic use, existing and future public recreational needs and coastal resource protection. At a minimum, the lateral easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the lateral easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval. This policy shall not apply to development excluded from the public access requirements of the Coastal Act by PRC § 30212 or to development incidental to an existing use on the site.**

**Sec. 35-63. Development Standards: Coastal Trails.**

**Easements for trails shown on the Santa Barbara County Comprehensive Plan Parks, Recreation and Trails (non-motorized) maps, shall be required as a condition of project approval for that portion of the trail crossing the lot upon which the project is proposed.**

**Sec. 35-97.9. ESH Environmentally Sensitive Overlay District: Development Standards for Wetland Habitats.**

**...2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.**

**...5. Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.**

**...8. No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.**

Sec. 35-97.15. ESH Environmentally Sensitive Overlay District: Development Standards for Rocky Points and Intertidal Habitats.

**1. In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.**

**2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.**

**3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.**

Sec. 35-97.17. ESH Environmentally Sensitive Overlay District: Development Standards for Seabirds Nesting and Roosting Site Habitats.

**Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.**

#### **4. General Discussion**

Coastal access is generally viewed as an issue of physical supply, and includes lateral access (access along a beach), vertical access (access from an upland street, parking area, bluff or public park to the beach), coastal blufftop trails, and upland trails that lead to the shore or traverse inland parklands within the coastal zone. Inland parks provide significant access and recreation opportunities in the Plan area, and are as important to coastal access as shoreline accessways.

The public already possesses ownership interests in tidelands or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access and the provision of access, where applicable, through the regulation of development. To carry out the requirement of Section 4 of Article X of the California Constitution, PRC Section 30210 provides that maximum access and recreational opportunities be

provided consistent with public safety, public rights, private property rights, and natural resource protection. PRC Section 30211 requires that development not interfere with the public's right of access to the sea with certain exceptions. Furthermore, PRC Section 30212 requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. Certain minor types of development would also not require the provision of access. Finally, PRC Section 30214 provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc.

LCP policies 7-1 and 7-2 highlight the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline" and that some development projects may be required to allow vertical access to the mean high tide line. Policy 7-3 states that for new development between the first public road and the ocean, the granting of lateral easements shall be mandatory. Policy 7-8 requires the County to accept and open the vertical easement offered in associate with development on Padaro Lane.

## **5. Public Access**

The Toro Canyon Plan proposes several policies and actions that would develop public beach access (both vertical and lateral access to be developed, preserved, and maintained) at Padaro Lane and Santa Claus Lane. Attempts to render these easements functional are ongoing and would be subject to the policies and action of the Toro Canyon Plan. No dedicated open public beach access exists along Toro Canon's 2 miles of beach frontage. Loon Point, immediately west of the Toro Canyon Planning Area boundary, provides the only open public beach access in close proximity to Toro Canyon. The nearest dedicated downcoast access is at Carpinteria City Beach. There are however two major informal accessways in the Plan Area, Padaro Lane and Santa Claus Lane, these are discussed below.

### **Padaro Lane**

The 1.5 miles of sandy beach frontage west of Santa Claus Lane beaches are obstructed at all but the lowest tides by an artificial headland consisting of single-family homes surrounded by a major seawall. Many of the homes in Padaro Lane area were granted permits to build under the condition that access to the beach would be provided to the public via vertical easements to and/or lateral easements along the beach. The County is currently attempting to render these dedicated easements functional. For formal access to become available at Padaro Lane, the one existing legal public vertical easement within the Padaro Lane area to the beach would need to be formally opened. The County has accepted the Offer-to-Dedicate a vertical easement on Padaro Lane, but it has not been opened as a result of ongoing litigation.

Several discontinuous informal parking spaces exist on the north side of the road along Padaro Lane between Gradate Creek and Toro Creek. Parking on the shoulder north of the road is extremely constrained west of Garrapata Creek. Traveling westward, the shoulder widens and many parallel and perpendicular parking space areas approximately 15 feet wide exist. Approximately 15-20 spaces are developed between the residences of 3200 to 3300 Padaro Lane.

Action PRT-TC-1.3 makes provisions for the County to pursue, to the extent feasible, developing a public beach access on Padaro Lane, provided the County Board of Supervisors finds, based on substantial evidence, that there are insufficient opportunities for public access to the beach elsewhere in the Plan area. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. The County shall include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The siting of the beach access shall minimize removal of native trees and eucalyptus trees that are part of a monarch butterfly aggregation site.

However, the proposed language of PRT-TC-1.3 dilutes what is required under the existing LCP at Padaro Lane and confuses what is otherwise a straight forward issue with regard to public access. If and when the litigation is resolved, then County should pursue opening it for public use. The language as proposed under PRT-TC-1.3 requires further evidence of the need for opening the access, requires additional Board of Supervisors designation of priority, and implies that the residents have overriding authority over the appropriate improvements and management of the accessway. While public involvement (local residents *and* the general public) is encouraged, and the County asserts that public planning is something they would implement anyway, the County is the appropriate approving body and it is not appropriate to imply that there may be an opportunity in which a dedicated accessway would not be opened in this case.

Additionally, as proposed, the opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. However, this is not "new development" rather a part of an already approved permit. Without the access, the approval of the CDP (which included the access) is being diminished in a way that lessens the intent of the approval. When a permit requires recording an offer to dedicate an accessway for the public to get to the beach (or an easement), that permit is interpreted to also authorize use of the accessway as provide in LUP Modification 26.

Finally, PRT-TC-1.3 requires the County to include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. While it is important to consider facilities to enhance the access and protect public safety, privacy and security, new facilities are not a requirement for opening an OTD. Furthermore, the provision of facilities is included within the Toro Canyon Plan as described in LUP Modification 28.

Therefore, for the above reasons, and for consistency with existing LCP Policy 7-8, the Commission finds it necessary to strike the additional language as shown in LUP Modification 26.

### Santa Claus Lane

Santa Claus Lane area beaches are extensively used by the public, although no official beach access easement exists. Public access occurs by crossing the Union Pacific Railroad tracks and climbing over large seawall rocks at the western end of Santa Claus Lane. No crossing guards or signals exist to caution beach-goers of approaching trains. Limited informal roadside parking exists in this area. Beach access has been gradually obstructed by development of coastal properties. Many properties fronting the beach in the Plan Area have seawalls that restrict lateral access, and some of the seawalls project out far enough that the beach is submerged during high tide.

Action PRT-TC-1.4 details public access to the beach from Santa Claus Lane such that Santa Claus Lane shall be formalized as soon as feasible by: securing and opening a vertical accessway between Santa Claus Lane and the beach; clarifying the status of lateral beach access rights and securing any easements that may be necessary and appropriate; developing one or more parking areas; constructing appropriate safety features; and installing any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. As proposed, the opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Access for jet-ski and other motorized recreational activity shall be prohibited from any coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking area(s) developed in support of this recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.

LUP Modifications 22 and 27 require that the language be modified to affirmatively assert that the County shall pursue public access to the beach from Santa Claus Lane, including the determination of prescriptive rights which is presently being undertaken for this area. The wording stating that Santa Claus Lane access as "the priority beach

access for Toro Canyon Plan Area” has been stricken because it suggests that the Padaro Lane accessway is inferior and may not be opened until after Santa Claus Lane. However, both accessways are equally important to provide beach access and Padaro Lane is further along in the process. Additionally, LUP Modification address the inclusion of coastal access parking and signage, and any other facilities needed as described in LUP Modification 28. LUP Modification 28 allows for the provision of facilities but are not required as a prerequisite to the approval of any lateral or vertical accessways OTDs or as a condition to the approval to construct or open the accessway.

As with the Padaro Lane policy language, the consultation with local residents has been stricken from the text. The Commission encourages public participation, but it is not appropriate to imply, as enforceable policy within the Plan, that local residents may have veto power over the opening of an accessway. Opposition to a project is not grounds to deny the public rights of access.

Furthermore the text regarding the opening of any beach development and approved to protect public safety, privacy, and security of residents to the maximum extent feasible is also unclear. These protections are a global right under the Coastal Act. Their inclusion and the wording to the maximum extent feasible again imply veto power by the residents which weakens the existing LUP policies, inconsistent with the protection of public access under the Coastal Act.

To address potential conflicts, LUP Modification 22 also references LUP Modification 5 to ensure that public access policies shall take priority over other general development standards.

### General

Impacts to access can occur from physical blockage of existing access, direct occupation of sandy beach by structures as well as from impacts on shoreline sand supply and profile caused by seawalls and other shoreline protective structures. To ensure protection of public access consistent with the Coastal Act, LUP Modification 77 specifies that public accessways and trails are considered resource dependent uses. However, accessways and trails located within or adjacent to ESH shall be sited to minimize impacts to ESH to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESH. Furthermore, LUP Modification 30 requires public accessways and trails to be located outside of ESH and ESH buffers where feasible and shall be sited and designed to minimize impacts to environmentally sensitive habitat to the maximum extent feasible. Trails shall be sited outside of riparian areas with limited exceptions for crossings. Where no other feasible alternative exists, public accessways and trails may be a permitted use in Environmentally Sensitive Habitat Areas. Where necessary to prevent disturbance to sensitive species, sections of the trail may be closed on a seasonal basis. Where seasonal closures occur, alternative trail segments shall be provided where feasible. LUP Modification 5 provides that public access and ESH policies shall take precedence over the general policies of the LCP.

Additionally to ensure adequate public access consistent with the Coastal Act, LUP Modification 23 provides that public accessways are a permitted use in all land use and zoning designations. Where there is an existing unopened public access OTD or other easement, the necessary access improvements shall be permitted to be constructed, opened, and operated for its intended public use.

LUP Modification 29 provides for the incorporation of conditions that will provide or protect access where there is substantial evidence that prescriptive rights exist. LUP Modification 28 provides for facilities that complement public access to and along the shoreline to be provided where feasible and appropriate. This may include signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, picnic tables, or other such improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessways OTDs or as a precondition to the approval construction or opening of said accessways.

The requirement for the recordation of an OTD does not ensure public access; the offers must be accepted by a managing entity, and, for vertical easements which often require some form of physical improvement, be opened for public use. Furthermore, an OTD is valid for a limited time period. OTDs, in many cases, are not required to be made available for public use until the easement is accepted for management by a public agency or non-profit organization. Therefore, it is important that the LUP contain provisions to ensure that OTDs required as a condition of development are not only accepted prior to their expiration date, but that they are opened, improved, where necessary, and managed for public use. LUP Modifications 24 and 25 provide for the opening, construction and maintenance of new accessways or the ongoing operation of existing accessways as well as for the acceptance, operation and maintenance of offers to dedicate beach or trail access easements. Including provisions for other public agencies or private association to open, operate, and maintain the accessway in accordance with the terms of the easement if the County is unable to operate the accessway.

## **6. Access & Circulation**

The Plan anticipates the preparation of a Transportation Improvement Plan (TIP), as was done for other areas of the County following adoption of a Community Plan, in a manner consistent with the area's rural and semi-rural character. Improved transit and bikeways are also addressed in the Plan. Key Plan proposals include working with Caltrans to use some of the Highway 101 right-of-way along Santa Claus Lane for a joint use Park-and-Ride beach access parking lot, and designating a new Class II (striped on-road) bikeway on Via Real that would connect the existing Class II bikeway on Via Real with a proposed Class I (off-road) bikeway to the City of Carpinteria on the east.

The network of roads within the Toro Canyon Plan area serve as alternative routes of access to the coast. Foothill Road is a significant east-west trending road connecting to several roads including Cravens Lane, Nidever Road, and Toro Canyon Road. Foothill

Road is known to experience heavy use by recreational bicyclists. To maintain access and alternative transportation to the coast, LUP Modification 34 requires improvements along Route 192/Foothill Road to be developed in a manner consistent with bicycle and pedestrian safety and improved bicycle access. LUP Modification 35 calls for the County to consider requiring setbacks from Route 192/Foothill Road for future bicycle and pedestrian access lanes during review of applications for new development.

## **7. Trails**

The proposed Plan includes an updated Parks, Recreation and Trails (PRT) Map. The amended map includes modified trail alignments to minimize potential conflicts between trail users and adjacent agricultural and residential land uses. Many area residents are concerned over the potential for new public trails for such reasons as privacy, sanitation, potential vandalism, and the spread of disease organisms in agricultural areas. The Plan addresses these concerns through its trail siting guidelines, and actions and development standards that mitigate potential conflicts between private property interests and public trails.

Although some trails would follow existing dirt roads and paths, construction of approximately 10 miles of off-road trails within remaining undeveloped areas could remove rare plants, such as those associated with oak riparian forest, oak forest, chaparral, coastal sage scrub and native grassland. Increased disturbance to wildlife by hikers and dogs would potentially cause a decline in nesting and breeding activities and increased mortality of wildlife.

DevStd PRT-TC-1.6 provides that all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails. LUP Modification 31 does not allow issuance of encroachment permits if the trail corridor would no longer be feasible, and a feasible alternative route has not been identified. Non-structural public access improvements such as trails and accessways may be permitted within floodprone areas consistent with the other provisions of the LCP, as provided LUP Modification 107.

To address the issue of siting of public access and trails, LUP Modification 153 modifies the text in the trail siting guidelines appendix to remove the vague language "to the maximum extent feasible." By removing such language, the policies and guidelines are clarified to be enforceable standards protective of resources. Stream crossings shall be minimized, and fences shall be constructed to allow for wildlife movement and protection of resources. LUP Modification 153 further provides that trails may be designed for bicycle use where resource damage such as loss of vegetation or increased erosion would not result. Where evidence that authorized bicycle use is damaging resources, future use by bicycles may thereafter be temporarily or permanently prohibited.

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to the protection of public access submitted are inconsistent with the requirements of Section 30210, 30211, 30212, 30214, and 30252 of the Coastal Act unless modified as suggested above. Additionally, the proposed protection implementation amendments for public access are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **I. LAND USE, NEW DEVELOPMENT, AND CUMULATIVE IMPACTS**

### **1. Coastal Act Policies**

Section 30001 provides legislative findings and declarations for ecological balance as follows:

*The Legislature hereby finds and declares:*

*(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.*

*(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.*

*(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.*

*(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.*

Section 30001.5 provides basic goals for the coastal zone as follows:

*The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:*

*(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.*

*(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.*

**(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.**

**(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.**

**(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.**

Section 30007.5 of the Coastal Act address "balancing of policy conflicts as follows:

**The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.**

Section 30200 of the Coastal Act states:

**(a) Consistent with the coastal zone values cited in Section 30001 and the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.**

**(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.**

Section 30250 of the Coastal Act states, in relevant part:

**(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable**

**parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.**

**(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.**

**(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

Section 30253 of the Coastal Act states, in part, that new development shall:

**(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**

**(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

Section 30222 of the Coastal Act states:

**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**

Section 30244 of the Coastal Act states:

**Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.**

Section 30255 of the Coastal Act states:

**Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.**

Section 30610 of the Coastal Act states:

**Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:**

**(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.**

**(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.**

**(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.**

**(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.**

**(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.**

**(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.**

**(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.**

**(2) As used in this subdivision:**

**(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.**

**(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.**

**(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.**

**(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.**

**(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.**

**(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).**

## **2. Existing LUP Policies**

### **Goal 1.2(b)**

**Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.**

Policy 2-6 of the LCP states, in part, that:

**Prior to issuance of a development permit, the County shall make the finding...that adequate public or private services (i.e., water, sewer, roads, etc.) are available to serve the proposed development.**

Policy 2-12 of the LCP states, in part, that:

*The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic, or flood hazards, habitat areas, or steep slopes.*

Policy 7-28:

*Visitor-serving commercial recreational development that involves construction of major facilities, i.e., motels, hotels, restaurants, should be located within urban areas, and should not change the character or impact residential areas.*

Policy 7-29:

*Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses, i.e., campgrounds, that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.*

Policy 7-30:

*Visitor-serving facilities shall be permitted in rural areas only if it is determined that approval of such development will not result in a need for major ancillary facilities on nearby lands, i.e., residences, stores, or gas stations.*

Policy 8-2 of the LCP states:

*If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent Section 30241 and 30242 of the Coastal Act.*

Policy 8-3 of the LCP states:

*If a parcel is designated for agricultural use and is located in a rural area contiguous with the urban/rural boundary, conversion shall not be permitted unless:*

- a. The agricultural use of the land is severely impaired because of physical factors (e.g. high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses...), and*
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and*
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted.*

Policy 8-4 of the LCP states that:

***As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division.***

Policy 10-1 (Archaeological and Historical Resources) of the LCP states that:

***All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.***

Policy 10-2 (Archaeological and Historical Resources) of the LCP states that:

***When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.***

Policy 10-3 (Archaeological and Historical Resources) of the LCP states that:

***When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.***

Policy 10-4 (Archaeological and Historical Resources) of the LCP states that:

***Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.***

Policy 10-5 (Archaeological and Historical Resources) of the LCP states that:

***Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.***

### **3. Existing IP/CZO Policies**

Sec. 35-62. Recreation and Visitor Serving Uses.

***1. Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (i.e., tent campgrounds) shall have priority over uses requiring substantial alteration (i.e., recreational vehicle campgrounds)***

***2. Visitor-serving commercial recreational development that involves construction of major facilities, i.e., motels, hotels, restaurants, should be located within urban areas, and should not change the character or impact residential areas.***

***3. Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses, i.e., campgrounds, that are designed to***

**protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.**

**4. Visitor-serving facilities shall be permitted in rural areas only if it is determined that approval of such development will not result in a need for major ancillary facilities on nearby lands, i.e., residences, stores, or gas stations.**

**Section 35-162. Nonconforming Buildings and Structures.**

**If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations.**

**1. Structural Change, Extension, or Expansion. A nonconforming building or structure may be enlarged, extended, moved, or structurally altered provided that any such extension enlargement, etc., complies with the setback, height, lot coverage, and other requirements of this Article. Seismic retrofits, as defined in Section 35-58 and pursuant to Section 35.169.2.1.m., are permitted throughout the conforming and nonconforming portions of the structure or building. No living quarters may be extended into an accessory building located in the required front, side, or rear yards by such addition or enlargement.**

**2. Damage. The purpose of this section is to identify the standards for allowing the restoration or reconstruction of a nonconforming structure that is damaged by fire, flood, earthquake or other natural disaster.**

**a. Except for single family residential buildings or structures, where a nonconforming building or structure is damaged by fire, flood, earthquake, or other natural disaster to an extent of seventy-five (75) percent or more of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may not be reconstructed unless the Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship which would be suffered by the owner of the structure should reconstruction of the nonconforming structure be denied.**

**b. Where damage to a nonconforming, non-single family residential building or structure is to an extent of less than seventy-five (75) percent of the replacement cost at the time of damage, as determined by the Planning and Development Department, such structure may be restored to the same or lesser size in the same general footprint location.**

**c. If a nonconforming single family residential building or structure is damaged or destroyed by fire, flood, earthquake, or other natural disaster, such building or structure may be reconstructed to the same or lesser size in the same general footprint location.**

***d. Notwithstanding the above, additional provisions, identified in Section 35-214 of Division 15 (Montecito Community Plan Overlay District), exist for parcels identified within the MON Overlay zone which, in the case of conflict, shall take precedence over this Section.***

***e. The restoration permitted above shall commence within twenty-four (24) months of the time of damage and be diligently carried to completion. If the restoration of such building or structure does not commence within twenty-four (24) months it shall not be restored except in conformity with the applicable zone district regulations and other provisions of this Article.***

***f. The restoration of a nonconforming building or structure that is damaged by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Article only if the building or structure complies with the provisions of this Section and if the building or structure conforms to the specifications documented to exist prior to the damage as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored structure shall be subject to the provisions of Section 35-184., Board of Architectural Review., if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building or structure is proposed to be altered from the original specifications, the restoration shall be subject to all applicable permit requirements of this Article.***

#### **4. General Discussion**

The Coastal Act requires the protection of coastal resources, including public access, land and marine habitat, and scenic and visual quality. Focusing new development to areas in close proximity to existing development with available public services serves to minimize the impacts of remote "leap-frog" development that would require the construction of roads, utilities, and other services. Section 30250 of the Coastal Act requires that new residential, commercial, or industrial development is located near existing developed areas, and where it will not have significant adverse impacts, either individually or cumulatively on coastal resources. Additionally, Section 30250 establishes that land divisions outside existing developed areas can only be permitted where fifty percent of existing parcels have already been developed and that the new parcels are no smaller than the average size of existing parcels. Section 30244 requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts.

The LCP provides policies to guide general development and limit maximum development densities according to site conditions and availability of adequate services and restrict urban development to designated urban areas and Existing Developed Rural Neighborhoods. Policy 2-12 acknowledges that land use densities may need to be reduced if it is determined that a reduction is warranted by constraints such as topography, geologic or flood hazards, habitat areas, or steep slopes. Policy 2-6

requires the finding that adequate public or private services are available to serve a proposed development in order to grant approval of a development project.

The Toro Canyon Plan further refines these concepts by increasing the minimum lot size for agricultural and residential land uses. The rationale for these changes is based on the specific constraints for the Toro Canyon area. These constraints include steep slopes, poor soils, inadequate sewer services and septic capability, sensitive habitats, high fire potential and narrow, winding roads. The reduction of potential development densities proposed in this plan lessens the risks to life and property that could occur in the event of a major wildfire. The Plan contains both policies and development standards for the protection of environmental resources as well as land use designation changes that would reduce potential development density and community's ultimate buildout potential.

## **5. New Development**

The Toro Canyon Plan area is mostly rural, consisting primarily of agricultural lands with some rural residential intermixed. Residences in existing Rural Neighborhoods are mostly custom homes, with a few tract homes on some of the smaller lots. However, residential building trends involve new custom homes with structures far larger than existing homes, from 5,000 to as large as 20,000 square feet. The Plan area also contains three small commercial areas along Highway 101.

The Toro Canyon Plan proposes to modify land use designations and associated zoning in a manner that would reduce potential development density and the community's ultimate buildout potential. The Toro Canyon Plan rezones residential and agricultural areas with significant development constraints to larger minimum parcel sizes. Many of these areas are characterized by limited public road access to parcels, narrow winding roads, steep slopes, poor soils, lack of public sewers, high fire hazard with poor excavation routes, and larger amounts of sensitive habitats including major creeks. For these reasons, limiting additional development density in these areas would reduce overall watershed impacts.

The Plan includes another shift in land use density by redesignating / rezoning foothill lands from Agriculture to Mountainous Area (MA) in order to balance resource protection with agricultural expansion in areas with limited access, steep slopes, poor soils, high fire hazards, and large areas of sensitive habitat. The MA designation allows agricultural uses, but includes greater protection of natural resources. The Mountainous designation is intended to protect lands unsuited for intensive development. Combined with the reduction in density of residential parcels, these changes would reduce the total potential density of future development that could occur within the Plan area.

The following clarification is intended to address the prevailing confusion as to what extent agricultural activities require a coastal development permit under the existing LCP. The Hillside and Watershed Protection policies of the LUP specifically define "major vegetation removal" as the removal of native vegetation, brush, trees, or

orchards involving a cumulative total of one-half acre of land or more (emphasis added). As stated in the LUP (page 31):

***In order to ensure the long-term preservation of the biological productivity of streams and wetlands, protection of visual resources, and prevention of hazards to life and property, Policies 3-13 through 3-22 shall apply to all construction and development, including grading for agricultural and non-agricultural purposes which involve the movement of earth in excess of 50 cubic yards. In addition, major vegetation removal<sup>8</sup> for non-agricultural development and agricultural development (agricultural development does not include crop rotation and other activities involving management practices on existing agricultural lands in production) shall be subject to all of the following policies. The Soil Conservation Service shall be consulted for all development on hillsides in excess of 30 percent slope and in the Carpinteria Planning Area on slopes of 20 percent or over to incorporate their management practices as a condition of development, where applicable.***

Therefore, by definition, agricultural activities that require 50 cubic yards of grading (excluding crop rotation, harvesting, and other management practices for existing lands in production) and/or ½-acre of major vegetation removal are "development" subject to the coastal development permit requirements of the existing LCP. Given the lack of noticing for agricultural projects in the Commission's records, it is not clear that the *cumulative* nature of this definition has ever been fully enforced. Potentially allowing incremental ½-acre segments of vegetation removal to occur on the slopes in the Plan area without benefit of a permit.

As a result, where the term "development" or "new development" is discussed in the LCP, agricultural development meeting the cumulative definition of agricultural development is included. New development can adversely impact environmentally sensitive habitat areas through many means including, but not limited to, grading, landform alteration, vegetation clearance, erosion, sedimentation runoff, stream siltation, and reduced water percolation.

In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, siting and design must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. Some general policies have been included in the Land Use section of the Toro Canyon Plan to consistent with Section 30250.

LUP Modifications 4 and 15 provide that in addition to the requirements of LUP Policy 2-11, development shall be scaled to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep

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<sup>8</sup> Major vegetation removal shall be defined as the removal of native vegetation, trees, or orchards involving a cumulative total of one-half acre of land or more. (as defined in the LUP, pg. 31)

slopes. Regulatory measures to ensure such protection shall include but not be limited to restrictions on the following: size; color; reflectivity and height of structures; roofs and other architectural features; length of driveways; number and size of accessory structures; configuration and size of development envelopes; amount and location of grading; vegetation removal; and night lighting.

The Land Use General goal was revised as provided in LUP Modification 1 to Provide For New Development In A Manner That Avoids Degradation Of The Natural Environment And Other Coastal Resources, Considers The Social And Economic Needs Of The People Of The State, Including Visitor-Serving Commercial And Coastal Access/Recreational Uses, And Protects Public Safety. The Land Use Residential Goals was revised to include that residential development was consistent with the protection of all other coastal resources, including agriculture as required by Section 30241 of the Coastal Act as illustrated in LUP Modification 11. Fire Policy TC-1 was clarified to require minimization of impacts to all coastal resources as provided in LUP Modification 18.

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to new development submitted are inconsistent with the requirements of Section 30250 of the Coastal Act unless modified as suggested above. Additionally, the proposed implementation amendments for new development are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **6. Balancing Policy Conflicts**

Sections 30001 and 30001.5 of the Coastal Act declare the legislative goals to protect coastal resources within the coastal zone and include overall protection of the ecological balance of the coastal zone and prevent its deterioration and destruction. Sections 30007.5 and 30200 of the Coastal Act provide a framework for resolution of policy conflicts, in recognition of the fact the application of the Chapter Three policies of the Coastal Act may conflict. In such cases, Section 30007.5 requires that such conflicts be resolved by applying the policies which, on balance, are the most protective of coastal resources.

The Land Use provisions of the Toro Canyon Plan provide general goals for agricultural, residential, and commercial development and provide guidance with regard to the implementation of development goals in a manner protective of resources. GOAL LUG-TC is to ensure that residential and agricultural development occurs in balance with the existing environment to protect natural resources and public safety and ensure that commercial areas are economically viable and are a benefit to both travelers and the local community. In addition GOAL LUR-TC is to balance residential development with protection of resources, respect constraints to development and concentrate development in areas with adequate public facilities. GOAL LUA-TC is to protect and support agricultural land use and encourage appropriate agricultural expansion, while maintaining a balance with protection of coastal and natural resources and protection of public health and safety. Though each of these goals is intended as a broad general

policy, they are considered binding under terms of the LCP. Therefore, it is important that even on a broad level, these goals be fully consistent with the Coastal Act and be clear in a way that allows precise implementation. Under the Coastal Act, the term "balance" or "balancing" has special meaning. Typically it refers to Section 30007.5 of the Coastal Act which allows resolution of policy conflicts when more than one of the Chapter 3 policies of the Coastal Act apply, but are mutually exclusive. In such cases, the policy that is more protective, overall, of resources prevails. Each of the goals above includes language to "balance" various aspects of development and resource protection. This conflicts with the balancing provisions of the Coastal Act by inadvertently implying that there is a hierarchy of protection. Therefore, to ensure that Section 30007.5 is implemented under appropriate circumstances and that the resource protection policies and provisions provided under the LCP and Toro Canyon Plan are not unintentionally lessened through inaccurate implementation, the Commission finds it necessary to revise these goals in a manner that all references to balancing as described in LUP Modifications 5, 11, and 16.

Similarly, specific reference to policy conflicts and balancing were made in DevStd BIO-TC-4.3 and DevStd BIO-TC-4.4. DevStd BIO-TC-4.3 allows fuel modification within ESH or ESH buffer areas when consistent with the balancing provisions of the Coastal Act. To avoid the use of balancing language, LUP Modification 88 strikes the text referencing Coastal Act balancing and clarifies that fuel modification in association with existing lawful development within the ESH or ESH buffer may only be permitted when development is approved pursuant to the takings provisions as described in LUP Modification when a finding can be made that that fuel modification in ESH or ESH buffer was minimized to the maximum extent feasible. LUP Modification 90 has also been modified to strike all text regarding the balancing provisions of the Coastal Act.

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to balancing conflicting policies submitted are inconsistent with the requirements of Section 30001, 30001.5, 30007.5, and 30200 of the Coastal Act unless modified as suggested above. Additionally, the proposed implementation amendments for balancing conflict are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **7. Urban/Rural Residential**

The Plan proposes to move the urban/rural boundary into portions of the existing urban area, thereby creating a larger rural area. The plan would rezone some residential areas with significant development constraints to larger minimum parcel sizes. Many of these areas are characterized by limited public road access to parcels, narrow winding roads, steep slopes, poor soils, lack of public sewers, high fire hazard with poor excavation routes, and larger amounts of sensitive habitats including major creeks. For these reasons, limiting additional development in these areas would reduce adverse impacts, and each area is proposed to be rezoned to larger minimum lot sizes.

The Plan proposes to pull in the Urban Area Boundary northward and westward to encompass a smaller portion of the northwest part of Toro Canyon (see Exhibit 7). In

this region, much of the area inside the existing urban boundary line is actually rural in nature, with relatively large lot sizes and significant development constraints. The urban boundary line has been relocated to encompass only the relatively small properties along Ladera, Freehaven, and Macadamia Lanes, and the "Cima Del Mundo" properties zoned 5-E-1 on East Valley Road. The shift in the Urban/Rural boundary reduces the Urban area in the coastal zone by designating it an Existing Developed Rural Neighborhood.

Some changes are proposed to the previously defined Rural Neighborhood (RN) boundaries, which were originally defined and drawn to circumscribe past anomalies contained within an otherwise rural area. The only proposed changes are: to include the Santa Claus Lane commercial properties within the RN that currently includes only the residential properties along the adjacent Padaro Lane and Sand Point Road shorelines; to correct a past mapping error that excluded one small lot from the southwestern part of the La Mirada-Paquita Drive RN on the north side of Foothill Road east of Nidever Road (current zoning on this lot is 1-E-1 and is not proposed to change); and to include the Torito Road area and some adjacent easterly lots within a new RN boundary (see agricultural conversion section above).

The downzoning of residential parcels is consistent with Section 30250 of the Coastal Act. However under separate provision of the Toro Canyon Plan, Action LUR-TC-1.1, states that the County shall consider the approval of Residential Second Units, which categorically are considered to be potentially affordable units, on appropriate sites in a manner consistent with applicable goals, policies, development standards, and ordinance provisions. The above action implies that approval of residential second units is focused on their ability to serve as potentially affordable units on not subject to the typical requirement for all new development. To clarify that residential second units must be considered, located, and configured consistent with the LCP requirements, LUP Modification 12 revised Action LUR-TC-1.1 to ensure that residential second units are sited and designed in a manner consistent with applicable, goals, policies, development standards, and ordinance provisions and the certified LCP (which will include the Toro Canyon Plan when formally certified).

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to new development submitted are inconsistent with the requirements of Section 30250 of the Coastal Act unless modified as suggested above. Additionally, the proposed implementation amendments for new development are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **8. Commercial Development**

The LCP amendment proposes to include the Santa Claus Lane commercial area within an Existing Developed Rural Neighborhood, and rezone it from Highway Commercial to Limited Commercial (C-1) "to allow for a more economically viable use of Santa Claus Lane." The proposed zoning is intended to provide a mix of uses for both visitors and local residents, rather than only travelers and visitors. This plan also

considers increased parking in the Santa Claus Lane area and new landscaping and design standards.

Santa Claus Lane includes eight small businesses and three unoccupied buildings. Existing uses include two restaurants, and agricultural supply business, an art gallery, five gift shops and some non-conforming residential uses. Almost half the parcels and half the existing buildings are currently vacant. This area is presently zoned Highway Commercial, a designation of the certified LCP that is intended to serve the traveling public. The Final Environmental Impact Report (Santa Barbara County, 2002) for this amendment reported that "because of location, access, fragmented ownership, parking constraints and limited demand, this designation has not promoted the most efficient use of these commercial areas, especially along Santa Claus Lane. Business vacancies are common, building modernization and maintenance sometimes lag, and this important gateway remains somewhat blighted."

The proposed C-1 District in the Toro Canyon Plan Area (see Table 2 below) would represent a modified C-1 District as implemented through the Toro Canyon Plan (TCP) Overlay such that residential use would not be permitted in the absence of a primary commercial use; lodges would be permitted with a Major Conditional Use Permit (CUP) rather than a CDP; retail commercial uses would be required to have more prominent locations than any residential uses or general practitioner's / professional offices on the same property; and seafood processing and video arcades would be allowed as secondary uses to other primary commercial uses and only when conducted entirely within an enclosed building. The TCP Overlay District also includes several policies, development standards, and actions that would involve the county and property owners working together to improve the Lane's mix of businesses, aesthetic character, parking availability, and various other amenities for the benefit of local residents and visitors.

Table 1. Comparison of Existing and Proposed Commercial Use.

<b>The Highway Commercial Zone District (Existing)</b>	<b>Santa Claus Lane C-1 (Proposed)</b>
<b>Permitted Uses</b>	
Motels, hotels, restaurants, auto service stations and garages, dwellings occupied by the owner or his employees, bus terminals, train stations, agricultural uses, mini-mart/convenience stores of less than 3,000 sq. ft., any other uses which Planning Commission determines to be similar to above uses, non-residential child care centers accessory and subordinate to above uses, accessory uses incidental to the above uses.	Retail stores; services such as laundromats, dry-cleaning substations, beauty parlors, shoe repair, photography studio, fitness studio, and other similar uses; restaurants, financial institutions (except corporate offices); general business offices (such as real estate offices and general practitioner's offices) only as secondary to a primary commercial use; retail plant nurseries; non-profit recycling facility; child care facilities; residential uses that are secondary to a primary commercial uses; overnight visitor-serving accommodations such as bed-and-breakfasts and hostels; seafood processing and video arcades as secondary uses to a primary commercial use; any other uses which Planning Commission determines to be similar to above uses, accessory uses incidental to the above uses.

<b>Uses permitted with a Minor Conditional Use Permit</b>	
Commercial driving tees, putting ranges, golf courses, truck service stations, and mechanical car washes, residences provided the residential use is secondary to a primary commercial use, plus other uses potentially allowable in any zone district with a Minor CUP.	Auto service stations, sale of fruit/ vegetables/ flowers; community center; Certified Farmer's Market, lodges, plus other uses potentially allowable in any zone district with a Minor CUP.
<b>Uses permitted with a Major Conditional Use Permit</b>	
Overnight recreation-vehicle facilities, drive-in theaters, and retail grocery stores of less than 5,000 sq. ft., plus other uses potentially allowable in any zone district with a Major CUP.	Small animal hospitals; hotels and motels, plus other uses potentially allowable in any zone district with a Major CUP.

The proposed designation represents a change from highway visitor-serving to a mix of business that would serve local residents and the general public. However, the new designation removes four designations from the existing Highway Commercial which serve the public: (1) mini-mart/convenience stores are not included in the permitted uses under the proposed C-1; (2) auto service stations now require a Minor CUP in C-1; (3) hotels and motels now require a Major CUP; and (4) overnight recreation vehicle facilities are not listed as a use permitted with a Major CUP. Because each of these designation are visitor-serving, they should be retained as allowed in the present HC zone. Therefore, IP Modification 172 modifies the C-1 zone to include mini-marts, auto service stations, and hotel/motels as permitted uses and overnight recreation vehicle facilities with a major conditional use permit.

Additionally, the Commission finds that though a modified use zone is clearly important to allow more flexible and successful commercial enterprises in this area, a complete transformation from highway commercial visitor serving to a commercial area that does not provide an adequate mix of visitor-serving is inconsistent with Section 30222 of the Coastal Act to make visitor-serving a priority use. Given that financial institutions and general business offices do not serve visitors, IP Modification 172 removes these categories from C-1 permitted uses.

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to new development submitted are inconsistent with the requirements of Section 30222 and 30250 of the Coastal Act unless modified as suggested above. Additionally, the proposed implementation amendments for new development are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

**9. Certificates of Compliance**

The Coastal Act Definition of Development (Section 30106):

***Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing,***

***dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).***

This definition of development is mirrored in the County's certified LCP. This definition includes: "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act... and any other division of land, including lot splits..." Certificates of Compliance fall into the category of land division and thus are development under the Coastal Act.

Certificates of compliance grant authorization for a lot that was created through a land division that occurred previously but was illegal because it failed to comply with applicable state laws or local ordinances. An owner of property may request that the local government determine whether a parcel was created in conformance with the requirements of the Subdivision Map Act. After review, the local government may issue a certificate of compliance with or without conditions. Certificates of compliance recognize property as a separate legal parcel for purposes of conveyance, transfer or financing, but they do not grant any right to develop the parcel. There are three separate situations in which the issuance of a certificate of compliance may be requested:

1. Land division occurred prior to the effective date of the Coastal Act and lot was created in compliance with laws in effect at the time.
2. Land division occurred prior to the effective date of the Coastal Act and lot was not created in compliance with laws in effect at the time.
3. Land division occurred after the effective date of the Coastal Act without approval of a coastal development permit.

In the first case described above, the certificate of compliance confirms that creation of the parcel already occurred legally prior to the Coastal Act; therefore, issuing the certificate of compliance does not constitute "development" and does not require a coastal development permit. In the second and third instances, the action of issuing a certificate of compliance grants government authorization for a parcel that was previously created illegally, through means that did not comply with the laws in effect at the time. This type of certificate, for the first time, authorizes the land division that created a new parcel. Therefore it constitutes development under the Coastal Act, and requires a coastal development permit. A certificate of compliance in the second and

third instances shall not be issued unless a coastal development permit that authorizes the land division is approved. The coastal development permit can only be approved if the land division is consistent with the policies of the LCP. Compliance with the LCP policies insures that the land division is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

For the above reasons, Commission staff interprets Conditional Certificates of Compliance to be development and therefore require a coastal development permit under the existing LCP. The interpretation applies countywide; however, because there seems to be some confusion in this regard, LUP Modification 10 clarifies that Conditional Certificates of Compliance, or Certificates of Compliance issued for land divisions that occurred after the Coastal Act, shall not substitute for evidence of lot legality within the coastal zone and shall require a coastal development permit appealable to the Coastal Commission.

Numerous policies require that land divisions minimize impacts to coastal resources and public access. Land divisions may not be approved if they would result in adverse impacts on coastal resources, such as water quality, wetlands, hazards, and ESHA, which are protected under Sections 30230, 30231, 30233, 30236 and 30240. A land division cannot be approved unless every new lot created would contain an identified building site that can later be developed consistent with all policies and standards of the LCP. For example, a land division cannot be approved if geologic hazards make it unsafe to build on the proposed parcel or if development on the proposed parcel would destroy ESHA or block public views of a scenic area (Sections 30253, 30240 and 30251). Therefore, LUP Modifications 84, 125, 129, 130, 139 and IP 171 and 172 clarify that land divisions may not occur if they would result in adverse impacts to coastal resources.

#### **10. Nonconforming Structures and Disaster Replacement**

Coastal Act Section 30610 outlines what types of development are exempt from coastal development permit requirements, including most improvements to single family residences, repair and maintenance activities and improvements to other structures. However, consistent with the Commission's Administrative Regulations 13250-13253, the ordinance specifies those improvements and repair and maintenance activities that are not exempt because they result in a risk of significant adverse impacts to coastal resources. Coastal Act 30610 also provides that structures, including legal nonconforming structures, damaged or destroyed by natural disasters can be rebuilt in the same location, exempt from a coastal development permit, under certain conditions. The County Zoning Code provides a list of exempt projects under Section 35-162 (Coastal Development Permits) and provides specific requirements for the expansion and/or reconstruction of nonconforming structures in Section 35-162 (Nonconforming Buildings and Structures).

The certified LCP differentiates between nonconforming uses and structures, defining each separately. Under the present code, nonconforming uses are expected to disappear over time. Nonconforming structures are allowed to remain indefinitely

(Section 35-162) and can expand as long as the expansion meets the current setback, height, and other requirements of the LCP. Nonconforming single-family residences can always be rebuilt if damaged or destroyed by natural disaster "to the same or lesser size in the same general footprint location." Parcels that are nonconforming as to lot size are recognized in the Zoning Ordinances as eligible buildable lots (with the exception of fraction lots).

The basic philosophy that underlies the zoning ordinances' normal treatment of nonconforming uses and structures: to make incremental improvements to the built environment over time through the application of better and more enlightened planning and zoning standards, while allowing the continuation of nonconforming uses and structures until their termination through means either deliberate (redevelopment), natural (wearing out), or calamitous (e.g., fire, flood, earthquake).

The zoning under the proposed amendment will render many of the parcels in the planning area nonconforming as to lot size. In addition, some existing residential structures may not conform to the height limits for rural areas or with setbacks from the ESH areas. Becoming nonconforming as to lot size primarily affects a parcel's ability to subdivide. The Office of County Counsel (August 30, 2000) noted that "if the County were to retain the current zoning throughout the Toro Canyon Plan area, it would encourage development in excess of the area's resources."

Although the Zoning Code addresses nonconforming structures and uses, there is no general guiding policy-basis in the existing LCP. This provides an implementation dilemma since implementation measures must be consistent with the LUP policies. Therefore, LUP Modification 9 has been developed to ensure that adequate implementation hierarchy as required by Section 30108.5 and 30108.4 of the Coastal Act (see Section C of this report) and consistency with the requirements of Section 30610 and the resource protection policies of chapter three. LUP Modification 9 specifies that existing, lawfully established structures that do not conform to the provisions of the LCP may be maintained, and repaired. Furthermore, additions and improvements to such structures may be permitted provided that such additions or improvements themselves comply with the policies and standards of the LCP, with certain exceptions. LUP Modification 9 defines redevelopment of blufftop and beach properties to include additions that increases the size of the existing structure by 50% or more. Additionally, remodels that qualify as redevelopment, rather than "improvements" include demolition and reconstruction that results in the demolition of more than 50 percent of the exterior walls. In these cases, where the scale of additions or improvements render them defacto site redevelopments, then the entire non-conforming structure must be brought into conformance with the policies and standards of the LCP. Furthermore, LUP Modification 9 provides that non-conforming uses may not be increased or expanded into additional locations or structures. These requirements are implemented by adding a Section 35-194.4 Subsection 9 as shown in IP Modification 172.

The proposed amendment makes certain exceptions in the Toro Canyon Plan area for residential and nonresidential structures, with the greatest deference given to residential structures and appurtenances. Under Section 35-194.4 Subsection 1, the proposed amendment allows for the construction of a detached private garage structure where no attached garage structure existed, when a residential structure is destroyed by disaster. The Commission finds that it is necessary, under IP Modification 172 to clarify that such a structure would need to meet the provisions of the Toro Canyon Plan and certified LCP.

Other exceptions for residential structures are provided under Section 35-194.4 Subsections 2 and 3. Subsection 2 allows partial or complete reconstruction or structural repair due to normal wear and tear, if the residential structure is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted as a result of the Toro Canyon Plan. Subsection 3 allows the expansion of nonconforming residential structures within ESH buffer areas. The Commission cannot certify such exception because it provides a lesser degree of resource protection than the existing LCP and, in almost every case, is not consistent with Section 30240 or 30522 of the Coastal Act (see Sections G.9 "ESH Buffers" and C.3). However, the Commission does recommend certain exceptions for nonconforming primary residences in ESH buffer within Existing Development Rural Neighborhoods (see Section G.9 "Torito Road and Rural Neighborhoods") where, pursuant to detailed biological evaluation, such development can be shown not to have adverse impacts on ESH. The Commission requires modification of the TCP Overlay District, through IP Modification 172, to modify subsections 2 and 3 of the nonconforming structure policy, deleting the general residential reconstruction as a result of normal wear and tear without meeting the provisions of the LCP and expansion of nonconforming structures within ESH buffers and applying them in limited circumstances to existing developed rural neighborhoods.

The proposed language would allow as-built replacement of agricultural support structures damaged or destroyed by some calamity beyond the control of the property owner. An "agricultural support structure" would be defined as "a structure that is essential to the support of agricultural production on agriculturally-zoned property." The amendment further allows the partial or complete reconstruction or structural repair of agricultural support structures due to normal wear-and-tear such as structural pest damage or dry rot. Further, there would be special provisions to allow the expansion of nonconforming agricultural support structures that are located within ESH or ESH buffer areas. Section 30610 of the Coastal Act allows for the rebuild of any lawfully established structures, including legal non-conforming structures, in the event of a disaster. This provision does not include restoration or replacement of structures for normal wear and tear. The Commission finds that the voluntary tear down and rebuild of structures would require discretionary review consistent with the LCP standards. This would hold true for legal conforming structures as well as structures that are non-conforming. Furthermore, the proposed exception to allow additions to nonconforming structures into ESH and ESH buffer is not consistent with Section 30240 (see Section G.9 "ESH Buffers").

Therefore, the Commission requires IP Modification 172, Toro Canyon Plan (TCP) Overlay District Section 35.194.4 Nonconforming Structures and Uses Subsections 5 and 6, to delete the language allowing nonconforming agricultural structures to reconstruct the subject structure due to normal wear and tear; and delete the language allowing the expansion of agricultural structures within ESH or ESH buffers. Additionally, the Commission finds that the text defining agricultural support structures other than "greenhouse development as defined in the CA Overlay" is more appropriately proposed in the LCP amendment for Carpinteria greenhouses which has not been certified to-date. Therefore it is deleted in Toro Canyon Plan (TCP) Overlay District Section 35.194.4 Nonconforming Structures and Uses Subsections 4, noting that it should be included in the separate greenhouse amendment as a suggested modification.

Additionally, the TCP Overlay District outlines special provisions for non-residential structures such that any nonconforming nonresidential structure (e.g., detached accessory structures other than guest houses or second residential units) that requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot may be repaired or reconstructed, provided that such repair or reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. As discussed above, the reconstruction, or partial reconstruction, of a structure is a voluntary action by the owner and therefore must be fully subject to the provisions of the Toro Canyon Plan and LCP, which protect coastal resources. Therefore, the Commission finds it necessary to delete the text as shown in IP Modification 172, Section 35-194.4 Subsection 7. Additionally LUP Modification 98 is necessary to strike the policy basis to allow such deletions.

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to new development submitted are inconsistent with the requirements of Section 30108.5, 30108.4, 30522 30610, and Chapter Three Policies of the Coastal Act unless modified as suggested above. Additionally, the proposed implementation amendments for disaster replacement and nonconforming structures are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **11. Archaeological Resources**

The Toro Canyon area has known archaeological resources, with initial human habitation thought to have occurred as early as 11,000 years ago. By the time of Spanish contact in the 18<sup>th</sup> century, nearby Summerland and Carpinteria were densely populated by Chumash villages as a result of the abundant resources. Sites within the Plan area have the potential to provide additional information about the subsistence, tool, manufacturing, trade, and social organization of these prehistoric inhabitants, and how they adapted to changing environmental and social factors through time.

Impacts to archaeological resources from buildout of the Toro Canyon Planning Area would result from ground-disturbing activities related to construction, including

permanently removing or damaging archaeological resources including artifacts, deposits of subsistence remains (middens), house floors, cooking or roasting hearths, or other unknown prehistoric cultural features. Areas considered to have a high sensitivity for archaeological resources include creek corridors, along the bluffs near the ocean and on prominent ridgelines and knolls.

Section 30244 of the Coastal Act requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts. The existing certified LCP establish criteria for mitigation of potential impacts to historical and archaeological sites. These criteria are supplemented by additional policies and development standards to preserve cultural resources in the Plan area.

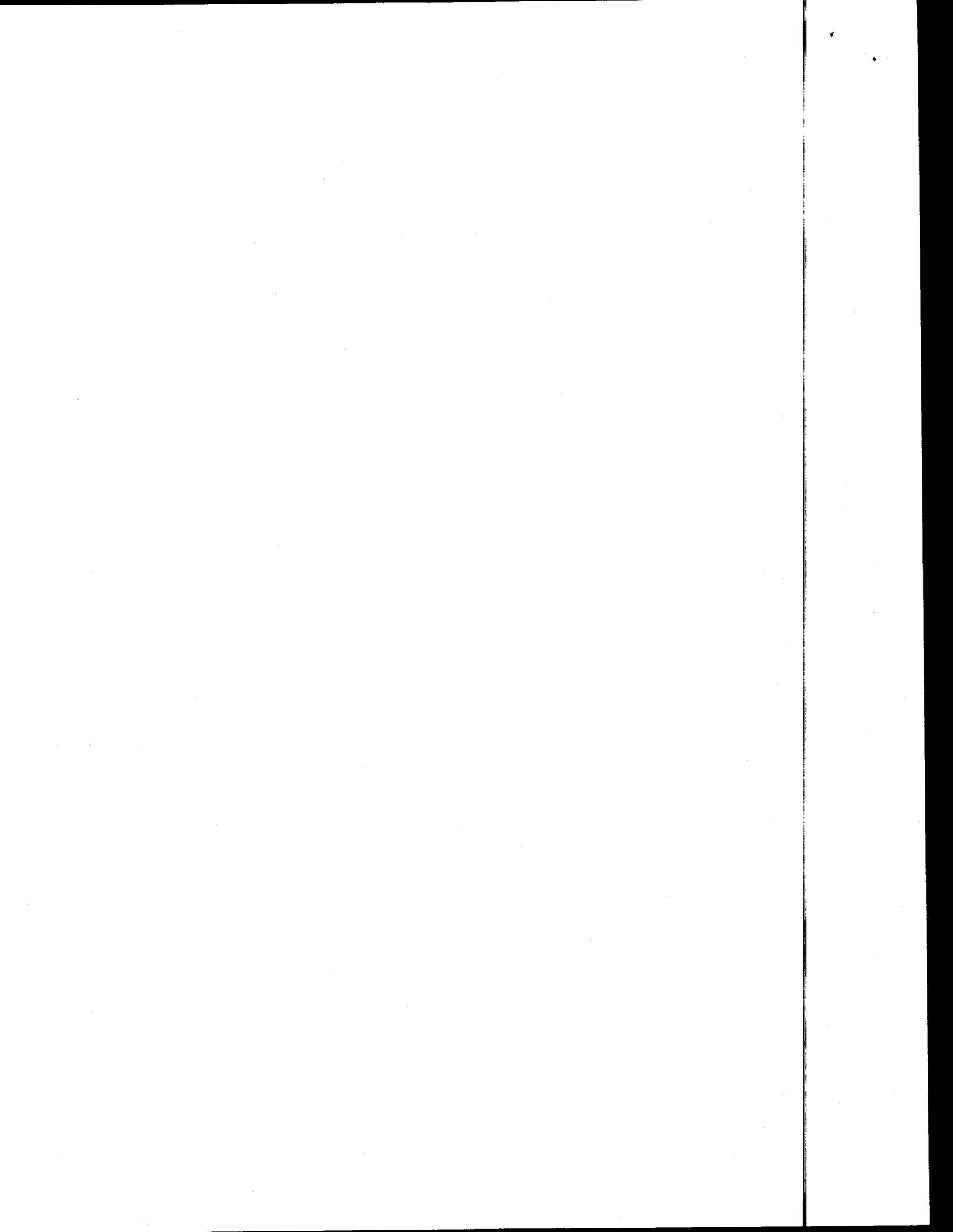
The Toro Canyon Plan policies provide that archaeological resources shall be protected and preserved and that Phase I surveys will be required when determined to be necessary during project review by the County or contract archaeologist or if the County's archaeological sensitivity map identifies a need for further study. In addition, recommendations of archaeological report analysis shall be incorporated into any permit issued for development. To further ensure that archaeological resources are protected and preserved consistent with Section 30244 of the Coastal Act, the Commission requires LUP Modification 148 to require the County to consult with the Native American Heritage Commission, State Historic Preservation Officer, and the Most Likely Descendant during each stage of the cultural resources review to determine whether the project may have an adverse impact on an important cultural resource.

For the above reasons, the Commission therefore finds that the proposed LUP amendments with regard to archaeological resources submitted are inconsistent with the requirements of Section 30244 of the Coastal Act unless modified as suggested above. Additionally, the proposed implementation amendments for archaeological resources are not consistent with and inadequate to carry out the LUP, as modified, unless modified as suggested above.

## **VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Land Use Plan and Implementation Ordinance. The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the Coastal Act and certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.



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RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE	)	RESOLUTION NO: 02-065
COASTAL COMMISSION AMENDMENTS TO THE	)	CASE NO.s: 99-GP-007,
TEXT AND MAPS OF THE SANTA BARBARA	)	99-OA-005, 99-RZ-009,
COUNTY LOCAL COASTAL PROGRAM	)	00-GP-003, 00-OA-005,
	)	00-RZ-002

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below.

**Carpinteria Valley Greenhouse Program:**

- 1. 99-GP-007, amend the Santa Barbara County Coastal Land Use Plan adding text to implement the program.
- 2. 99-OA-005, amend Article II of Chapter 35 of the Santa Barbara County Code, as follows: amend **Section 35-53 (Overlay District Designations and Applicability)** to establish the new CA Carpinteria Agricultural Overlay District; amend **Section 35-58 (Definitions)** to add definitions for greenhouses and related structures; amend **Sections 35-68.3 (Permitted Uses)** to specify additional regulations for the Carpinteria Agricultural Overlay District (Sec. 35-102E); amend **Section 35-102** to add language that creates a Carpinteria Agricultural Overlay District; and amend **Section 35-162 (Nonconforming Buildings and Structures)** to add language that would allow nonconforming greenhouse structures to be rebuilt to the standards set forth in Section 35-102E in the event of seventy-five (75) percent or more of damage.
- 3. 99-RZ-009, amend Article II to add the Carpinteria Agricultural Overlay District to the "Carpinteria Valley Coastal Plan: Zoning Overlay" map.

<b>EXHIBIT 1</b>
<b>STB-MAJ-3-02</b>
<b>Resolution 02-065 To Submit LCP Amendment</b>

**Toro Canyon Plan:**

4. **00-GP-003**, amend the Santa Barbara County Coastal Land Use Plan to incorporate the Toro Canyon Plan and update related text and maps in the existing Land Use Plan.
5. **00-OA-005**, amend Article II of Chapter 35 of the Santa Barbara County Code to reflect adoption of the Toro Canyon Plan, as follows: amend **Division 4 (Zoning Districts)** to add a new MT-TORO (Mountainous Area - Toro Canyon Plan) District as **Section 35-94**; amend **Division 10 (Nonconforming Structures and Uses)**, **Section 35-162.2.d** to reflect special provisions that apply within the Toro Canyon Plan area; and add a new **Division 16 (TCP - Toro Canyon Plan) Overlay** as **Section 35-194** to implement portions of the Plan related to commercial uses and architectural guidelines within the C-1 District on Santa Claus Lane, make various provisions for the replacement, reconstruction, and expansion of various types of nonconforming structures within the Plan area, and add architectural review standards that apply throughout the Plan area.
6. **00-RZ-002**, amend Article II to reflect adoption of the Toro Canyon Plan zoning and zoning overlay maps.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Santa Barbara County Coastal Plan and Coastal Zoning Ordinance text.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.

4. The Board submits these Local Coastal Plan amendments to the California Coastal Commission for review and certification.
5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

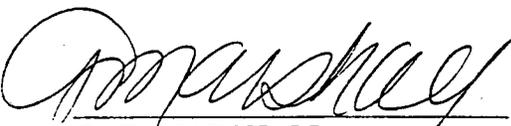
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25<sup>th</sup> day of February, 2002, by the following vote:

AYES: Supervisor Schwartz, Rose, Marshall.

NOES: Supervisor Urbanske.

ABSTAIN: None.

ABSENT: Supervisor Gray.

  
\_\_\_\_\_  
GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By:   
\_\_\_\_\_  
Deputy County Counsel

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RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING )  
AMENDMENTS TO THE SANTA BARBARA )  
COUNTY LOCAL COASTAL PROGRAM )  
BY AMENDING THE COASTAL LAND USE )  
PLAN (TEXT AND MAPS) TO INCORPORATE )  
AND IMPLEMENT THE TORO CANYON PLAN )  
\_\_\_\_\_ )

RESOLUTION NO.: 02-062  
CASE NO.: 00-GP-003

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan.
- B. On March 2, 1999, the Board of Supervisors adopted Resolution No. 99-73 to initiate the Preliminary Draft Toro Canyon Plan as a "project" for environmental review.
- C. The Planning Commission of the County of Santa Barbara, after holding duly noticed public hearings commencing on June 21, 2000 and concluding on February 21, 2001 endorsed and recommended adoption of the Toro Canyon Plan pursuant to Government Code Section 65354.
- D. The Board of Supervisors now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to amend the Local Coastal Program as follows:
  - 1. Amend the Coastal Land Use Plan to incorporate the Toro Canyon Plan.
  - 2. Amend the existing Coastal Land Use Plan text as follows:
    - a) Amend Table of Contents, second page to reflect new "Appendix I - Toro Canyon Plan";
    - b) Amend Sec. 4.2 (at p. 147) to reflect adoption of the Toro Canyon Plan within the larger Carpinteria Valley area;
    - c) Amend the land use definition of Semi-Rural Residential (p. B-4) to read, "The purpose of this designation is to provide for residential development that will preserve the semi-rural character of the Montecito Planning Area and portions of the Toro Canyon Plan area. ..." [remainder unchanged];
    - d) Amend Tables D-1 & D-2 (pp. D-2 & D-5) to add notations reflecting adoption of the Toro Canyon Plan;

EXHIBIT 2	
STB-MAJ-3-02	
Resolution	02-062 To
Amend LUP/CP	

- e) Amend Tables E-2 & E-3 (pp. E-3 & E-4) to add notations reflecting adoption of the Toro Canyon Plan.
3. Amend the County Coastal Land Use Plan maps as follows:
- a) Create a new map titled, "Toro Canyon Land Use Designations, Coastal Plan";
  - b) Create a new map titled, "Toro Canyon Plan Land Use Overlay Designations, Coastal Plan";
  - c) Create a new map titled, "Toro Canyon Plan Environmentally Sensitive Habitat Land Use Overlay, Coastal Plan";
  - d) Amend the existing "Carpinteria Valley Coastal Plan: Land Use Overlay" to remove the area that is covered by the Toro Canyon Plan;
  - e) Amend the existing "South Coast Rural Region Land Use Designations, Coastal Plan";
  - f) Retire the "Carpinteria Coast Rural Area Land Use Designations, Coastal Plan." A portion of the map not covered by the new Toro Canyon Land Use maps will be remapped onto the existing "South Coast Rural Region Land Use Designations, Coastal Plan" map.
- E. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Board of Supervisors on the proposed amendments in a duly noticed public hearing pursuant to Sections 65853 and 65854 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65855 of the Government Code.
- F. This Board has held a duly noticed public hearing, as required by Section 65356 of the Government Code, on the proposed rezones, at which hearing the rezones were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Local Coastal Program of Santa Barbara County.
3. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

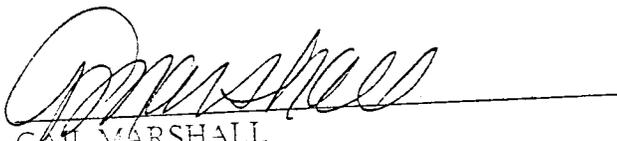
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25<sup>th</sup> day of February, 2002, by the following vote:

AYES: Supervisor Schwartz, Rose, Marshall.

NOES: Supervisor Urbanske.

ABSTAINED: None.

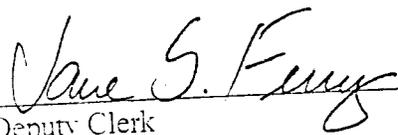
ABSENT: Supervisor Gray.



GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By  \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By  \_\_\_\_\_  
Deputy County Counsel

TORO

ORDINANCE 4448

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE TO IMPLEMENT THE TORO CANYON PLAN BY ADDING A NEW MT-TORO (MOUNTAINOUS AREA- TORO CANYON PLAN) DISTRICT TO DIVISION 4 (ZONING DISTRICTS), AMENDING DIVISION 10 (NONCONFORMING STRUCTURES AND USES), AND ADDING A NEW DIVISION 16 (TCP- TORO CANYON PLAN OVERLAY)

CASE NO. 00-OA-005

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

1. DIVISION 4 (ZONING DISTRICTS) is hereby amended to add the following text:

Sec. 35-94. MT-TORO Mountainous Area- Toro Canyon Planning Area.

Sec. 35-94.1. Purpose and Intent.

The purpose of this district is to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:

- 1. Slopes in excess of 40 percent.
- 2. Valleys surrounded by slopes exceeding 40 percent.
- 3. Isolated table land surrounded by slopes exceeding 40 percent.
- 4. Areas with outstanding resource values, such as environmentally sensitive habitat areas and watershed areas.

The intent is to allow limited development in these areas due to the presence of extreme fire hazards, minimum services, and/or environmental constraints and to encourage the preservation of these areas for uses such as watershed protection, scientific and educational study, and limited residential uses.

Sec. 35-94.2. Processing.

No permits for development, including grading, shall be issued except in conformance with Section 35-169 (Coastal Development).

Sec. 35-94.3. Permitted Uses.

- 1. One single-family dwelling per legal lot.

<b>EXHIBIT 3</b>
<b>STB-MAJ-3-02</b>
<b>Ordinance #4448</b>
<b>(Proposed Zoning Text Changes)</b>

2. One guest house subject to the provisions of Sec. 35-120 (General Regulations).
3. The non-commercial keeping of animals and poultry.
4. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.
5. Home occupations, subject to the provisions of Section 35-121 (General Regulations).
6. Accessory uses, buildings and structures that are customarily incidental to the above uses.

Sec. 35-94.4. Uses Permitted with a Major Conditional Use Permit.

1. Low intensity recreational uses such as summer camps, public riding stables, and hunting clubs.
2. Campgrounds with minimum facilities not including accommodations for recreational vehicles.
3. Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities, etc.
4. Resource dependent uses such as mining and quarrying.
5. Onshore oil development, including exploratory and production wells, pipelines, separation facilities, and their accessory uses, subject to the requirements set forth in DIVISION 8, ENERGY FACILITIES.
6. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-94.5. Uses Permitted with a Minor Conditional Use Permit.

1. Artist's studio.
2. New cultivated agriculture, vineyard or orchard use, when there is not evidence showing that it is a permitted or legal non-conforming use within the previous ten-year period.
3. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-94.6. Findings Required for Conditional Use Permit.

In addition to the findings required for approval of a Conditional Use Permit in Sec. 35-172, no Conditional Use Permit shall be approved unless all of the following findings are made by the appropriate decision-maker:

1. The project does not require extensive alteration of the topography.
2. The project does not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
3. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

Sec. 35.94.7. Minimum Application Submittal Requirements for Conditional Use Permit.

In addition to the contents of the application required for Conditional Use Permits under Section 35-172.6, no application shall be accepted for processing unless accompanied by the following submittals:

1. A topographic map showing existing slopes, water courses, and types of vegetation on the property.
2. The location and specifications of all existing and proposed roads, terraces, and structures.
3. Application for new or expanded cultivation, orchard, or vineyard use shall include a Conservation/Grading Plan that:
  - a. is reviewed and approved by the Resource Conservation District and meets all essential specifications as determined by the Soil Conservation Service.
  - b. shows areas of 40% or greater slopes.
  - c. contains a crop production and cultivation plan for all agricultural operations to be conducted on the site, a description of mechanized equipment to be used; and for orchards and vineyards, a post-approval monitoring program.

Sec. 35-94.8. Minimum Lot Size.

Each lot shall have a minimum gross lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

<u>Zoning Symbol</u>	<u>Minimum Lot Size</u>
MT-TORO-40	40 acres
MT-TORO -100	100 acres
MT-TORO -320	320 acres

A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.

Sec. 35-94.9. Setbacks for Buildings and Structures.

Fifty (50) feet from the centerline of any street and twenty (20) feet from the lot lines of the lot of which the building or structure is located.

Sec. 35-94.10. Height Limit.

No building or structure shall exceed a height of twenty-five (25) feet.

Sec. 35-94.11. Minimum Distance Required Between Buildings on the Same Building Site.

Five (5) feet.

Sec. 35-94.12. Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

**SECTION 2:** Section 35-162.2.d of DIVISION 10 (NONCONFORMING STRUCTURES AND USES) is hereby amended to read as follows:

d. Notwithstanding the above, additional provisions exist in Section 35-214 of Division 15 (Montecito Community Plan Overlay District) for parcels identified within the MON Overlay zone, and in Section 35-194 of Division 16 (Toro Canyon Plan Overlay District) for parcels identified within the TCP Overlay zone, which, in the case of conflict, shall take precedence over this Section.

**SECTION 3:** DIVISION 16, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, of Article II of Chapter 35 of the Santa Barbara County Code is hereby added as follows:

Sec. 35-194. General

The provisions of this Division implement portions of Toro Canyon Plan components of the County's Local Coastal Plan and serve to carry out certain policies of this Community Plan. The provisions of this Division are in addition to the other provisions of this Article. Where provisions of this Division conflict with other provisions of this Article, the specific provisions of this Division shall take precedence.

Sec. 35-194.1 Applicability

The provisions of this section apply to the Toro Canyon Plan Area as defined by the "Toro Canyon Plan Land Use Map." All provisions of the Toro Canyon Plan, Coastal Land Use Plan and applicable portions of the Comprehensive Plan, including all applicable goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with the TORO Overlay District.

Sec. 35-194.2 C-1 Zone District

1. All uses listed in the C-1 Zone District of this article shall be allowed in the C-1 Zone District of Toro Canyon except:

- Any single family residence where there is no commercial use;

- Lodges shall only be allowed with a major conditional use permit, rather than as a permitted use;
- Residential structures and general practitioner's/professional offices only as secondary to a primary commercial retail use. Retail uses shall be located in the more prominent locations of buildings such as on first floors fronting on pedestrian pathways, and/or where ocean views are available. Residential and professional office uses should be located on second floor but if on the first floor, then not on the street-facing part of the building. Office uses shall be in less prominent locations than retail uses on the same site;
- Seafood processing and video arcades shall be allowed only as secondary uses to a primary use such as a restaurant and only when conducted entirely within an enclosed building.

2. "Western Seaside Vernacular Commercial" is defined as follows.

The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular have occurred in Avila Beach and Stearns Wharf. The following are characteristic of Western Seaside Vernacular architecture.

Orientation and Massing

Low massing  
Little or no set-back from sidewalk edge

Roofs

Flat  
Pitched gable roofs, but not gambrel or mansard roofs

Roof Materials

Composition  
Wood shingles, subject to the allowances and limitations of the County Building Code  
Shingles made to resemble wood or slate

Windows

"Picture"  
Horizontally oriented multi-paned  
Multi-paned with wood sash and frames  
Wood framed

Doors

Simple wood  
Simple wood and glass  
Simple French doors

Siding

Board and batten  
Beveled tongue and groove  
Clapboard  
Shingles

Colors

Weathered wood  
Whitewash  
Neutrals  
Weathered colors

Sec. 35-194.3 Findings

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 - Permit Procedures of Article

II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

Sec. 35-194.4 Nonconforming Structures and Uses

1. Nonconforming residential structures damaged or destroyed by calamity: Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall mean primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.
  
2. Residential structures that are nonconforming solely due to the Toro Canyon Plan: Any residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

3. Expansion of nonconforming residential structures located within Environmentally Sensitive Habitat (ESH) buffer areas: Any residential structure that is nonconforming solely due to its location within an ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with DevStds BIO-TC-5.1 and BIO-TC-5.3 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator.
  
4. Nonconforming agricultural support structures other than greenhouse development: Any nonconforming agricultural support structure, other than "greenhouse development" as defined in the Carpinteria Agricultural (CA) Overlay, that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "agricultural support structure" shall mean any structure, other than "greenhouse development" as defined in the CA Overlay, that is essential to the support of agricultural production on agriculturally-zoned property. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article. Nonconforming "greenhouse development" as defined in the CA Overlay shall be subject to the provisions of the CA Overlay.
  
5. Agricultural support structures that are nonconforming solely due to the Toro Canyon Plan: Any agricultural support structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "agricultural support structure" shall mean any structure that is essential to the support of agricultural production on agriculturally zoned property. Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time

extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

6. Expansion of nonconforming agricultural support structures located within Environmentally Sensitive Habitat (ESH) areas or ESH buffer areas: Any agricultural support structure that is nonconforming solely due to its location within an ESH area or ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with Development Standards BIO-TC-5.1 and BIO-TC-5.3 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, "agricultural support structure" shall mean any structure that is essential to the support of agricultural production on agriculturally-zoned property.
7. Nonconforming nonresidential structures: Any nonconforming nonresidential structure that is damaged or destroyed to an extent of seventy-five percent (75%) or more of its replacement cost at the time of damage by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed, provided that such reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. In addition, any nonconforming nonresidential structure that requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot may be repaired or reconstructed, provided that such repair or reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. Such a structure may be reconstructed or structurally repaired to the same or lesser size on the same site and in the same general footprint location, provided that:
  - i. The Zoning Administrator finds that the public health and safety will not be jeopardized in any way by such reconstruction or structural repair; and
  - ii. The Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship that would be suffered by the owner(s) of the structure should reconstruction or structural repair of the nonconforming structure be denied.

Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of damage or destruction, or the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

8. Expansion of certain nonconforming structures located within front, rear, or side yard setback areas: Any structure that is nonconforming solely due to its location within a front, rear, or side yard setback area, due to any increase in such setback area that resulted from a change of zoning adopted with the Toro Canyon Plan, may be enlarged or expanded in a manner that does not further encroach into any such setback area and that otherwise conforms with the regulations of the Toro Canyon Plan and this Article.
9. Nonconforming uses: The replacement or re-establishment of nonconforming uses is subject to the regulations of the Toro Canyon Plan and this Article only to the extent that some type of permit may be required by this Article. Any such permit may be approved only in conformance with the regulations of the Toro Canyon Plan and this Article.

Sec. 35-194.5 Architectural Review Standards

1. Residential structures shall not exceed a height of 25' unless further restricted by other sections of the Zoning Ordinances (such as the Ridgeline and Hillside Development Guidelines).
2. Notice of a project's initial BAR hearing (e.g. conceptual or preliminary review) shall be mailed to the owners of the affected property and the owners of the property within 500 feet of the exterior boundaries of the affected property at least 10 calendar days prior the BAR hearing, using for this purpose the name and address of such owners and occupants as shown on the current Assessor's tax rolls of the County of Santa Barbara.
3. The following criteria shall be applied for the approval of any non-agricultural structure(s) by Planning and Development (P&D) and the Board of Architectural Review (BAR).
  - A. Where height exemptions under Ridgeline and Hillside Development Guidelines are allowed for rural properties, BAR minutes and the P&D project file shall include a written discussion of how the project meets the applicable exemption criteria.
  - B. Large understories and exposed retaining walls shall be minimized.
  - C. Building rake and ridgeline shall conform to or reflect the surrounding terrain.
  - D. Landscaping is used to integrate the structures into the site and its surroundings, and is compatible with the adjacent terrain.
  - E. The exterior surfaces of structures, including water tanks, walls and fences, shall be non-reflective building materials and colors compatible with surrounding terrain (including soils, vegetation, rock outcrops). Where paints are used, they also shall be non-reflective.
  - F. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.
  - G. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon's rural and semi-rural character.

- H. The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (see Figure 35-194.1 Examples A and D) or the natural toe of the lowest cut slope (see Figure 35-194.1 Examples B and C) to the top of the cut slope, shall be minimized. The total vertical height of any graded slopes for a project, including the visible portion of any retaining wall above finished grade, shall not exceed sixteen (16) vertical feet.
- I. The visible portion of a retaining wall above finished grade shall not exceed six feet. (See Figure 35-194.1.)

Upon recommendation by BAR, P&D may grant exemptions to criteria H and I if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design and 3) minimizes visual or aesthetic impacts.

**SECTION 4:** Except as amended by this ordinance, Division 4 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

**SECTION 5:** This ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, or a summary of it, shall be published once, together with the names of the members of the Planning Commission voting for and against the same in the SANTA BARBARA NEWS PRESS, a newspaper of general circulation in the County of Santa Barbara.

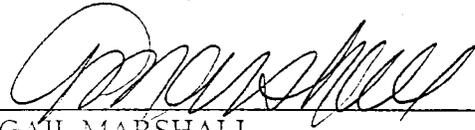
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25<sup>th</sup> day of February, 2002, by the following vote:

AYES: Supervisor Schwartz, Rose, Marshall.

NOES: Supervisor Urbanske.

ABSTAINED: None.

ABSENT: Supervisor Gray.

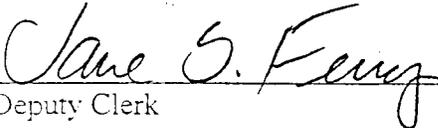


GAIL MARSHALL

Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By   
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

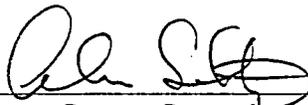
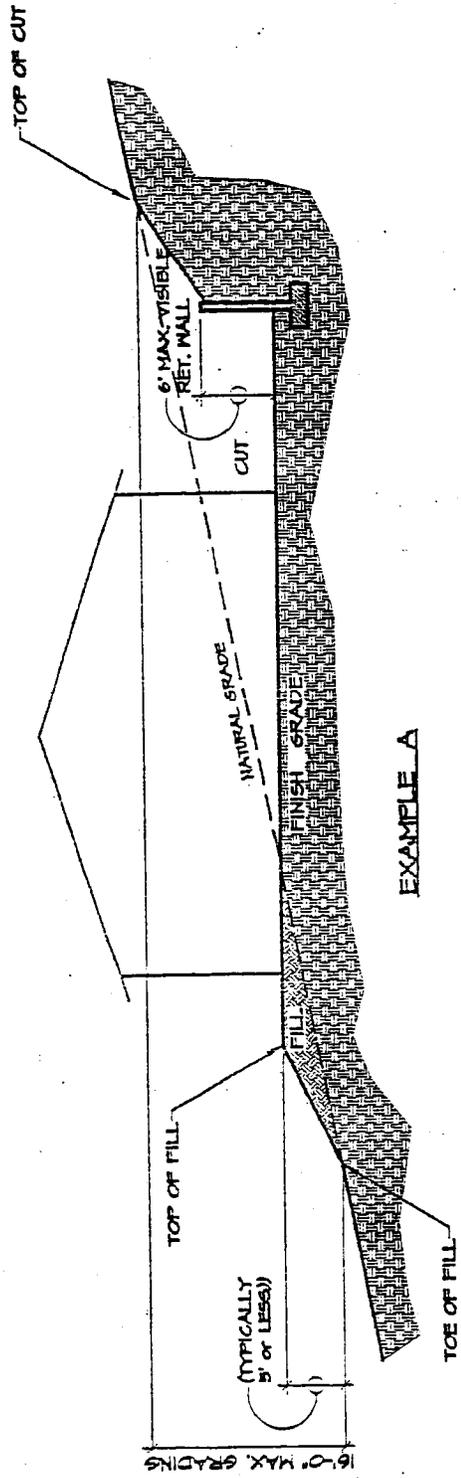
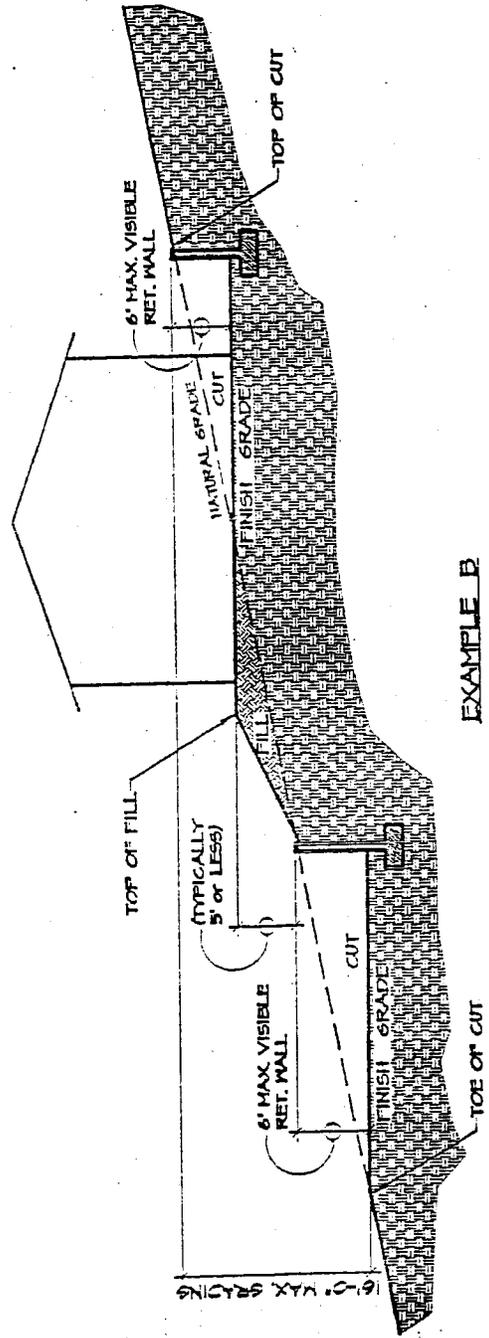
By   
Deputy County Counsel

Figure 35-194.1, Examples A and B

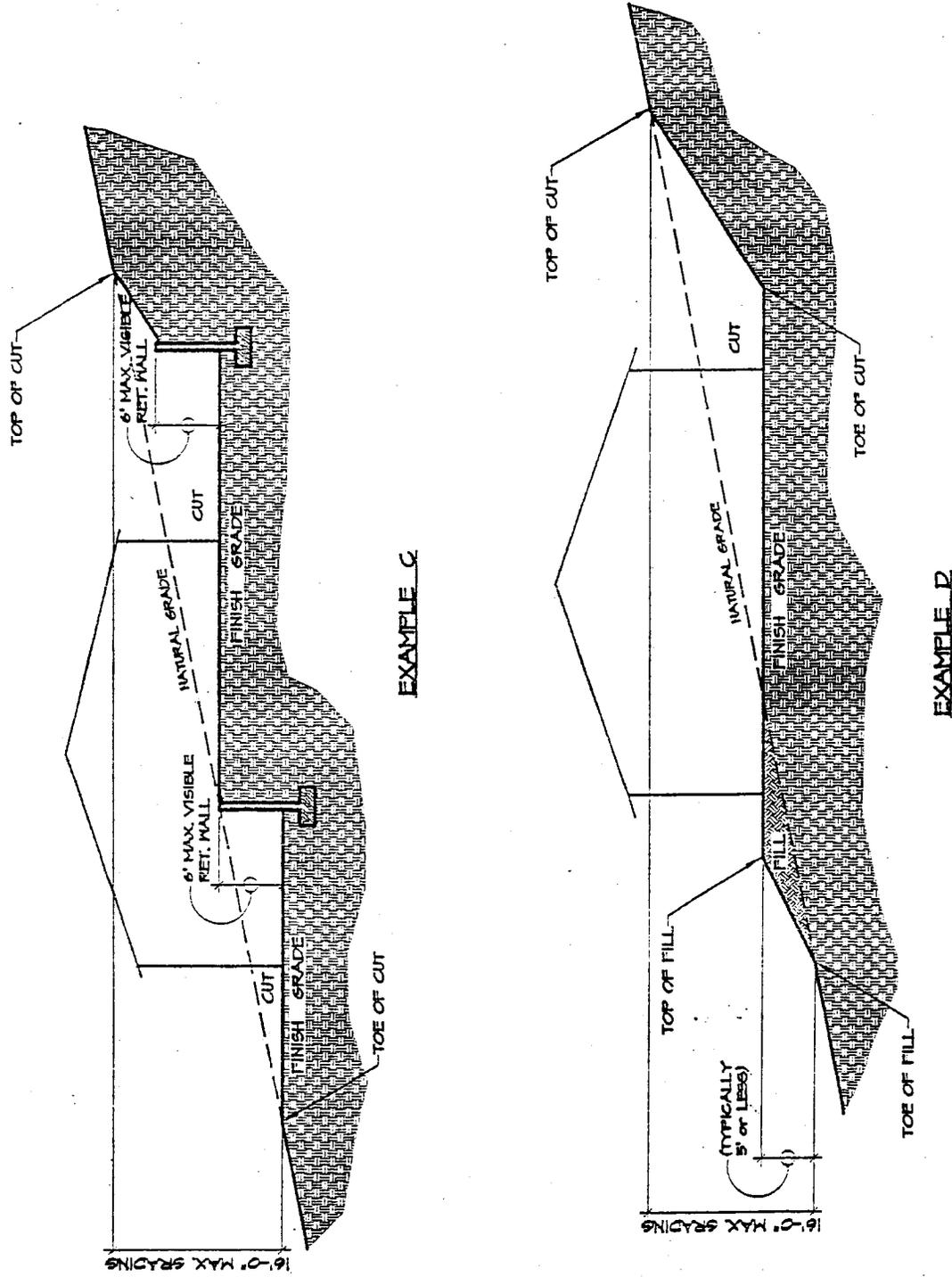


EXAMPLE A



EXAMPLE B

Figure 35-194.1, Examples C and D



TORO

ARTICLE II (REZONE ONLY)

ORDINANCE NO. 4449

AN ORDINANCE AMENDING SECTION 35-54,  
ADOPTING NEW ZONING ORDINANCES AND MAPS,  
OF ARTICLE II OF CHAPTER 35 OF THE CODE  
OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,  
BY ADOPTING BY REFERENCE ZONING EXHIBITS NO. 35-54.90.0, 35-54.91.0, AND  
35-54.92.0 TO REZONE CERTAIN PARCELS TO  
IMPLEMENT THE TORO CANYON PLAN

Case No. 00-RZ-002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

The purpose of this Ordinance is to amend existing zoning maps and zoning overlay maps in order to implement the Toro Canyon Plan. Section 2 adopts a newly-created zoning district map which covers only those parcels within the coastal portion of the Toro Canyon Plan Area. Section 3 adopts a new zoning overlay map for the coastal portion of the Toro Canyon Planning Area. Section 4 adopts an additional zoning overlay map for the coastal portion of the Toro Canyon Planning Area, revising mapped Environmentally Sensitive Habitat. Previously existing maps are amended to reflect the adoption of these new maps.

SECTION 2

Pursuant to the provisions of Section 35-54, "Adopting Zoning Ordinances and Continuation of Existing Development Plans and Plot Plans," of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the zoning map identified as Board of Supervisors Exhibit No. 35-54.90.0 which creates a new Toro Canyon Planning Area zoning map, titled "Toro Canyon Plan Zoning Districts (Coastal Area)."

This map supersedes and retires the following two pre-existing maps for this area:

- Carpinteria Coast Rural Area Zoning Designations Article II (Coastal Area), Exhibit No. 35-54.50.0. One area within the Coastal Zone Urban Area will be moved to the South Coast Rural Region Map Zoning Districts Map.
- Carpinteria Area Zoning Districts Urban Areas Article II, Exhibit No. 35-54.1.19.

<b>EXHIBIT 4</b>
<b>STB-MAJ-3-02</b>
<b>Ordinance #4449</b>
<b>(Proposed Zoning Map Changes)</b>

This map amends "South Coast Rural Region Zoning Districts Article II (Coastal Area)" Exhibit No. 35-54.40.1 and Ordinance 661.

### SECTION 3.

Pursuant to the provisions of Section 35-54, "Adopting Zoning Ordinances and Continuation of Existing Development Plans and Plot Plans," of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the zoning map identified as Board of Supervisors Exhibit No. 35-54.91.0, "Toro Canyon Plan Zoning Overlay Districts (Coastal Area)." This map amends "Carpinteria Valley Coastal Plan: Zoning Overlay" Exhibit No. 35-54.2.3.

### SECTION 4.

Pursuant to the provisions of Section 35-54, "Adopting Zoning Ordinances and Continuation of Existing Development Plans and Plot Plans," of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the zoning map identified as Board of Supervisors Exhibit No. 35-54.92.0, "Environmentally Sensitive Habitat Zoning and Land Use Overlays Article II (Coastal Zone)" This map amends "Carpinteria Valley Coastal Plan: Zoning Overlay" Exhibit No. 35-54.2.3.

### SECTION 5.

The Chairman of the Board of Supervisors is hereby authorized and directed to endorse said Exhibits No. 35-54.90.0, 35-54.91.0, and 35-54.92.0 to show that said maps have been adopted by this Board.

### SECTION 6.

Except as amended by this Ordinance, Section 35-54 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 7.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25<sup>th</sup> day of February, 2002, by the following vote:

AYES: Supervisor Schwartz, Rose, Marshall.

NOES: Supervisor Urbanske.

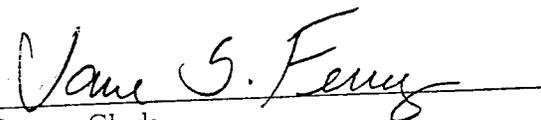
ABSTAINED: None.

ABSENT: Supervisor Gray.

  
GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

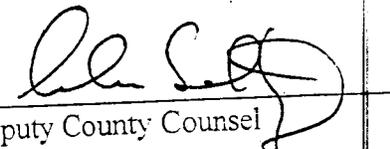
ATTEST:

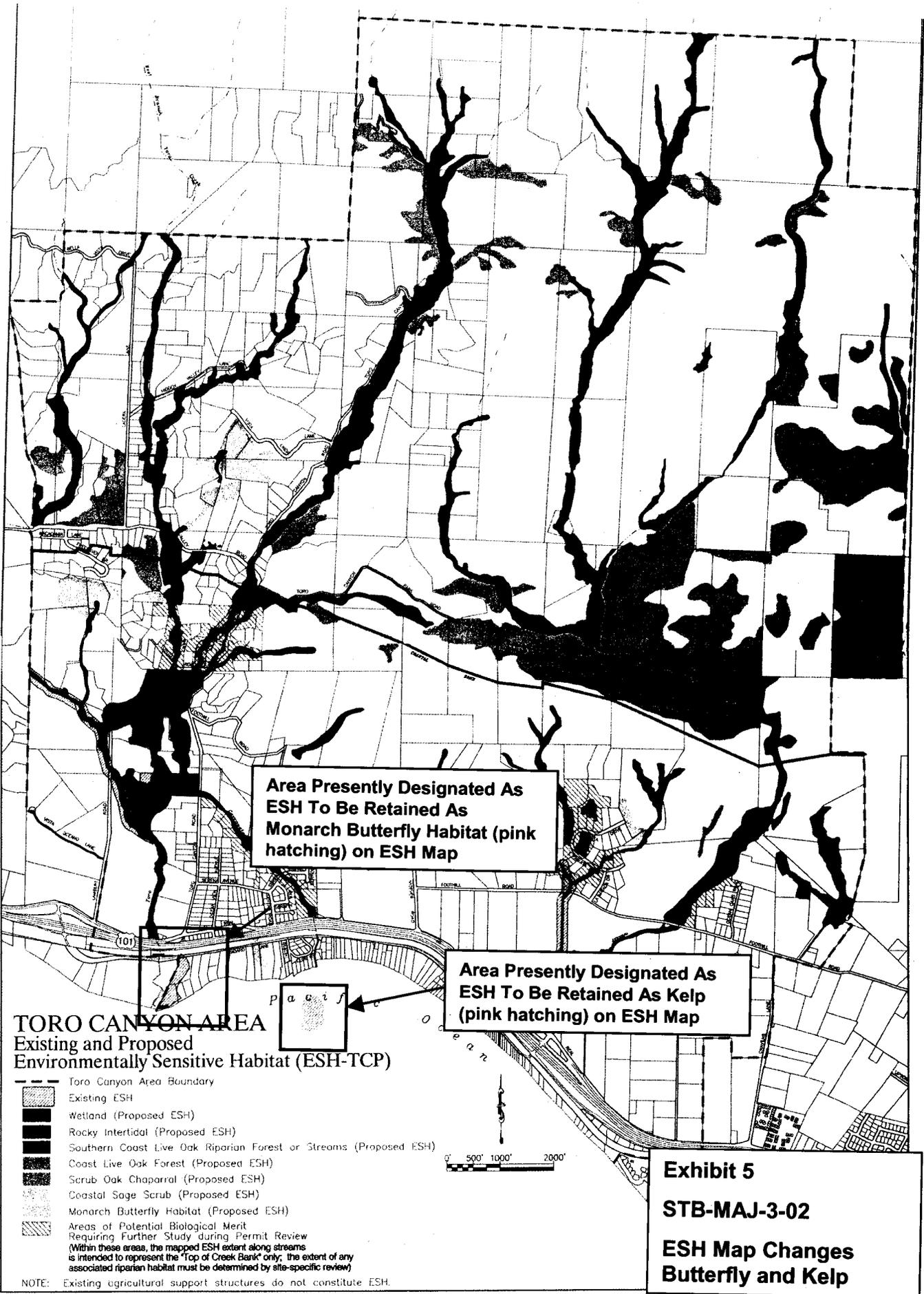
MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By   
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By   
Deputy County Counsel

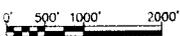


Area Presently Designated As  
ESH To Be Retained As  
Monarch Butterfly Habitat (pink  
hatching) on ESH Map

Area Presently Designated As  
ESH To Be Retained As Kelp  
(pink hatching) on ESH Map

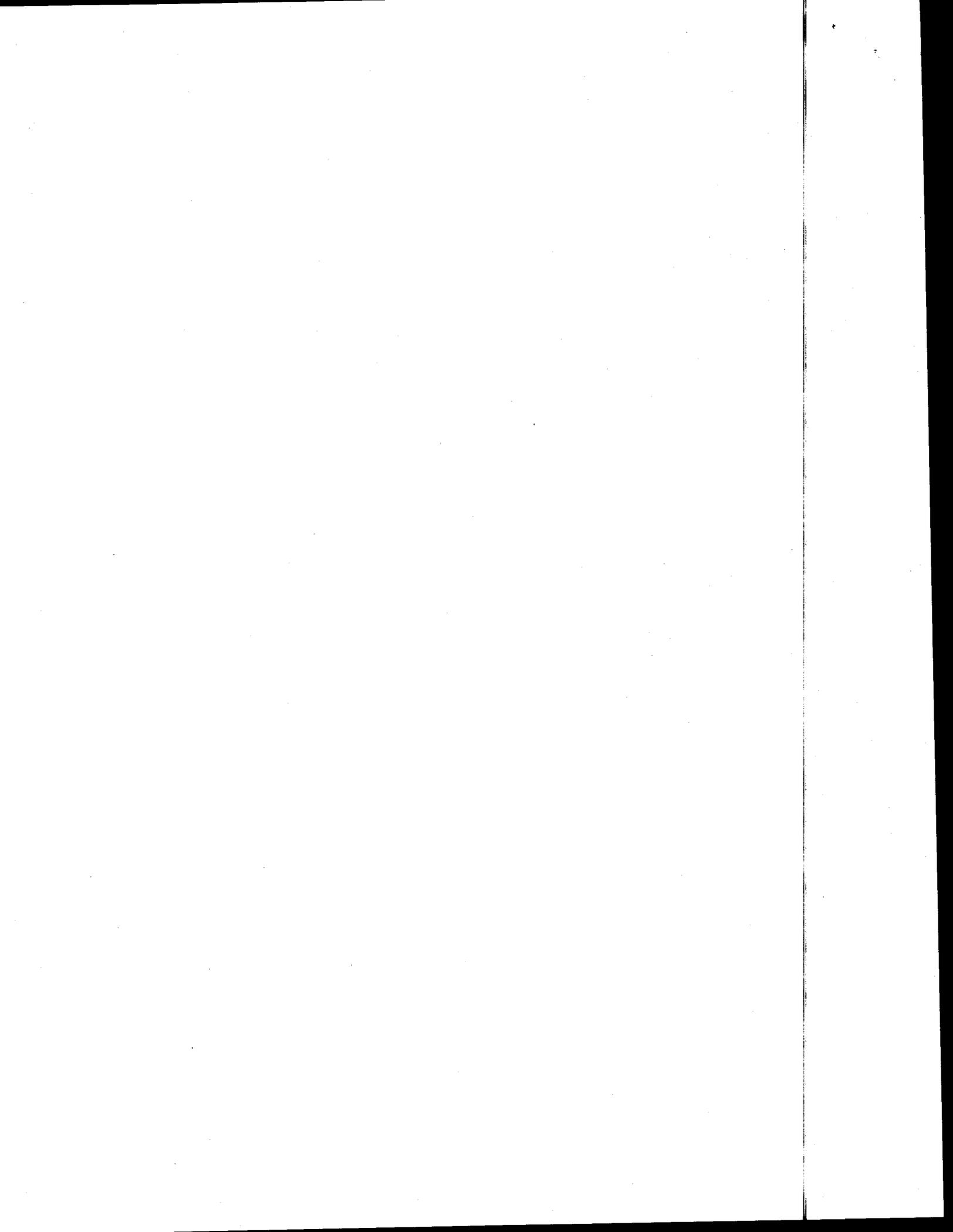
**TORO CANYON AREA**  
Existing and Proposed  
Environmentally Sensitive Habitat (ESH-TCP)

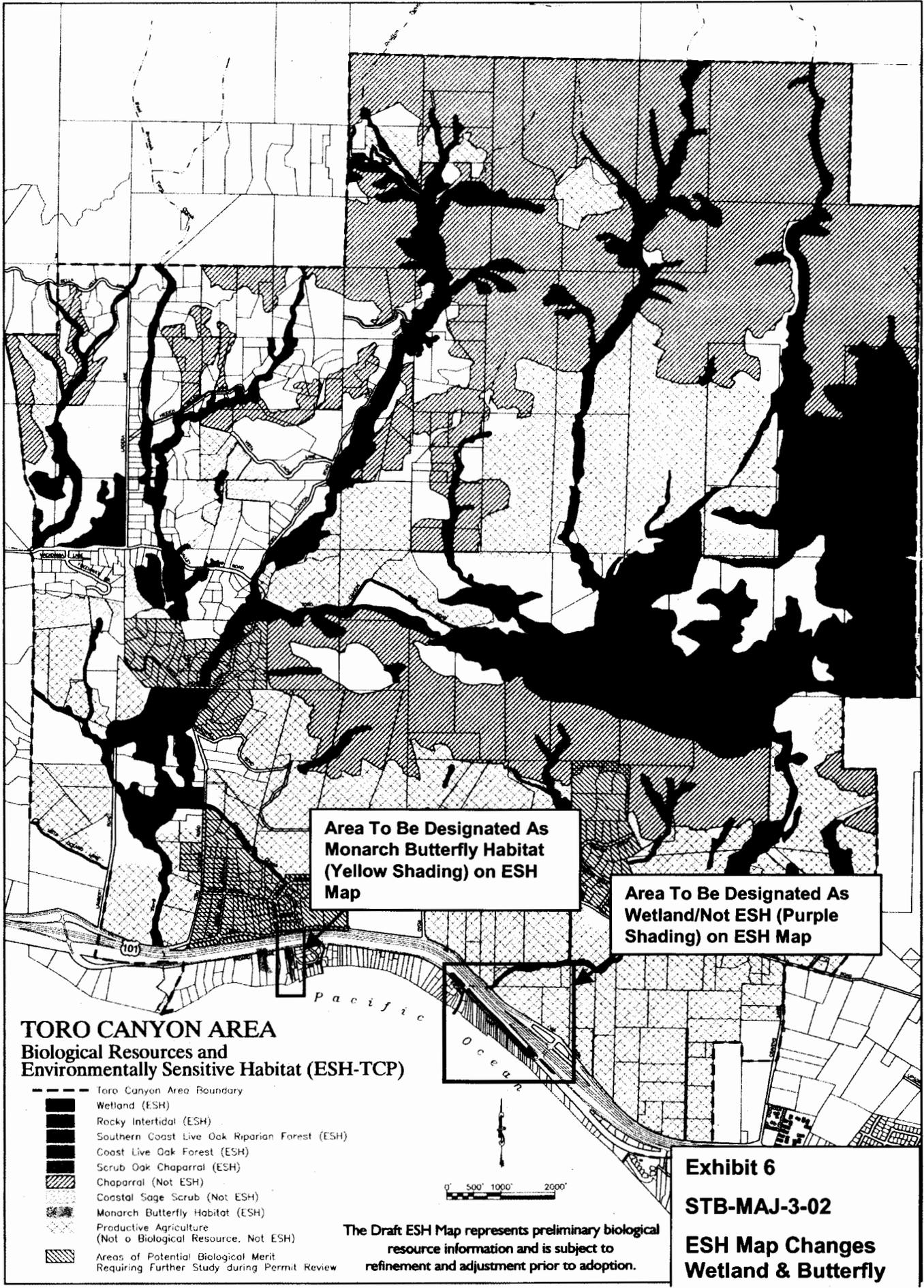
- Toro Canyon Area Boundary
- Existing ESH
- Wetland (Proposed ESH)
- Rocky Intertidal (Proposed ESH)
- Southern Coast Live Oak Riparian Forest or Streams (Proposed ESH)
- Coast Live Oak Forest (Proposed ESH)
- Scrub Oak Chaparral (Proposed ESH)
- Coastal Sage Scrub (Proposed ESH)
- Monarch Butterfly Habitat (Proposed ESH)
- Areas of Potential Biological Merit  
Requiring Further Study during Permit Review  
(Within these areas, the mapped ESH extent along streams  
is intended to represent the "Top of Creek Bank" only; the extent of any  
associated riparian habitat must be determined by site-specific review)



**Exhibit 5**  
**STB-MAJ-3-02**  
**ESH Map Changes**  
**Butterfly and Kelp**

NOTE: Existing agricultural support structures do not constitute ESH.



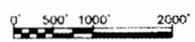


**TORO CANYON AREA**  
**Biological Resources and**  
**Environmentally Sensitive Habitat (ESH-TCP)**

- Toro Canyon Area Boundary
- Wetland (ESH)
- Rocky Intertidal (ESH)
- Southern Coast Live Oak Riparian Forest (ESH)
- Coast Live Oak Forest (ESH)
- Scrub Oak Chaparral (ESH)
- Chaparral (Not ESH)
- Coastal Sage Scrub (Not ESH)
- Monarch Butterfly Habitat (ESH)
- Productive Agriculture (Not a Biological Resource, Not ESH)
- Areas of Potential Biological Merit Requiring Further Study during Permit Review

Area To Be Designated As Monarch Butterfly Habitat (Yellow Shading) on ESH Map

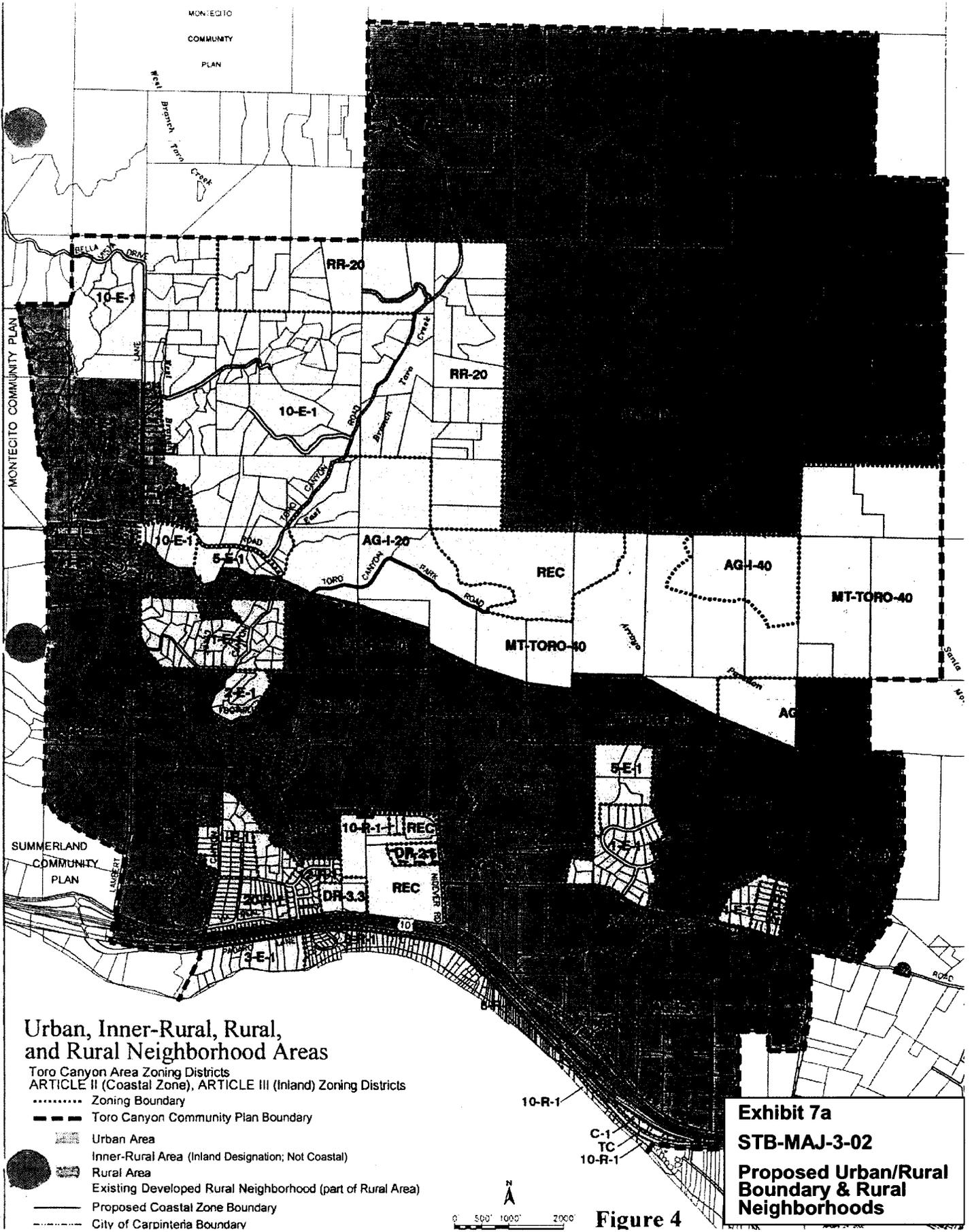
Area To Be Designated As Wetland/Not ESH (Purple Shading) on ESH Map



The Draft ESH Map represents preliminary biological resource information and is subject to refinement and adjustment prior to adoption.

**Exhibit 6**  
**STB-MAJ-3-02**  
**ESH Map Changes**  
**Wetland & Butterfly**





**Urban, Inner-Rural, Rural,  
and Rural Neighborhood Areas**

Toro Canyon Area Zoning Districts  
 ARTICLE II (Coastal Zone), ARTICLE III (Inland) Zoning Districts

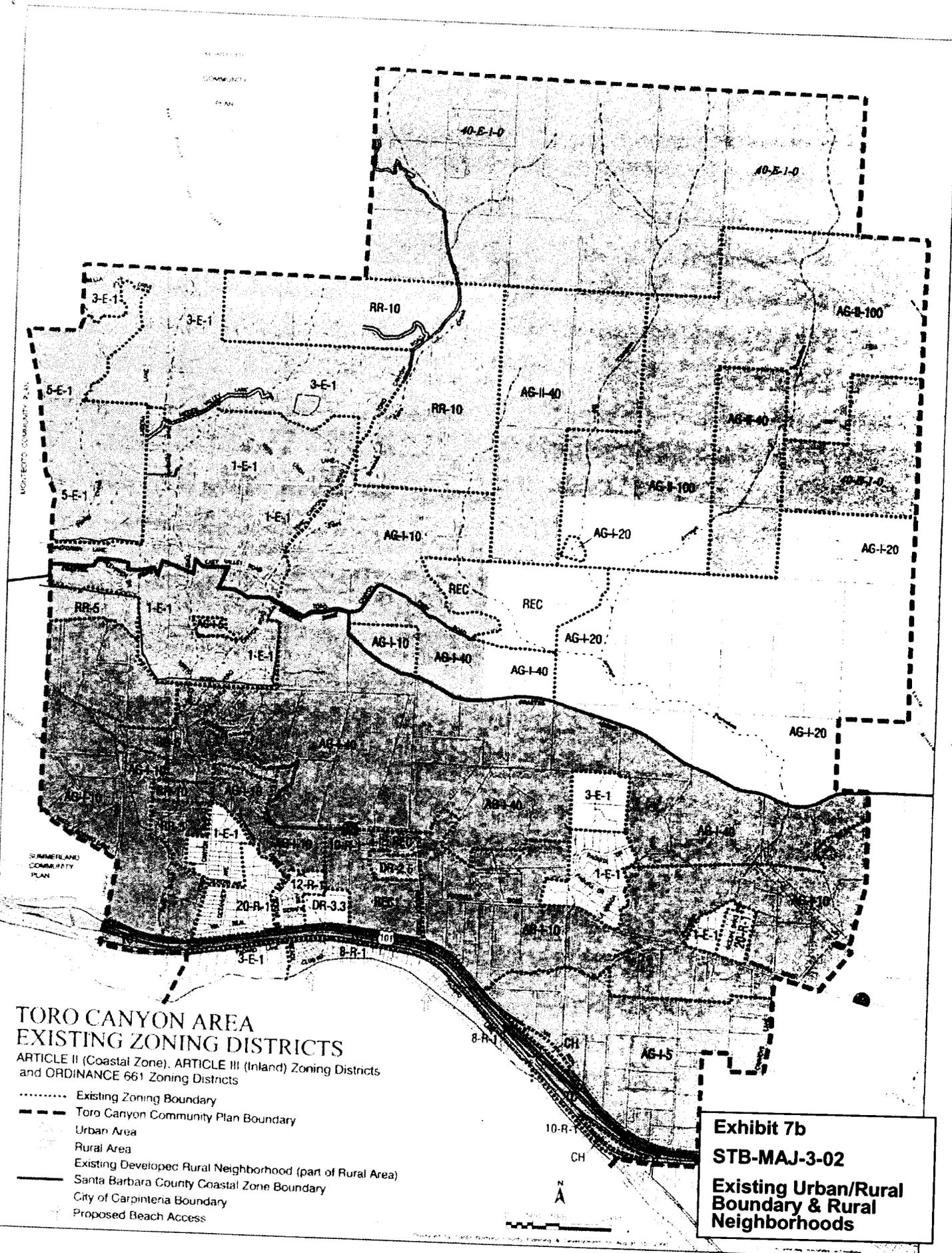
- ..... Zoning Boundary
- Toro Canyon Community Plan Boundary
- Urban Area
- Inner-Rural Area (Inland Designation; Not Coastal)
- Rural Area
- Existing Developed Rural Neighborhood (part of Rural Area)
- Proposed Coastal Zone Boundary
- City of Carpinteria Boundary

**Exhibit 7a**  
**STB-MAJ-3-02**  
**Proposed Urban/Rural**  
**Boundary & Rural**  
**Neighborhoods**

**Figure 4**



UNINCORPORATED  
COMMUNITY  
PLAN



**TORO CANYON AREA  
EXISTING ZONING DISTRICTS**

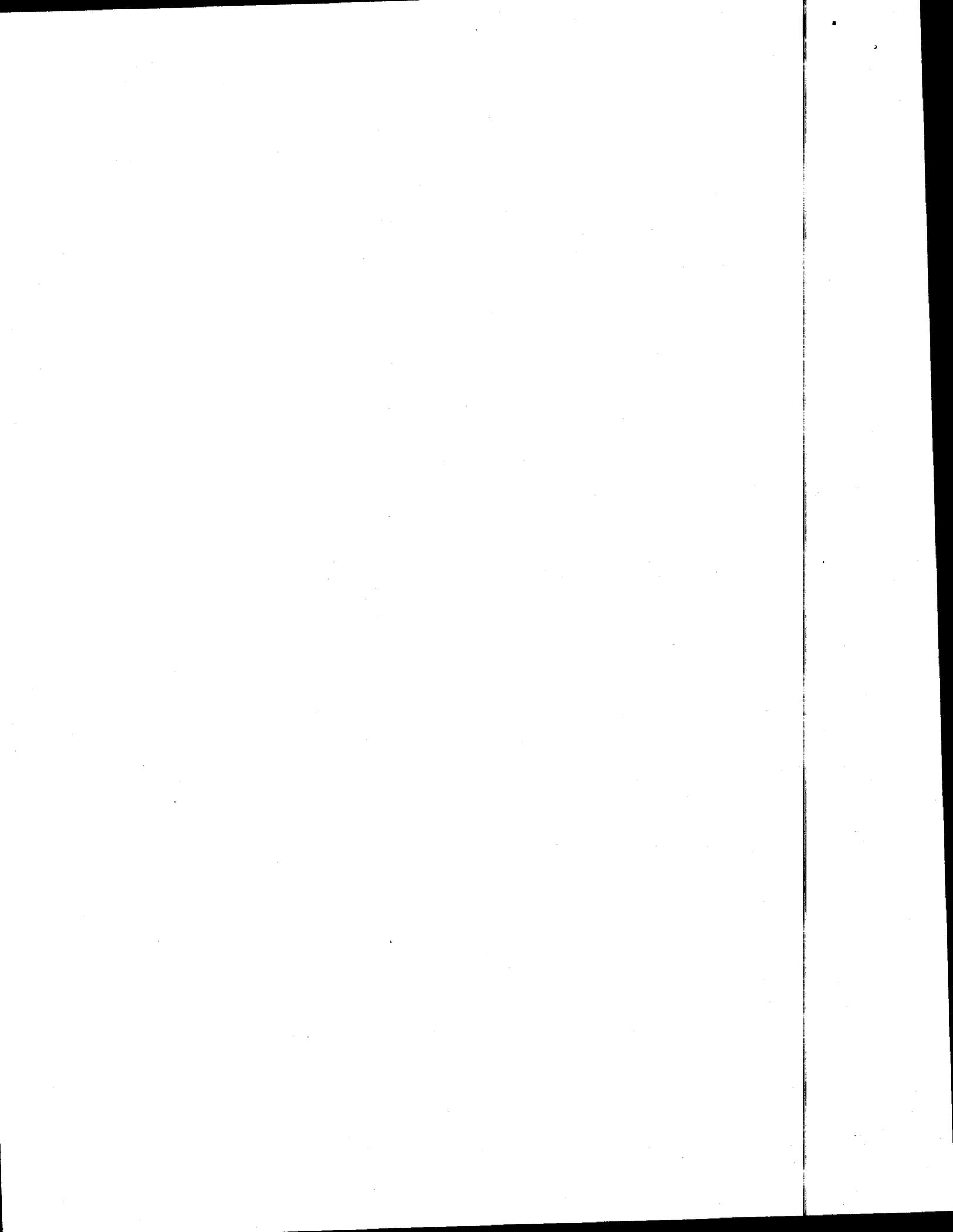
ARTICLE II (Coastal Zone), ARTICLE III (Inland) Zoning Districts  
and ORDINANCE 661 Zoning Districts

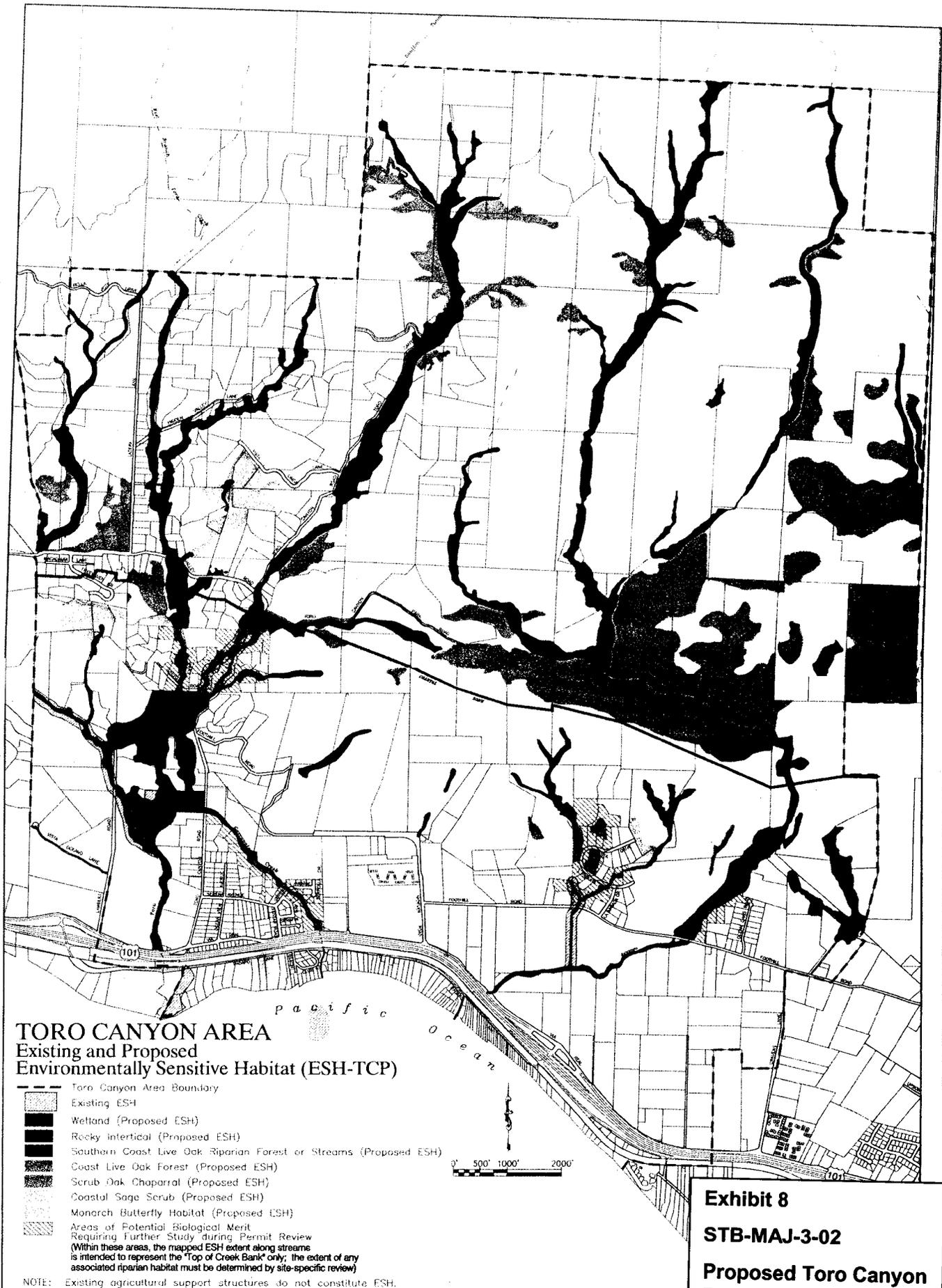
- ..... Existing Zoning Boundary
- Toro Canyon Community Plan Boundary
- Urban Area
- Rural Area
- Existing Developed Rural Neighborhood (part of Rural Area)
- Santa Barbara County Coastal Zone Boundary
- City of Carpinteria Boundary
- Proposed Beach Access

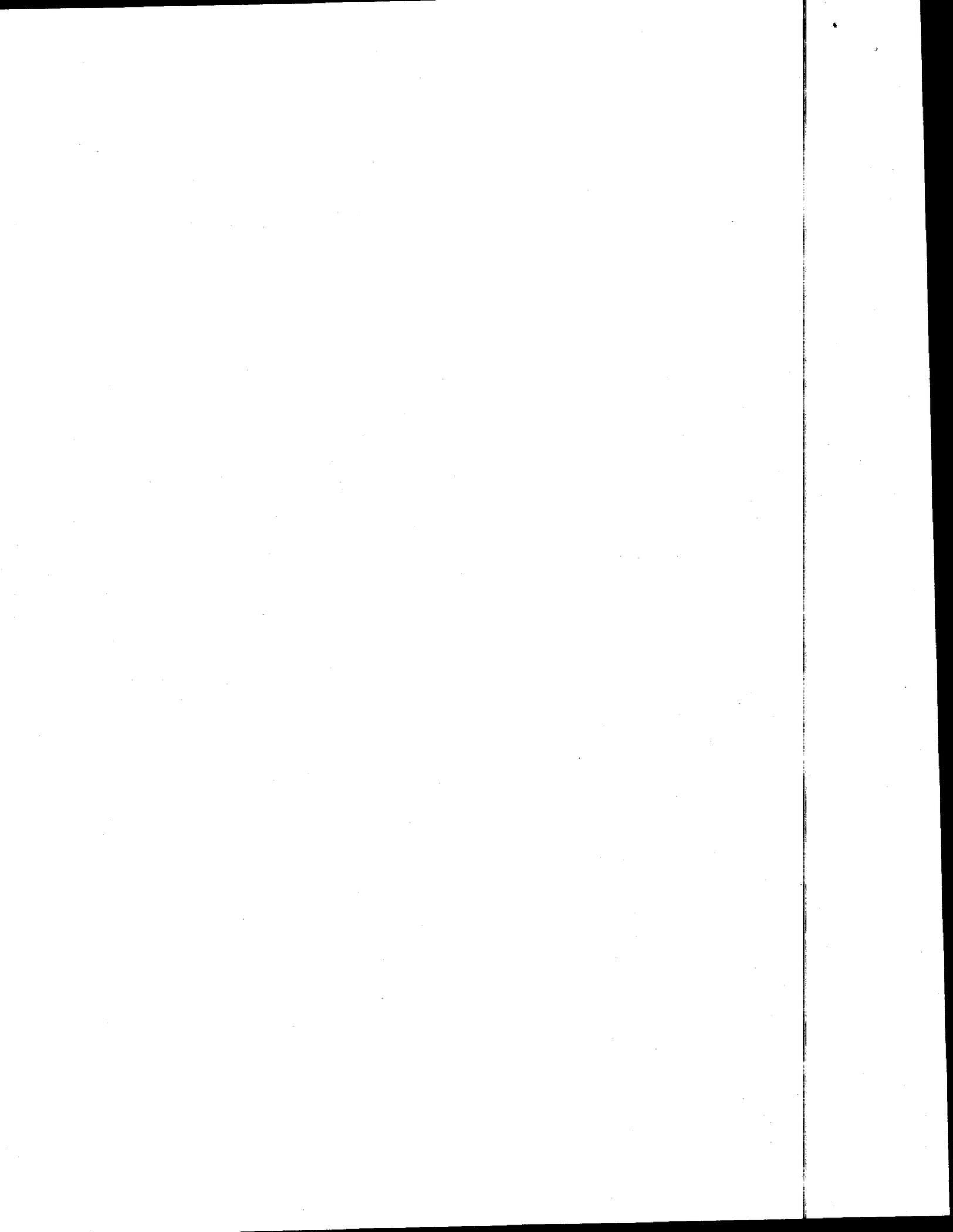
**Exhibit 7b**  
**STB-MAJ-3-02**  
**Existing Urban/Rural**  
**Boundary & Rural**  
**Neighborhoods**

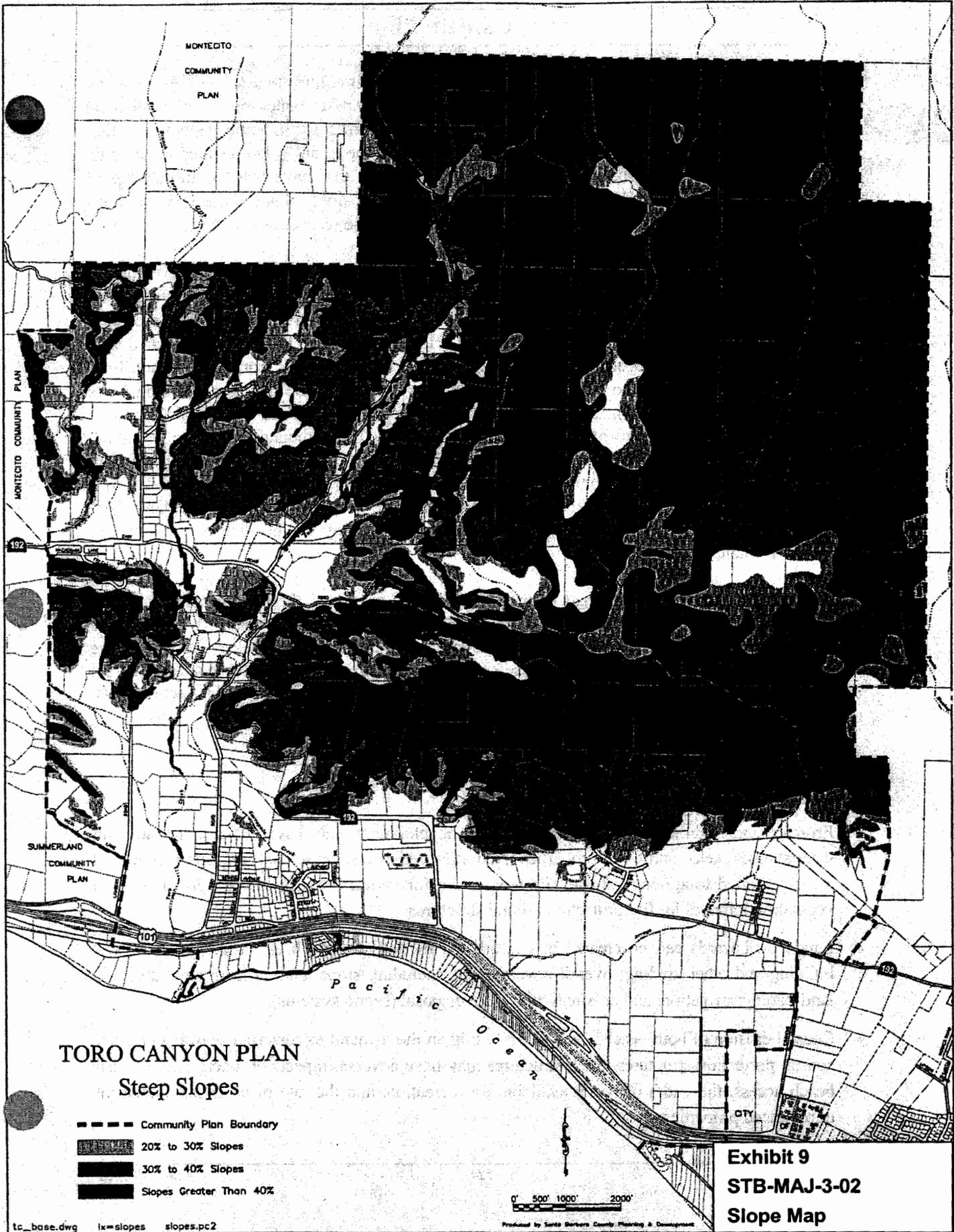


Map prepared by Santa Barbara County Planning & Development on Aug 21, 2002









MONTECITO  
COMMUNITY  
PLAN

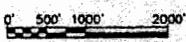
MONTECITO COMMUNITY PLAN

SUMMERLAND  
COMMUNITY  
PLAN

Pacific  
Ocean

**TORO CANYON PLAN**  
Step Slopes

- Community Plan Boundary
- ▨ 20% to 30% Slopes
- ▩ 30% to 40% Slopes
- Slopes Greater Than 40%



**Exhibit 9**  
**STB-MAJ-3-02**  
**Slope Map**



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Members of the Board of Supervisors

FROM: Dave Ward, Planner *DW*  
Comprehensive Planning Division

DATE: June 25, 2001

RE: Correspondence on *ESH Designation* of Monarch Butterfly Habitat at  
3197 Padaro Lane

---

Attached is a letter from Dr. Daniel Meade, biologist and author of *Monarch Butterfly Overwintering Sites in Santa Barbara County* (November 1999), indicating in his analysis that the monarch butterfly aggregation site is correctly located at 3197 Padaro Lane. Two comprehensive studies of monarch sites in the County have been prepared: one study by William Calvert, 1991; and this 1999 study by Dr. Meade. Both studies identified an aggregation site at 3197 Padaro Lane by physical description and coordinates, irrespective of the erroneous street address in the Meade study. While both studies recognize this site as harboring fewer monarchs than other aggregation sites in the area, environmental factors can change the overwintering habits of the monarchs and this site may become a substantial aggregation site in future years.

Staff asked Dr. Meade to verify the site after the property owner, Donald Hromadka, expressed concern over the ESH designation of the monarch site on his property as proposed under the Toro Canyon Plan. While Mr. Hromadka may still disagree with the ESH designation on his property, full delineation of the monarch habitat in relationship to any proposed developed would be assessed for any environmental impacts at the time of coastal development permit application. The Toro Canyon Plan does not change the County's existing Local Coastal Plan protection of monarch butterfly habitat as ESH or the County process of full delineation of ESH habitat at the time of development. Staff can provide more information on this matter to the Board at the next hearing on July 9<sup>th</sup>, 2001, when ESH policies will be presented.

G:\GROUP\COMP\WP\Toro Canyon\Biology\bosmemo6-25-01 monarch ESH.doc

EXHIBIT 10
STB-MAJ-3-02
Correspondence Butterfly Habitat

# ALTHOUSE AND MEADE, INC.

## BIOLOGICAL AND ENVIRONMENTAL SERVICES

1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 237-9626 • Fax (805) 467-1021

Lynne Dee Althouse, Ph.D.  
(805) 459-1660 (cell)  
althouse@tcsn.net

Daniel E. Meade, Ph.D.  
(805) 705-2479 (cell)  
meadeeco@tcsn.net

June 21, 2001

County Planning and Development Department  
Attention: Dave Ward, Toro Canyon Planner  
123 E. Anapamu St.  
Santa Barbara, CA 93101

Re: Monarch butterfly habitat at 3197 Padaro Lane

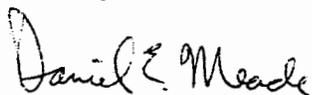
Dear Dave:

In my report, Monarch Butterfly Overwintering Sites in Santa Barbara County, California (August 1999) I listed site number 98 as occurring at 3459 Padaro Lane. This was an error. The correct address of this site is 3197 Padaro Lane. I confirmed this as the correct address during a site visit on April 2, 2001. The aggregation site at 3197 Padaro Lane has been a substantial and important aggregation site in past years, even though in 1998 and 1999 very few butterflies aggregated at that location.

The Padaro Lane area is an environmentally sensitive habitat area with respect to monarch butterfly aggregations. We have identified several monarch butterfly aggregations in the Padaro Lane area. The precise location of aggregations changes from year to year in this area. Even though the site at 3197 held few monarch butterflies during our 1998 and 1999 surveys, it could harbor substantial aggregations in the future. It is essential for the protection of monarch aggregations that occur in the Padaro Lane area to require environmental review that considers the effect of proposed projects on monarch butterfly aggregations. Large aggregations could return to 3197 Padaro Lane, and could be at risk from projects that did not have environmental review that considered impacts to monarch butterfly.

It has been my understanding that the County ESH designation has always been mapped as a general area, not a definitive location such as a street address. The purpose of this general area approach has been to account for exactly such biological phenomena as the overwintering aggregation patterns of monarch butterflies. The aggregation locations are dynamic, and cannot be definitively isolated once and for all to specific trees, lots, or street addresses. For this reason, the County policy that requires on site investigations and analysis once development has been applied for is appropriate, so that the environmentally sensitive habitat can be delineated with consideration of project specific impacts.

Sincerely,



Daniel E. Meade

Ex. 10 Pg 2 of 2

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

June 28, 2001

David Ward  
County of Santa Barbara  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, California 93101-2058

RE: Toro Canyon Habitat

Dear Mr. Ward:

Our staff is aware that your office is in the process of preparing the Toro Canyon Plan that will, in part, address the designation of environmentally sensitive habitat area in this area. As you requested, we would like to provide some initial input into this process.

Our staff biologist, Dr. Jon Allen, visited the Toro Canyon area with you and Greg Mohr on May 8, 2001. Dr. Allen has stated that these riparian oak woodland creeks are characterized by rural development along creeks with an understory that in areas has been somewhat degraded by invasive, non-native plant species (e.g., non-native periwinkle). However, he noted that the majority of the tree canopies are still closed by large, old sycamores and oak trees. In his professional opinion, the presence of this riparian habitat renders this area environmentally sensitive, particularly in relation to the long time required to produce this type of mature habitat. Dr. Allen has pointed out that these old mature trees require a long time to produce or restore following disturbance, making them especially valuable, and easily disturbed.

As a result, these riparian areas consisting of oak and sycamore canopies should be protected as an environmentally sensitive habitat area (ESHA). They are an essential component of these neighborhoods and qualify as ESHA under the Coastal Act, regardless of whether the habitat is degraded or pristine. Additionally, in Dr. Allen's opinion, the degree of present disturbance in these areas is not significant enough to render this habitat no longer ESHA, as most of the old canopies remain. As we have found in past Coastal Commission actions, ESHA mapping (which is general in nature and not intended to delineate the exact location of ESHA on the ground). Further case by case analysis occurs during the permit process of applications for development.

Furthermore, Dr. Allen has noted that some potentially sensitive animal species can occur in this type of habitat, including the federally threatened red-legged frog, southwestern pond turtle, southern California steelhead trout, Least Bell's vireo, Pacific coast flycatcher, warbling vireo, and willow flycatcher. In addition, sensitive plants may occur in this area including Plummer's Baccaris, chaparral mallow, and white flowered

EXHIBIT 11
STB-MAJ-3-02
Correspondence with County

David Ward  
June 28, 2001  
Page 2 of 2

sticky Phacelia. This habitat area of Toro Canyon also serves as nesting and foraging habitat for raptors such as redtail hawks.

Thank you for allowing us the opportunity to provide input into the designation of this important habitat area under the Toro Canyon Plan. If you have any questions regarding the information our office has provided, do not hesitate to contact me. Please keep our office up to date on the process of the Toro Canyon Plan.

Sincerely,



Sabrina N. Haswell  
Coastal Program Analyst

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JUL 21 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**Agricultural Feasibility of the Toro Canyon Area  
Carpinteria, Santa Barbara County**

Prepared by George E. Goodall, Agricultural Consultant, Santa Barbara, CA

July 16, 2003

**I. Introduction and Description**

This report presents information on both the physical and economic feasibility of agricultural operations in the Toro Canyon area of Carpinteria Valley of Santa Barbara County. Particular attention is paid to the seven parcels comprising a total of 16.22 acres on the northeast corner of Toro Canyon Road and Foothill Road. The agricultural use of the land currently is to grow avocados.

Historically, the area has been planted to lemons and avocados since the 1920's, when Mr. Harry Drake developed water for this area and the flatter lands to the south. Subsequently, the whole region was made a part of the Montecito Water District in the late 1940's. Gradually, parcels were divided and divided until the area is now almost completely composed of rural residential lots of 1.0 acre or more, each with a home site. Many of the owners have tried to raise avocados or some other crop to offset their landscaping expenses, with limited success. The main difficulties encountered have been steep slopes, heavy clay soils, small parcel sizes, high costs of water, and other expensive production inputs. The very favorable, frost free, subtropical climate encourages the production of many special and exotic crops, except for the occasional strong, hot, dry down-canyon winds that damage the trees and scar the crops, especially at exposed sites.

The subject area is made up of 7 parcels with the following acreages and agricultural land uses:

- #155-14-13 1.84 ac Extensive excavation for new house construction, no ag production.
- #155-14-56 1.77 ac Mainly residential, about 20 remaining avocado trees.
- #155-14-57 2.96 ac Residential, with about 80 avocado trees, crops sold to offset costs, operate a small water well for irrigation.
- #155-14-58 1.00 ac Residential, about 5 remaining avocado trees.
- #155-14-38 5.65 ac Two residences, with about 240 avocado trees.\*
- #155-14-39 2.00 ac Residential, with about 90 avocado trees.\*
- #155-14-49 1.00 ac Residential, with about 20 avocado trees.\*

\* Avocado orchards on these three lots are operated by the Halls as a unit.

This report provides the economic viability analysis as required by Section 30241.5 of the California Coastal Act. Historical information and commodity outlooks are provided by the author from his over 50 years experience in the area.

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EXHIBIT 12

STB-MAJ-3-02

S.

PLANNING

Agriculture Viability  
Report

## II. Soils Are Non-Prime

The soil on all the parcels is mapped as *TdF2 – Todos-Lodo complex, 30 to 50 percent slopes, eroded* in the "Soil Survey of Santa Barbara Co , CA, South Coastal Part", USDA, 1981. The USDA Capability Class is *Vle-1, with severe limitations that make them generally unsuitable for cultivation*, which means it is definitely non-prime soil.

These soils are primary, weathered in-place on a soft sandstone and shale parent material with streaks of limestone running through from their marine origin. Trees grown on these soils are susceptible to limestone-induced, iron chlorosis, an incurable mineral deficiency. The eroded ridges show rock outcrops with very shallow soil. The hillsides have up to 18 inches of topsoil that is clay or clay loam with slow permeability. The subsoil is highly fractured soft shale or deeply shattered sandstone bedrock. The soil is easily eroded.

## III. Crops Considered

The major soil and terrain limitations have made it possible to successfully grow only several specialty crops – avocados, lemons, and cherimoyas – and then only under certain favorable management and disease-free conditions. These shallow-rooted, subtropical orchard crops are aided by the favorable climatic conditions that offset the severe limitations of the land. The steep terrain eliminates the possibility of growing any of the vegetable and floral crops produced successfully in other parts of the Carpinteria Valley.

A. Lemons were originally grown here with marginal results and were quickly replaced with avocados when that crop became profitable in the 1960's and 1970's. The major limitations in growing lemons were low yields on shallow soils and high production costs (need for hand labor) on steep hillsides for picking, pruning, and spraying. Another problem was the scarring of the fruit by the strong down-canyon winds that reduced its desirability for fresh fruit sales.

Current lemon production is satisfactory only on deep soils (3-4 feet), that are level or nearly so (less than 12% slope), and in blocks larger than 20 acres (to facilitate mechanical equipment). Only growers that can meet these minimum requirements can sell through packinghouses located in Ventura County. Since these parcels are not even close to meeting these requirements, no further feasibility information will be given.

B. Cherimoyas are grown in several orchards east of the subject area with marginal results. This new commodity has very limited sales potential due to its being relatively unknown and very fragile and perishable. The groves to the east were planted 10 to 20 years ago mainly because the Cherimoyas are resistant to the Avocado Root Rot disease that was killing the avocados; this avocado disease will be discussed below. Also, the orchards to the east are sheltered from the wind much better than the subject parcels; cherimoyas are easily scarred by wind and thus made unmarketable.

The small cherimoya industry is centered in the better wind-protected areas of Carpinteria and in the Fallbrook area of San Diego County. The Fallbrook area growers developed outlets in the Los Angeles Wholesale Produce Market, which they dominate, but are not prospering by the reports that I receive. The only packinghouse in the area is located in Carpinteria and operated by the Brown Family. They pack and ship mostly their own production, most by air to international markets and buyers. Other local growers are able to sell mainly at the farmers markets and this is very limiting. The main complaint that I've heard is "I can't sell my fruit". There are no published economic data and Cherimoyas are not reported separately in the County Crop Reports. Almost no new orchards

have been planted in the past decade, so I have concluded that this specialty crop is not economically feasible on the subject properties.

C. Avocados are the crop of choice for this area, if conditions and management are right. The outlook for avocados on small, hillside orchards operated by hobbyists and part-time farmers that was relatively bright 20 to 30 years ago has changed. The avocado industry has matured. It has become international. Before 1990 the California industry marketed over 90% of the crop in the USA. Currently, Mexican, Chilean, and others imports provide over 40% of the fruit (CAC AvoGreensheet). This is not to say that avocados are not profitable, but they are a profitable crop for those that can produce large yields for the summer market with efficient production practices and informed management.

The University of California Cooperative Extension has recently published (Jan 2002) a thorough report titled "Avocado Sample Establishment and Production Costs and Profitability Analysis for Ventura and Santa Barbara Counties". This will serve as the main reference basis of the cost of production information presented (available from the internet at [www.coststudies.ucdavis.edu](http://www.coststudies.ucdavis.edu)). The County average comparison data presented for yields and income were taken from the Annual Crop Reports published by the Santa Barbara County Agricultural Commissioner. The avocado industry data is from the California Avocado Commission as presented in their Annual reports and AvoGreensheet.

#### IV. Income and Cost Analysis Study for Subject Area

In order to evaluate the subject area, it seemed logical to look at how the larger avocado grower within the boundaries was doing. Three parcels are owned and operated by Robert E. & Rosamond U. Hall of Newport Beach, CA. The Halls have about 3.5 acres of avocado trees out of a total acreage of 8.65; the remainder is occupied by 4 houses, long driveways, a small planting of dollar eucalyptus for foliage plant sale, and bare ground. They were very helpful and furnished to me many of the figures cited in the Tables that follow. Mrs. Hall was born and raised on a walnut, lemon, and avocado farm in Carpinteria and continues to farm these avocado orchards to this day; I mention this to indicate that they are experienced and competent growers.

As Santa Barbara County Farm Advisor, before I retired, I advised the Halls on their avocado orchard operation. I personally took the Avocado Root Rot disease samples in the 1970's to diagnose the presence of this disease in the soil on those parcels and recommended experimental replanting of avocado trees on the tolerant, clonal rootstocks. I told them that their soil was classified as a severe risk for this disease and that the new rootstocks were relatively untested. I also advised them that I did not know of another commodity that would do as well as the avocados on this site, if the grove could be managed to minimize the Root Rot disease. This water-borne, soil infesting fungus disease remains in the soil indefinitely and spreads with runoff and seepage water, as well with wet muddy soil that adheres to shoes, hooves, and equipment. They tried several ornamental crops including dollar eucalyptus but were unable to find a reliable market for this foliage plant. They have subsequently replanted many of the avocado trees, some as many as three times, using more resistant rootstock trees in hopes of finding a new one that may have enough resistance to grow well, the last being a clone named "Toro Canyon". They have given growing avocados an appropriate, conscientious effort and the results show that this disease prevents successful production at this site.

In Table 1 –Comparison of Avocado Yields and Income – the five year production record for the Hall's orchard is compared, on a per acre basis, to the Santa Barbara County and California industry averages. The Hall's average of 1,205 lbs/ac is only one-third of the County average and 20% of the

State average. The gross income per acre for the Halls averaged only \$705 compared to the County average of \$3,940 and industry figure of \$5,434.

On the cost side of the equation, Table 2 presents a summary of the University of California Cost of Production figures for Santa Barbara and Ventura Counties published in 2002. To adapt these figures to this grove and to the California Coastal Commission rules, Table 3 presents an adjusted annual cost of production of \$3,773 per acre. Comparing this to the Hall's average gross income per acre of \$705, gives a loss of over \$3,000 per acre per year; this clearly shows the uneconomic condition of this grove.

The question has been asked how the subject area compares to the on-going farming operations to the east. Most of these properties above Foothill Road are 20 acres or more and are devoted to avocado, lemon and cherimoya production. Based on my visual observations, I would conclude that they are not profitable and are struggling to care for the orchards in hopes that something will come along to bail them out. These sites have larger parcels, deeper soils, fewer rock outcroppings, less slope, and less wind than the Toro Canyon subject site.

#### **V. Agricultural Rates of Return**

The above losses shown by the Hall's figures illustrate two lessons of agricultural economics: 1) the severe losses that can be experienced by growers when their orchards on susceptible soils become infected with the Avocado Root Rot disease, and 2) the unprofitable nature of small sized, hillside groves operated by part-time farmers.

When one uses the UC Cost study with an assumed yield of 7,500 pounds per acre together with the average industry gross prices received for the past 5 years of \$0.95 per pound, the rate of return on the accumulated development costs of \$14,750 per acre is 10.75%. This is an acceptable rate of return for an agricultural commodity and measures the statement that avocados are a profitable crop. But, these figures are based on healthy, high producing groves that are efficiently farmed.

Also in the UC Cost Study, the break-even point is reached when the price drops below \$0.70 per pound or the yield drops below 4,000 pounds per acre.

#### **VI. Discussion and Conclusion**

Avocado industry leaders and advisors generally suggest that avocado groves of less than about 5 acres are likely to be so inefficient as likely to be unprofitable. The industry average grove size now exceeds 10 acres and is heading upward each year due to increasing costs and foreign importations.

Great strides have been made in combating the serious Avocado Root Rot disease, but no significant additional improvements can be expected in the near term. The current group of tolerant rootstocks is the most promising solution. But these are satisfactory only where soil conditions and management practices are favorable. None of the chemical treatments available are cost effective in California. Unfortunately, this subject area has severe risk soil conditions and the tolerant rootstocks are not sufficiently resistant to grow here, so that I conclude that this root rot infected area is not favorable for the growing of avocados.

To review, as requested in Section 30241.5 of the Coastal Act, the subject parcels are not economically feasible for agriculture because:

- 1) the gross revenues generated by growing avocados for the past 5 years has averaged \$705 per acre, and
- 2) the costs of production, excluding land charges, have averaged \$3,773 per acre.

This average loss of over \$3,000 per acre per year demonstrates the economic infeasibility.

The limited potential of satisfactory agricultural commodities for this area of steep sloped, heavy clay soils and small parcel sizes renders it unsuitable for commercial agriculture. The only identified possible crop is avocados and with the presence of the Avocado Root Rot disease in the heavy, clay soils, even this commodity drops out. Then too, the high cost of water, even at the agricultural rate from the Montecito Water District, is about twice as expensive as other growers in competing areas are paying. Add in the wind scarring on this exposed ridge that makes the fruit less marketable, one cannot help but conclude that continuing an agricultural designation on this area is inappropriate.

Please contact me if you have questions or if I can furnish additional information.

Encl: Tables 1, 2, & 3

**Table 1**  
**Comparison of Avocado Yields and Income**  
**for the Hall Orchard with County & Industry Averages**

Year	Hall Orchard				S B County Average		Calif Industry Average	
	Yield		Income		Yield	Income	Yield	Income
	Total lbs	per acre	Total \$	per acre	per acre	per acre	per acre	per acre
97-'98	1,072	306	\$1,357	\$388	3,340	\$3,372	5,091	\$4,360
98-'99	3,775	1,079	\$2,897	\$828	4,040	\$5,153	4,572	\$5,536
99-'00	456	130	\$515	\$147	2,340	\$2,692	5,444	\$5,755
00-'01	13,009	3,717	\$5,690	\$1,626	4,380	\$4,030	7,206	\$5,374
01-'02	2,778	794	\$1,881	\$538	5,600	\$5,213	6,865	\$6,145
5-yr Av	4,218	1,205	\$2,468	\$705	3,940	\$4,092	5,836	\$5,434

Sources: Hall's: Calavo Annual Strmts, bearing acreage = 3.5 acres  
S B County: Ag Production Reports, S B Co Ag Comm, annually  
CA Industry: Calif Avo Commission Annual Report, 2001/2002

Prepared by G E Goodall, Ag Consultant, Santa Barbara, CA, 7/16/03

**Table 2**  
**Mature Avocado Orchard Costs of Production**

Santa Barbara & Ventura Counties  
 Based on 108 trees/ac, 7,500 lbs/ac yield  
 Figures include labor, materials, and equipment

<u>Operation</u>	<u>Cost per acre</u>
<b>Cultural Costs:</b>	
Pruning & Brush Removal	\$324
Weed Control	\$85
Pollination, Bee Hive Rental	\$70
Erosion Control	\$17
Insect Pest Control	\$290
Fertilization	\$48
Irrigation Water & Labor	\$532
Pest Control Advisor	\$60
Rodent Control	\$23
Subtotal	----- \$1,449
<b>Harvesting Costs:</b>	
Picking, 7,500 lbs yield	\$600
Hauling to Packing House	\$30
CAC Assessment Fee, 3.5%	\$263
CDFA Inspection Fee	\$8
Subtotal	----- \$901
<b>Cash Overhead Costs:</b>	
Insurance, Liability, Workers	\$98
Laboratory Analysis Fees, nutrients	\$13
Sanitation Fees	\$44
Office Expenses, phone	\$180
Property Taxes, Williamson Act	\$247
Repairs & Maintenance	\$84
Interest on Operating Capital, 8.5%	\$172
Subtotal	----- \$836
<b>Total Cash Costs</b>	----- <b>\$3,186</b>
<b>Non Cash Overhead Costs:</b>	
Depreciation on Equipment	\$25
Depreciation on Buildings	\$73
Depreciation on Irrigation System	\$75
Depreciation on Trees	\$1,130
Land Rent	\$1,051
Subtotal	----- \$2,354
<b>Total Costs per Acre</b>	----- <b>\$5,540</b>

Source: "Avocado Sample Establishment & Production Costs for Ventura & Santa Barbara Cos", by E. Takele & B. Faber, UCCE, Jan 2002.

Adapted by G E Goodall, Ag Consultant, Santa Barbara, CA, 7/16/03

**Table 3**  
**Adjusted Avocado Costs of Production Per Acre To**  
**Toro Canyon Area, Carpinteria**  
 Based on UC Cost Study & Adjusted with Hall Orchard Figures

Item	Source / Reason	UC Study	Hall's	Change	Adjusted Costs / Acre
Total Costs	UC Study	\$5,540			
Less: Lant Rent	Coastal Comm Rules			-\$1,051	-----
	Total UC Study Costs without land				\$4,089
Add: Higher Water Costs					
UC Study	2.5 AF/A @ \$205 /AF, water only	\$510			
Hall Orchard	- Montecito W D, 5-yr record*		\$826	\$316	
Less: Lower Harvest Costs					
UC Study	\$0.08 / lb on 5,500 lbs	\$600			
Hall's Calavo	5-yr average records		\$205	-\$395	
Less: Lower CAC Assessment					
UC Study	3.5% of income	\$263			
Hall's Calavo	5-yr average records		\$26	-\$237	
Total Adjusted Costs per acre					<u>\$3,773</u>

Sources: UC Study - "Avocado Production Costs, Ventura/Santa Barbara Cos, 2001", by Takele, Faber, & Chambers, UCCE, 2002.  
 Coastal Comm Rules - Coastal Act, Sec 30241.5 (a) (2).  
 Hall's Montecito Water District 5-yr record - see below\*  
 Hall's Calavo Annual Stmts '97-'98 to '01-'02.

**\*Water Costs for Hall Orchards - printout from Montecito Water District:**

Year	Amt Used AF	Total Costs	Cost/AF	Cost/acre
1998	1.5	\$2,337.93	\$1,559	\$668
1999	2.56	\$3,664.54	\$1,431	\$1,047
2000	0.81	\$2,698.00	\$3,331	\$771
2001	1.25	\$2,864.89	\$2,292	\$819
2002	1.07	\$2,893.72	\$2,704	\$827
5-yr Average	1.44	\$2,891.82	\$2,263	\$826

Prepared by G E Goodall, Ag Consultant, Santa Barbara, CA, 7/16/03

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



## MEMORANDUM

FROM: John Dixon, Ph.D.  
Ecologist / Wetland Coordinator

TO: Shana Gray

SUBJECT: ESHA Designation in the Toro Canyon Area, Santa Barbara County

DATE: September 22, 2003

---

## Materials reviewed:

- January 1988. M. A. Holmgren (consulting vertebrate biologist) and D. Rindlaub (consulting botanist). "Biological evaluation of a Toro Canyon Oak Woodland, 275 Toro Canyon Road, Carpinteria, California 93013." A report to the County of Santa Barbara.
- February 16, 2002. Condor Environmental Planning Services, Inc. "Torito Road Habitat Evaluation." A report prepared for 10 property owners in the Torito Road Neighborhood of Toro Canyon.
- June 14, 2001. L. Levin, Ph.D. (Torito Road property owner). "ESH in the Torito Road Subdivision." A letter submitted to the Santa Barbara County Board of Supervisors on June 15, 2001.
- 

The natural vegetation bounding the streams in this area is characterized as Southern Coast Live Oak Riparian Forest. This type of vegetation provides very important ecological services in the dry Mediterranean climate of southern California. Some species are more or less restricted to the habitat type and others use it seasonally or as a movement corridor. For example, the insect community associated with riparian vegetation appears to be qualitatively different from that of surrounding more upland communities, some bird species live and breed within riparian areas, and many other bird species annually move from drier upland scrub habitats to riparian areas during seasonal periods of drought. The Coastal Commission generally has considered streams and their associated riparian corridors to meet the definition of Environmentally Sensitive Habitat Areas (ESHA) under the Coastal Act.

The riparian vegetation in much of the Toro Canyon area should be characterized as degraded Southern Coast Live Oak Riparian Forest. Most of the habitat-defining canopy trees are still present, however in many areas the habitat has been severely degraded by the remarkably inappropriate siting of residential development 50 years ago. Some homes were even built immediately adjacent to stream banks, effectively converting some reaches of the stream to a backyard amenity. The legacy of this

<b>EXHIBIT 13</b>
<b>STB-MAJ-3-02</b>
<b>Memo from Staff</b>
<b>Biologist</b>

development is a riparian forest with an understory characterized by a paucity of native species, little natural recruitment of riparian trees, and significant amounts of exotic vegetation, and interspersed with roads, agricultural plots, and many structures and impermeable surfaces. Nevertheless, the remaining sycamores and oaks are relatively dense, create a nearly closed canopy over large areas, and continue to provide valuable habitat, certainly for the avifauna and probably for the insect community. The riparian forest is probably less important to ground-dwelling vertebrates due to the development of the understory, the fragmentation of the larger habitat, and the presence of many roads. In general, the ecological significance of the remaining degraded riparian forest probably increases with proximity to the streams and with distance from existing development. The riparian trees along the stream corridor provide especially important ecosystem functions by controlling the microclimate of the stream itself and by providing important canopy habitat near a predictable source of water.

I recommend that the ESHA designation be applied to the streams to the top of the bank and to adjacent riparian woodland outside development footprints<sup>1</sup>, even where the forest is significantly degraded. County staff prepared a revised ESHA boundary dated July 5, 2001 that apparently was intended to maintain the edge of mapped ESHA outside developed footprints. I recommend that that boundary line be accepted as the ESHA boundary, with provision for site-specific revisions where development is found to fall within the boundary as currently drawn. Buffers required by the County should be measured from the stream bank or from the edge of riparian ESHA, whichever is the greater distance.

In order for the riparian ESHA to continue to have an especially valuable role in the ecosystem, the individual trees that define the remaining Southern Coast Live Oak Riparian Forest must be protected. Section 30240(b) of the Coastal Act requires that development adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade that ESHA. In the present context, damage or removal either of canopy-producing trees within the ESHA buffer or of trees outside the buffer that form part of a continuous canopy with the ESHA would constitute such an impact. Modest trimming or pruning to maintain existing land uses or for safety reasons would not cause significant impacts. Also, were there an administrative vehicle to accomplish it, there should be a neighborhood management plan for the riparian oak forest to insure that tree recruitment takes place, through natural or artificial means, and to encourage the use of native understory species.

---

<sup>1</sup> By "development footprint" I mean the area covered by legally permitted development including buildings and other structures, hardscaping, such as retaining walls and driveways, and landscaping.

# **Toro Canyon Plan**



**County of Santa Barbara**

**Planning and Development  
Comprehensive Planning Division**

**February 2002**

Adopted by the Board of Supervisors on February 25, 2002

RECEIVED

JUL 18 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

## **Santa Barbara County Board of Supervisors**

**First District:** Naomi Schwartz

**Second District:** Susan Rose

**Third District:** Gail Marshall

**Fourth District:** Joni Gray

**Fifth District:** Tom Urbanske

Adopted February 25, 2002 — Board Resolutions 02-062 (Coastal Land Use Plan),  
02-063 (Land Use Element), and 02-064 (Circulation Element)

### **Planning and Development Department**

#### **Contributing Staff Members**

##### **Comprehensive Planning Division**

**Deputy Director:** Susana Montana

**Supervising Planner:** David Lackie

**Project Manager:** Greg Mohr

**Project Planners:** Heather Baker and Dave Ward

##### **Administration Division (Mapping and Graphics)**

**Mapping Technician Chief:** Mark Bright

**Mapping Technicians:** Kirsten Zecher, Brett Buyan, and Kevin Spencer

##### **Development Review Division**

**Supervising Planners:** Jackie Campbell, Patty Miller, and June Pujo

**Project Clean Water Representative:** Joddi Leipner

**Board of Architectural Review Planner:** Anne Almy

The Comprehensive Planning Division also wishes to thank the numerous other current and former Planning Commissioners, Board of Architectural Review members, involved residents and property owners, staff in P&D and other county departments, interns, consultants, and others who have contributed to the preparation of this Plan.

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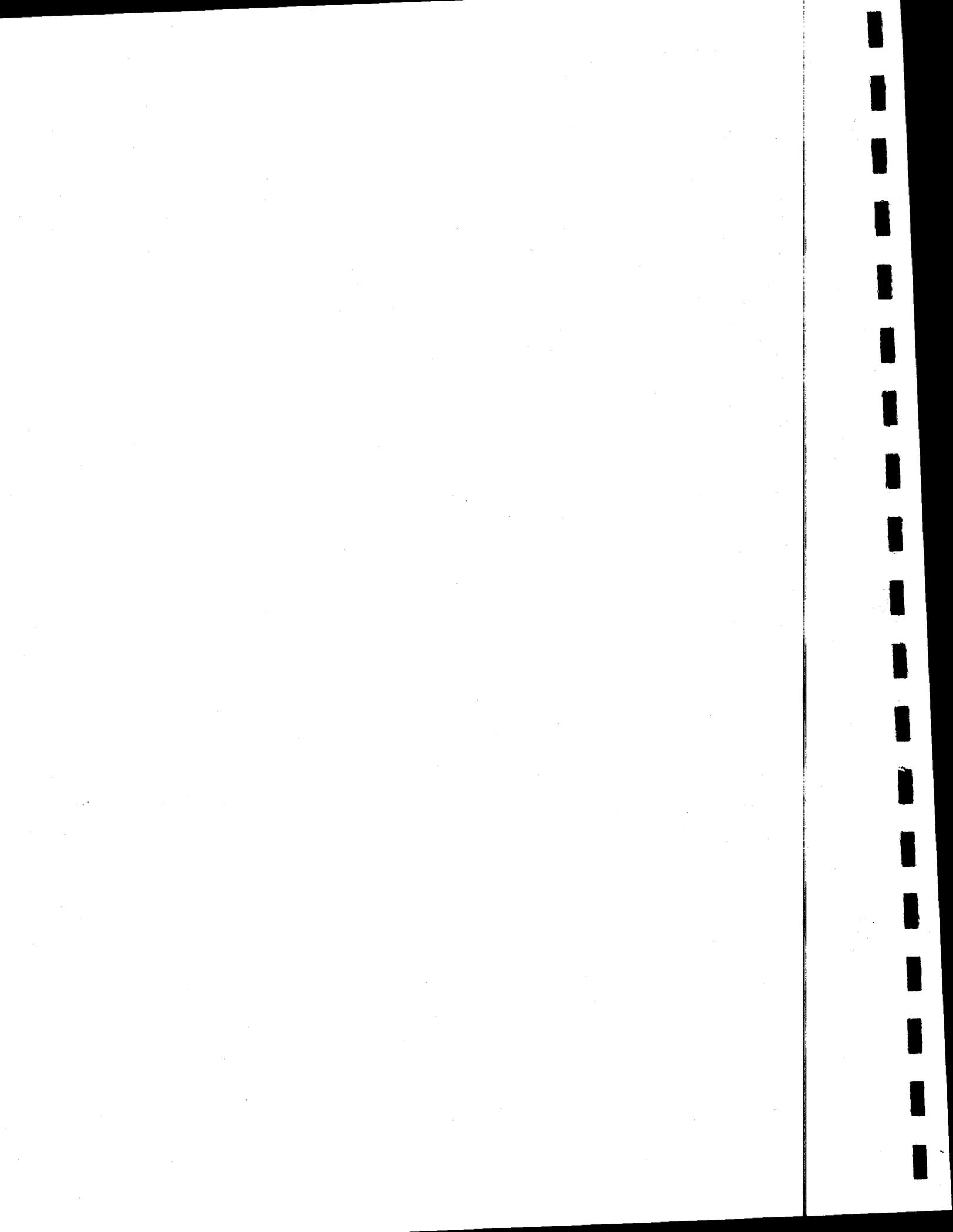
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# **Section I**

## **Introduction, Background and Overview**

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# Toro Canyon Plan

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## A. AREA PLAN LOCATION AND BOUNDARIES

### Regional

The Toro Canyon Planning Area, "Toro Canyon," is located in southeastern Santa Barbara County, in the western portion of the Carpinteria Valley between the Santa Ynez Mountains and the Santa Barbara Channel (please see Vicinity Map, Figure 1). The Carpinteria Valley is bounded on the west by the community of Summerland and on the east by Ventura County. Elevations range from sea level to 4690 feet in the Santa Ynez Mountains. Topography is marked by rocky mountain slopes and rolling hills.

Carpinteria Valley's urban development is mainly confined within Carpinteria's city limits and scattered neighborhoods along the coast and the valley floor. The valley is an important contributor to Santa Barbara County's agricultural productivity and has been host to intensive agricultural use since the 1870s. U.S. Highway 101, Highway 192/Casitas Pass Road, and Route 150 serve the Carpinteria Valley. The Southern Pacific Railroad also traverses the valley along the coastline.

### Toro Canyon Planning Area

Toro Canyon is bordered by the Summerland and Montecito Community Plan areas to the west, the Pacific Ocean to the south, the Los Padres National Forest to the north, and Rancho Monte Allegre and Carpinteria City limits to the east. The southern portion of Toro Canyon lies within the Coastal Zone.

Toro Canyon's 5,750 acres<sup>1</sup> support large areas of agriculture (including greenhouses), low density residential, some commercial and recreational areas, and undeveloped open space. The Plan Area includes approximately 1,000 parcels and the following land uses: 850 residential units; 61,665 sq. ft. of commercial and industrial space; 5,236,132 sq. ft. of greenhouses and related development; 88,545 sq. ft. of institutional/educational development; and 130,399 sq. ft. of other non-residential development. Major access roads into Toro Canyon include U.S. Highway 101, Via Real and State Route 192 (East Valley Road/Foothill Road). Residential development is scattered throughout Toro Canyon, generally with larger parcels to the north and smaller parcels to the south. Santa Claus Lane and Via Real at the eastern Padaro Lane/Highway 101 interchange are the only commercial areas in Toro Canyon.

Toro Canyon supports a high diversity of biological resources, including southern oak riparian woodland, coastal scrub and chaparral. The watersheds of both Toro Creek and Arroyo Paredon Creek support stretches of relatively undisturbed habitat serving as wildlife corridors between the mountainous Los Padres National Forest and the Pacific Ocean.

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<sup>1</sup> This is a "net" area determined by summing the acreage of all Assessor's Parcels within the Plan area. The "gross" acreage within the Plan boundary, including areas such as public roads and railroad rights-of-way, is approximately 5,950 acres.

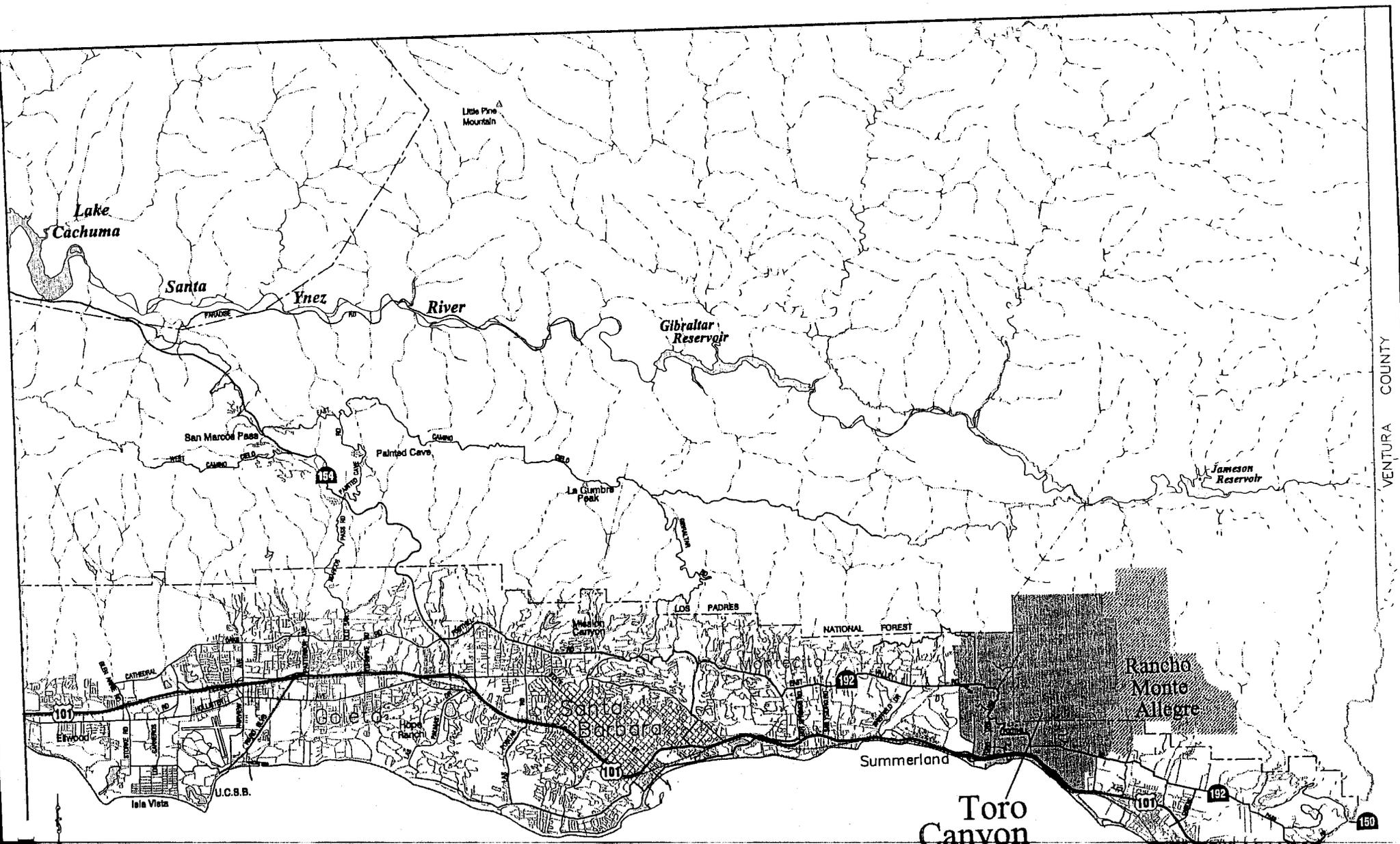


Figure 1

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# Toro Canyon Area Vicinity Map

11/27/99 map:\vicinity\_1a.dwg, 1a = vicinity, p22 = torocan\vicinity

### B. LEGAL AUTHORITY, PURPOSE AND INTENT

#### Purpose and Intent

The Toro Canyon area was last reviewed for appropriate land use and zone designations in 1980-81 as part of the County-wide update to the Comprehensive Plan and the preparation of the original Local Coastal Program. Since then, development in the Toro Canyon area has raised concerns over issues such as the appropriate extent of development northward into the foothills (grading and erosion on steep slopes, visual impacts from increasingly larger homes, hillside grading causing sedimentation into creeks, and greenhouses in the coastal viewshed), protection of agricultural land (residential/agricultural interface, loss of agricultural land, greenhouse development), biological impacts (removal of oaks, damage to riparian and other habitats), and safety (fire dangers, lack of access, water availability, unstable slopes). Without an updated land use plan for the area, the assessment of impacts from proposed development has been piecemeal.

The Toro Canyon Plan (Plan) updates the 1980/81 Santa Barbara County Comprehensive Plan and Local Coastal Program (LCP) for the urban, rural and semi-rural areas and neighborhoods of Toro Canyon by addressing local issues and protecting the unique character of the area. The Toro Canyon Plan provides the general public, landowners, and County decisionmakers with a framework for planning future development in Toro Canyon. This Plan addresses opportunities and constraints to development. The Plan establishes the “ground rules” for land use, circulation, public services, open space, design standards, public improvements and build-out potential that will define the future of Toro Canyon.

#### General Plan Requirements

California State Law (Government Code Sections 65300 *et seq.*) requires jurisdictions to prepare a comprehensive, long-term General Plan with land use diagrams (e.g., maps) and text to guide development. Coastal areas also must have a LCP, consistent with the state Coastal Act. The General Plan must include at least seven state-mandated “Elements”: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Santa Barbara County’s General Plan (formally known as the *Comprehensive Plan*) includes several “optional elements” as allowed by state law, including the Agricultural, Energy, Scenic Highways, and Environmental Resource Management Elements. General Plans must be amended regularly to remain “current.” General Plans are further defined and implemented through zoning maps and ordinances, which must be consistent with the General Plan.

Local jurisdictions may prepare more focused *Community* or *Area Plans* for smaller geographic regions. Previously adopted Community Plans in Santa Barbara County include Los Alamos, Summerland, Montecito, Goleta and Orcutt.

#### What is an Area Plan?

Area Plans focus on general planning issues pertaining to an identified geographical area or community (Public Resources Code Section 21083.3). Area plans are adopted in the same manner as a general plan amendment and are similarly implemented by local ordinances (e.g.,

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## Toro Canyon Plan

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zoning). An area plan must include or reference each of the general plan's seven mandatory elements (State of California, General Plan Guidelines, Office of Planning and Research 1990).

The Toro Canyon Plan also includes (by reference) relevant policies of the County's Comprehensive Plan and Coastal Land Use Plan. This Plan also contains Toro Canyon specific development policies, and measures to implement those policies. The policy direction and analysis of the Toro Canyon Plan will govern site-specific development proposals; however, site-specific environmental review and planning approvals are still required for specific developments. The applicable zoning ordinances in Toro Canyon are Articles II (coastal) and III (inland) of Chapter 35 of the Santa Barbara County Code.

### C. OVERVIEW OF THE TORO CANYON PLAN

#### Structure of the Toro Canyon Plan

The Toro Canyon Plan groups each of the seven mandated General Plan Elements as three "Super Elements":

- Community Development;
- Public Facilities and Resources; and
- Resources and Constraints.

#### Organization and Definitions

Specific goals, objectives, policies, actions and development standards, as defined below, follow in each Super Element.

**Goal** - A goal is an ideal future end, condition or state related to the public health, safety or general welfare toward which planning efforts are directed. A goal is a general expression of community values and therefore is abstract in nature (e.g., "An aesthetically pleasing community," or "Quiet residential streets").

**Objective** - An objective is a specific end, condition or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable and time-specific (e.g., "One hundred affordable housing units for low-income households by 2000").

**Policy** - A policy is a specific statement that guides decision making that is based on a general plan's goals and objectives as well as the analysis of data. Policies should be clear and unambiguous (e.g., "Infill development at specified densities shall be encouraged, and scattered urban development shall not be allowed").

**Action** - An action is a one-time action, program, procedure or development standard that carries out General Plan policy. Not all policies require actions.

**One-time Actions** - One-time actions usually are adopted concurrently with the Community or Area Plan.

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## Toro Canyon Plan

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***Programs** - Programs are actions that are primarily administrative functions, such as the development of an ordinance or study to address a goal (e.g., "A Tree Preservation Ordinance shall be drafted"). Program Actions will be adopted with the goals, objectives and policies of the Plan.*

***Development Standards** - Development standards are measures that will be incorporated into development projects to provide consistency with certain policies of the Community Plan. Not all policies require development standards.*

Additional definitions of key terms used in this Plan appear at the end of this Section.

### Urban/Rural Boundary Line

The Urban/Rural Boundary Line promotes compact, efficient land development, and helps to preserve agriculture and open space. The Boundary Line separates areas adequately served by existing — or logical extensions of — public infrastructure (urban) and areas best suited for agriculture and open space (rural). As the developable areas are built out, expansion of the urban area may be considered to accommodate additional growth while continuing to protect agriculture and areas inappropriate for development, such as watershed areas. Outside the Coastal Zone, a transitional zone known as an "Inner Rural Area" may be designated.<sup>2</sup> The majority of the Plan area is designated Rural, while about 215 acres are designated Urban. The Plan also designates an Inner Rural Area in the inland portion of the plan, and five Rural Neighborhoods (RNs) in the Coastal portion of the Plan.

The Urban Boundary encompasses approximately 215 acres in the northwestern part of Toro Canyon. This includes the relatively small properties along Ladera, Freehaven and Macadamia Lanes, and the "Cima Del Mundo" properties on East Valley Road that are adjacent to the Montecito Community Plan's Urban Area to the west. The Inner Rural Area that extends generally eastward from the Urban Area provides a gradual transition from the smaller urban residential parcels to the larger agricultural and mountainous parcels to the northeast.

The largest Rural Neighborhood (RN) is located north of Via Real between Toro Canyon and Nidever Roads, and includes the Serena Park residential tracts, the Las Canchas Condominiums, and the Santa Barbara Polo and Racquet Club. Two smaller RNs are located on the north side of Foothill Road (S.R. 192): the residential lots along and near La Mirada and Paquita Drives; and the residential lots along and west of Ocean Oaks Road. These areas are developed at low urban densities, but are separated from other urban areas and neighborhoods by surrounding rural uses. A fourth RN is located along Padaro and Santa Claus Lanes south of Hwy. 101, and adjoins an adjacent RN within the Summerland Community Plan area to the west. Finally, a fifth RN encompasses the residential lots along and near Torito Road, both east and west of Toro Canyon Road near its intersection with Foothill Road.

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<sup>2</sup> Inner Rural Areas are not defined within the Santa Barbara County Local Coastal Program, and therefore are not designated within the Coastal Zone.

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## Toro Canyon Plan

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### Coastal Zone Boundary Line

The California Coastal Act defined the coastal zone boundary in 1976 (Figure 2). Modified boundary lines were certified in 1981 as part of the original Local Coastal Program for Santa Barbara County. The Toro Canyon Plan includes some minor adjustments to the coastal zone boundary line that relate better to practical and locatable features such as parcel lines and corners, roads, and other definite positions, within the limitations allowed under the Coastal Act.

### **D. AREA PLAN PROCESS**

Property owners and other interested parties were involved directly in the process of creating this Plan through broad-based means including extensively noticed public workshops, mailed surveys of property owners, direct communications and field visits involving county officials and property owners, and extensively noticed public hearings. At all stages in the ongoing development of the Toro Canyon Plan, county staff and decision-makers have diligently listened to public concerns and comments. The Plan has evolved in response to public comments.

The Board of Supervisors first programmed work on the Toro Canyon Plan in 1996, with intensive work commencing in 1998. The county held a community meeting in Carpinteria (3/19/98) to familiarize the public with the planning process and to elicit suggestions about planning issues. A Toro Canyon Plan Issues Paper was mailed to interested residents and distributed at the community meeting. A survey was also mailed to all Toro Canyon property owners to solicit additional input regarding residents' interests, concerns and desires for Toro Canyon (5-6/98 – please see Appendix A).

The Preliminary Draft Plan was subject to community and Board of Supervisors review and Board initiation (3/99). Before the Board Initiation of the Plan another evening public workshop was held in Carpinteria (2/18/99). After Plan Initiation by the Board of Supervisors an additional public workshop was held in Carpinteria regarding Parks, Recreation and Trails topics (3/22/99). Two evening meetings regarding the Environmental Impact Report for the Plan (5/99 & 3/00) followed. The Preliminary Draft Plan was revised to include some mitigation measures from the EIR, to include additional information, and to better address some issues within the Plan area.

Beginning in June 2000 the Planning Commission held 16 public hearings, and one all-day public site tour, to review the Revised Plan and EIR. Interested persons provided testimony, alternatives and mitigation measures were considered, and numerous changes were directed to produce a version of the Plan which the Commission recommended for adoption by the Board of Supervisors in February 2001.

Beginning in June 2001 the Board of Supervisors held eleven public hearings on the Plan, where public testimony was taken and additional changes to the Plan were made prior to its final adoption. Two additional evening workshops on the Plan also were held in April and December 2001. The Board adopted this final Plan on February 25, 2002. The portions of the Plan dealing with the Coastal Zone will be forwarded to the California Coastal Commission for their review and certification, and more changes may be made through this process.

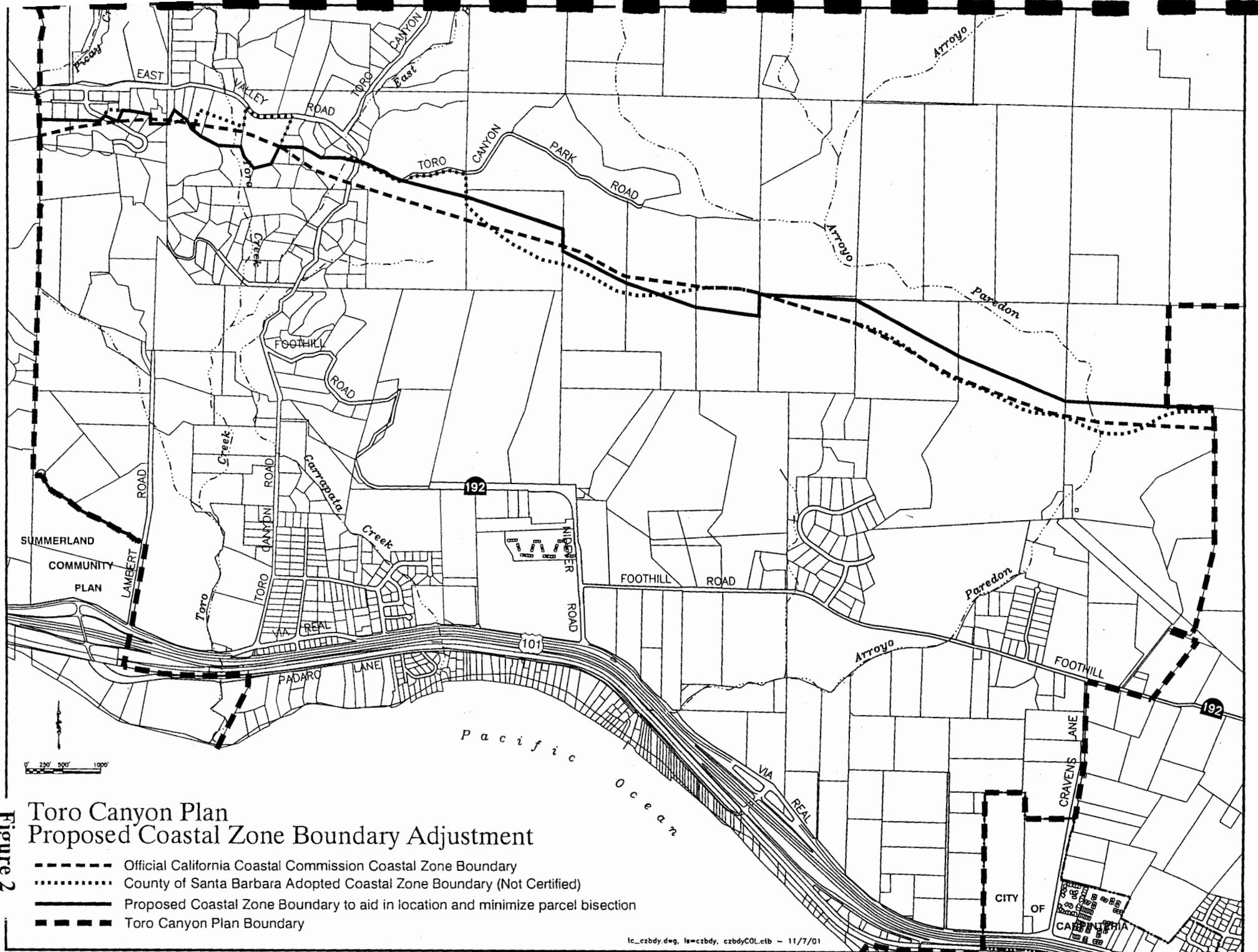


Figure 2

### Toro Canyon Plan Proposed Coastal Zone Boundary Adjustment

- Official California Coastal Commission Coastal Zone Boundary
- ..... County of Santa Barbara Adopted Coastal Zone Boundary (Not Certified)
- Proposed Coastal Zone Boundary to aid in location and minimize parcel bisection
- Toro Canyon Plan Boundary

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# Toro Canyon Plan

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## Relationship to the Carpinteria Valley Greenhouse Program

Development of the Toro Canyon Plan happened concurrently with another County planning program, the Carpinteria Valley Greenhouse Program. The Greenhouse Program addresses greenhouses and related development and potential impacts on land use compatibility, aesthetics, water quality, biological resources, flooding and drainage, traffic and air quality. The Program's goal is to balance greenhouse industry expansion and the protection of other coastal resources, particularly open field agriculture and visual resources, through a new Carpinteria Agricultural (CA) Overlay District containing development standards for greenhouses, along with other amendments to the Coastal Zoning Ordinance and Coastal Land Use Plan. The planning boundary for the Greenhouse Program overlaps with the lower Toro Canyon Plan area within the Coastal Zone.

## **E. EXISTING COUNTY PLANS AND POLICIES**

Summarized below are the existing Santa Barbara County Comprehensive Plan policies most relevant to the Toro Canyon planning area. The Toro Canyon Plan augments the Land Use, Circulation and other Comprehensive Plan elements to provide specific policy direction; however, countywide policies will remain in effect. The summaries presented here are an overview and do not contain actual policy language. These countywide policies provide context for the relationship between the County Comprehensive Plan and the Toro Canyon Plan.

### **1. Land Use Element**

The Land Use Element's four fundamental goals include:

*Environment — Environmental constraints on development shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources.*

*Urbanization — In order for the County to sustain a healthy economy in the urbanized areas and to allow for growth within its resources and within its ability to pay for necessary services, the County shall encourage infill, prevent scattered urban development, and encourage a balance between housing and jobs.*

*Agriculture — In rural areas, cultivated agriculture shall be preserved and where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.*

*Open Lands — Certain areas may be unsuitable for agricultural uses due to poor or unstable soil conditions, steep soils, flooding or lack of adequate water. These lands are usually located so that they are not necessary or desirable for urban uses. There is no basis for the proposition that all land, no matter where situated or whatever the need, must be planned for urban purposes if they cannot be put to some other profitable economic use.*

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## Toro Canyon Plan

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The following Land Use Element policies are those most applicable to guiding development in the Toro Canyon area. Within the Coastal Zone, the Santa Barbara County Coastal Land Use Plan (CLUP) serves as the Land Use Element. Many CLUP policies mirror those of the Land Use Element. These policies are referenced together below; where CLUP policies differ from the Land Use Element, a separate discussion is provided.

*Land Use Development Policies — These policies establish guidelines for development in order to respect constraints posed by geology, biology, and other physical environmental characteristics. In addition, these policies require the availability of adequate services and resources to serve a project prior to development.*

*Streams and Creeks Policies/CLUP Policies 9-37 through 9-43 — All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. These policies are directed toward regulation of development within stream corridors including the establishment of buffers, limits on grading, runoff and sedimentation, and prohibitions on the installation of septic systems and concrete channelization.*

*Hillside and Watershed Protection Policies/CLUP Policies 3-13 to 3-22 — Nine policies intended to guide development on hillsides and within watersheds are specified in the Land Use Element. These policies call for minimizing cut and fill, fitting development to the site topography, soils, geology, hydrology and other natural features, and specifying techniques for minimizing the effects of necessary grading.*

*Flood Hazard Area Policies/CLUP Policies 3-11 and 3-12 — The intent of these policies is to avoid exposing new developments to flood hazards and to reduce the need for future flood control protection devices and resulting alteration of streams by regulating development with the 100-year flood plain.*

*Historical & Archaeological Sites Policies/CLUP Policies 10-1 through 10-5 — These policies establish criteria for mitigation of potential impacts to historical and archaeological sites.*

*Parks and Recreation Policies — These policies state that opportunities for hiking and equestrian trails should be preserved, improved, and expanded wherever compatible with the surrounding use. Bikeways shall be provided where appropriate for recreational and commuting uses. Future development of parks should emphasize meeting the needs of local residents.*

*Visual Resources Policies — These policies require structures to be compatible with the existing community and protect areas of high scenic value and scenic corridors.*

*Air Quality Supplement Measures — These measures are aimed at reducing the need to commute by automobile (e.g. mixed uses, infill development) and increasing the attractiveness of bicycling, walking, transit and ridesharing.*

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## Toro Canyon Plan

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The Land Use Element also contains Area/Community Goals specific to the Carpinteria Planning Area (Land Use Element, pp. 95-6). These goals address the rate and character of new growth, respect for environmental factors and constraints, maintenance of the agricultural economy and semi-rural qualities of the area, and a preference for only low-intensity recreational development. The Toro Canyon Plan takes these existing goals into account and serves to implement them, particularly with regard to environmental constraints (e.g., steep slopes, fire hazards, geology, sensitive habitats, aesthetics, and agricultural resources). With the adoption of the Toro Canyon Plan, the goals, policies, and development standards of the Plan would supersede these Area/Community Goals.

### 2. HOUSING ELEMENT

Housing Element policies require the County to plan for an adequate amount of housing based on community needs to provide a range of housing types and prices (e.g., single family, apartments, condominiums, etc.), provide incentives to developers for the inclusion of affordable housing in residential developments of five or more new units, and allow increases in housing densities to accommodate affordable housing.

**Applicability:** The Toro Canyon Plan provides for a range of housing types appropriate to a rural and semi-rural area, including farm employee dwellings, residential second units, and one site designated with the Affordable Housing Overlay. Higher urban densities for affordable units otherwise are not appropriate given the area's semi-rural/rural character and substantial constraints, including high fire hazards in the area and CLUP policies prioritizing the preservation of agriculture within the Coastal Zone.

### 3. SEISMIC SAFETY AND SAFETY ELEMENT

The purpose of the Seismic Safety and Safety Element is to reduce potential deaths, injuries and damage to property caused by earthquakes, fires, geologic hazards and other natural disasters. Specific recommendations are given for these subjects.

**Applicability:** The Toro Canyon area contains several faults and areas of poor soil, high landslide potential, and steep slopes, and has areas located within floodplain and high fire hazard zones. Such hazards are given appropriate attention in the Plan.

### 4. NOISE ELEMENT

The purpose of the Noise Element is to protect the public from noise that could jeopardize health and welfare. The Noise Element identifies major noise sources, estimates the extent of their impact and discusses potential methods of noise abatement. Specifically, the Element identifies maximum levels of noise exposure that are considered acceptable for sensitive land uses (e.g. residences, schools, and hospitals).

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## Toro Canyon Plan

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**Applicability:** Toro Canyon includes areas located along Highway 101 and the Southern Pacific Railroad that could exceed the maximum noise level allowed for sensitive land uses. Development of new noise-sensitive land uses could be affected by these sources.

### 5. CIRCULATION ELEMENT

The Countywide Circulation Element (as amended 12/3/91) contains a policy specifying that the general standards of the Countywide Element do not apply to roadways and intersections within an area included in an adopted community or area plan. As with other adopted Community Plans, the Toro Canyon Plan establishes specific circulation-related policies and standards that apply within the Toro Canyon area, and that are incorporated into the overall Circulation Element.

**Applicability:** The Toro Canyon Plan is designed to provide a balance between the land use designations and the standards of the Circulation Element.

### 6. CONSERVATION ELEMENT

The Conservation Element describes water resources, agricultural resources, ecological systems, historic and archaeological sites, and mineral resources, and recommends policies and programs designed to protect them.

**Applicability:** The Toro Canyon area has water and agricultural resources, ecological systems, and historic and archaeological sites that are addressed in the Plan.

### 7. OPEN SPACE ELEMENT

The Open Space Element inventories public and private open space areas and contains recommendations and programs for preserving and managing those lands.

**Applicability:** The Toro Canyon area has substantial open space areas, including agricultural and recreational lands, that are addressed in the Plan.

### 8. AGRICULTURAL ELEMENT

The primary regulations governing agricultural land use development in Toro Canyon include the Agricultural Element, the Coastal Land Use Plan (CLUP), the Land Use Element and the implementing zoning in Articles II (coastal) and III (inland). The County's Right to Farm Ordinance provides protection for farmers primarily through notification to residents located near agricultural lands.

**Applicability:** Substantial portions of the Toro Canyon area contain existing agricultural uses and improvements, and appropriate agricultural uses are protected and promoted through the Plan. The Agricultural Element provides goals and policies to protect and maintain agriculture. The CLUP and the Land Use Element guide land use designations (e.g. agriculture vs. ranchette), identify minimum parcel sizes allowable for development and, with the zoning ordinances, provide greenhouse permit requirements and development standards. Minimum parcel size is

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## Toro Canyon Plan

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often a key determinant in long-term agricultural viability; in general, the larger the parcel, the more agricultural options are available. However, Toro Canyon's mild coastal climate and areas of prime soils sometimes allow smaller parcels to retain agricultural viability. Due to factors including poor soils on steep slopes, water cost and availability, and environmental constraints, steeper foothill and mountain areas often require parcel sizes of 100 acres or more to maintain commercial viability while avoiding constraints.

### 9. SCENIC HIGHWAYS ELEMENT

This element presents the County's scenic highway goals and evaluates standards, preservation measures and procedures for obtaining official "Scenic Highway" designation for State and County roads. Preservation measures include detailed site planning and structure design, control of outdoor advertising, and regulation of grading and landscaping.

**Applicability:** The Plan recognizes the suitability of design guidelines for protecting the scenic qualities of the Highway 101 corridor and maintaining its status as a potential Scenic Highway.

### 10. ENVIRONMENTAL RESOURCE MANAGEMENT ELEMENT (ERME)

ERME is a compendium and synthesis of the Seismic Safety and Safety, Conservation, Open Space, and Scenic Highways Elements and identifies specific factors that mitigate against urban development, such as prime agricultural lands, steep slopes, biological habitat areas, floodplains and floodways, and geologic hazards.

**Applicability:** The Toro Canyon Plan recognizes the existence of various ERME factors through its prevailing pattern of rural and semi-rural land uses and densities.

### 11. SANTA BARBARA COUNTY LOCAL COASTAL PROGRAM (LCP)

The LCP includes policies related to beach access, recreation, marine environment, environmentally sensitive habitat areas, agriculture, visual resources, and coastal dependent energy and industrial development, including a separate Zoning Ordinance that implements the land use plan. These policies establish standards for future growth and development in the coastal zone and supersede other policies of the Comprehensive Plan where overlap may occur. Many specific policies were cited above in Subsection 1 (Land Use Element).

**Applicability:** The southern portion of the Toro Canyon area is within the coastal zone and therefore is subject to these policies. The policies, development standards, and land use/zoning designations established in the Plan are consistent with pre-existing Coastal Land Use Plan policies, and the portions of the Toro Canyon Plan that apply within the coastal zone will become part of the County's state-certified LCP.

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## Toro Canyon Plan

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### 12. CLEAN AIR PLAN

The Clean Air Plan (CAP) contains strategies for reducing ozone precursors and particulates, and for achieving and maintaining federal and state air quality standards. These strategies include transportation demand management and indirect source review.

**Applicability:** Santa Barbara County exceeds federal ambient air quality standards for ozone and fine particulate matter (PM<sub>10</sub>). As such, development in the Toro Canyon area is subject to the policies of the CAP.

### F. PLAN GOALS AND KEY ISSUES

The following preamble to the Toro Canyon Plan has been adapted from that developed for the Montecito Community Plan, due to the two areas' geographic proximity and the similarity of many of their characteristics and circumstances:

*Toro Canyon is an area of mixed rural and semi-rural, agricultural and low-density residential uses of approximately 5,950 acres. The area's rural and semi-rural character and quality of life are reflected by narrow winding roads, the absence of curbs and sidewalks in most residential neighborhoods, no traffic lights, a variety of agricultural uses, a limited amount of low-density residential development largely confined to distinct neighborhoods, limited commercial and institutional uses and infrastructure development, significant areas of natural vegetative cover and ornamental landscaping, limited access to walking and riding trails, limited beach access, one major public park, and relatively clean air.*

*To allow development in a manner consistent with available resources and in keeping with the rural and semi-rural quality of life, the Toro Canyon Plan's Goals, Policies, and Development Standards shall guide development within the Comprehensive Plan and Local Coastal Program for the Toro Canyon Plan area. The primary intent of the Plan shall be to improve the quality of new development that occurs within the area, to the enduring benefit of the area and its inhabitants.*

This preamble considers and reflects many of the recurrent themes in the community input gained through workshops and the survey conducted early in the planning process, and later public hearings and testimony. These issues, along with existing laws (especially existing Comprehensive Plan and Coastal Land Use Plan goals and policies), form the basis for the Toro Canyon Plan's goals, policies, actions, and development standards. The following is a summary list of the major issues, concerns, goals and objectives that were expressed and considered in developing the Plan:

- Preserve the existing rural and semi-rural qualities of the community;
- Provide for the reasonable use of property and limited additional development that largely maintains and is compatible with the existing scale and character of the area;
- Protect public views of the ocean and the mountains;
- Preserve open space;

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## Toro Canyon Plan

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- Protect the scenic backdrop of the foothills and mountainsides, protect the watershed function of the mountainsides, and prevent excessive erosion and scarring from agricultural and other types of development;
- Protect and improve water quality;
- Protect sensitive habitats and other biological resources, and provide a balance between protection of habitats and various activities that can adversely affect natural vegetation and wildlife such as flood control, fire protection, and agricultural development;
- Preserve the rural roadway character, including the lack of curbs, sidewalks, and traffic signals;
- Maintain adequate services and infrastructure to support development and provide for public safety, but with few major changes such as road widening and urban service extensions;
- Increase opportunities for beach access and recreation in a manner that accommodates concerns over the privacy and property rights of coastal landowners and the quality of the shoreline environment; and
- Improve the overall quality, vitality, and economic sustainability of the Santa Claus Lane commercial area.

### G. MEANING OF KEY TERMS USED IN THIS PLAN

Many of this Plan's Goals, Policies, Actions, and Development Standards make repeated use of the term "development" and use qualifiers such as, "except where it/this would preclude reasonable use of property." In order to provide clear guidance and promote consistent application of the Plan, the meanings of these key terms as used within this Plan shall be defined as follows.

***"Development"*** shall be as defined in the applicable Zoning Ordinance: County Code, Chapter 35, Article II (Coastal Zone) or Article III (inland).

***"... except where it/this would preclude reasonable use of property"*** shall mean "except where it/this will take private property for public use without just compensation as required by applicable law."

The latter of these also is reflected in the following Land Use - General Section, Policy LUG-TC-6.

The Plan's policies, actions, and development standards contain various directives that appear in the form of either "shall," "should," or "may." The meaning of these terms is as follows:

***"Shall"*** indicates an unequivocal directive;

***"Should"*** signifies a less rigid directive, to be honored in the absence of compelling or contravening considerations;

***"May"*** indicates a permissive suggestion or guideline.

**Section II**  
**Community Development**

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# Toro Canyon Plan

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## A. LAND USE - GENERAL

### 1. PLANNING AREA SETTING

Toro Canyon's existing land uses include large expanses of agriculture, a few concentrated and many scattered residential developments, two small commercial areas, recreation and undeveloped open space. A significant amount of development has been proposed recently for Toro Canyon and surrounding areas. Many of these proposals are for lot splits or single family dwellings, but some proposals are for larger projects or for development in highly constrained areas (see EIR).

Some recent projects have revealed that outdated land use and zoning designations allowed the potential for inappropriate development in constrained areas. Steep slopes, poor soils, inadequate sewer service, sensitive habitats, high fire potential, and narrow winding roads are serious development constraints. No area-specific guidelines that address these concerns previously existed. One purpose of a review of land use and zoning designations is to decrease the potential for water pollution, loss of sensitive habitat, loss of roads and homes located on severely eroding hillsides, injury due to road conditions, and loss of life or significant amounts of property in the event of a fire. This plan recognizes constraints in Toro Canyon and limits development in areas with significant problems. The plan also preserves the rural character and natural scenic beauty of Toro Canyon.

### 2. ISSUES

Toro Canyon's boundaries enclose an area with many common planning issues, including:

- Appropriate locations and types of residential and commercial development;
- Preservation of open space, agricultural and rural character;
- Minimizing adverse grading impacts;
- Adequate and safe circulation for automobiles, bicycles, and pedestrians;
- Development in high fire hazard areas;
- Evacuation routes and emergency vehicle access;
- Habitat preservation and protection;
- Unstable soils and slopes;
- Trails and recreation;
- Lack of appropriate wastewater systems.

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## Toro Canyon Plan

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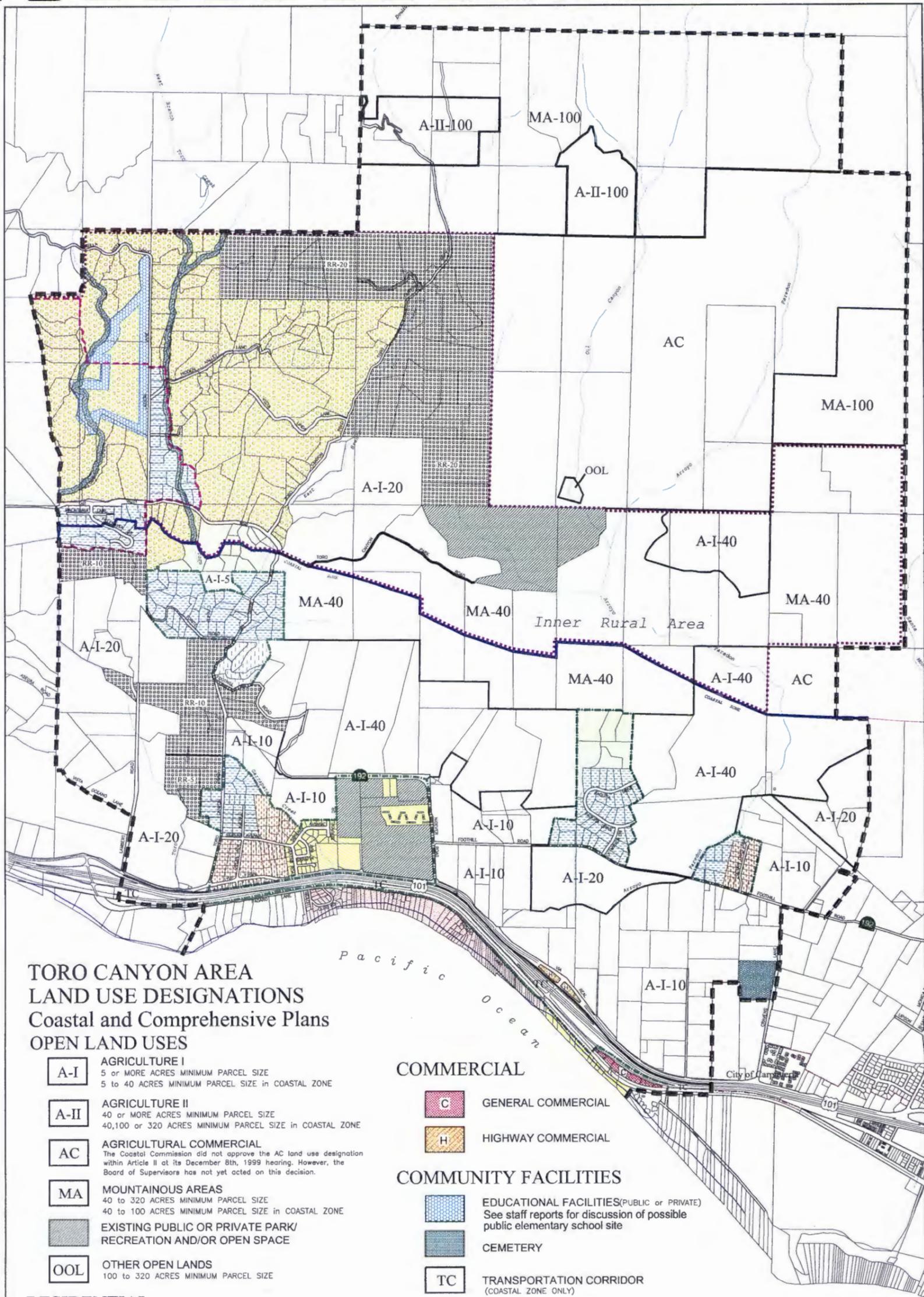
### 3. PLAN LAND USE AND ZONING

Table 1 shows existing development and estimated buildout of the Plan by land use designation. Figure 3 shows Land Use designations under this Plan and Figures 4 and 5 show Zoning under this Plan. Land Use and Zoning Overlays, not including the Environmentally Sensitive Habitat (ESH) and Carpinteria Agricultural (CA) Overlays, are shown on Figures 6 and 7. *Please note that Figures 3 through 7 are reduced-scale Plan illustrations that duplicate or contain information taken from the official land use and zoning maps, and that these figures were current at the time of Plan adoption (February 2002). However, future changes to the official maps may occur that are not reflected on these Figures; please always consult the official large-scale Land Use and Zoning Maps and Land Use and Zoning Overlay Maps for the most accurate and up-to-date information pertaining to a specific property.*

The Plan's zoning district configuration emphasizes gradual transitions in zoning district minimum parcel size and avoids spot zoning, although this more orderly pattern of densities does not always match with historic patterns of land division and zoning. During public review of the early drafts of this Plan, questions were raised regarding what effect a "legal non-conforming lot" status may have on a property. A legal non-conforming lot is typically a lot with a size and/or dimensions that were lawful prior to adoption of a government regulation, but do not conform to subsequent regulations. Residential development of legal non-conforming size lots is governed by standards contained in the Article II & III County Zoning Ordinances.

Under the 1980-81 Land Use Plans, there were 327 parcels that were nonconforming as to lot size. Under this Plan, 218 additional parcels are nonconforming as to lot size. Thus, approximately half of the area's parcels are nonconforming as to lot size under the Toro Canyon Plan. The Montecito Community Plan rendered more than 85% of the parcels in its Plan area nonconforming as to lot size. In a challenge brought by an owner of some of the down-zoned parcels, the court determined that it was permissible to down-zone parcels and render them nonconforming if the down-zoning eliminated subdivision potential and there were constraints or other planning concerns that supported the County's decision to downzone. If the County were to retain the prior land use densities and zoning throughout the Toro Canyon Plan area, it would encourage development in excess of reasonable resource capacities. Many parcels could be subdivided under the prior land use and zoning patterns, but could not be subdivided under this Plan. The Planning Commission and Board of Supervisors carefully reviewed the Plan's land use and zoning changes, determined the appropriate designations and densities, and adopted this Plan accordingly. Whether a rezoning would render a parcel nonconforming as to lot size is one factor that was properly considered in making these decisions, but was not dispositive.

The County differentiates between nonconforming uses, structures and lots, defining each separately (see the definitions found in Article II, § 35-58, and in Article III, § 35-209). A nonconforming use is the use of a property for a purpose not permitted in the zone district, for example, operating a store or factory in a residential zone. A nonconforming structure is a structure that is used for a purpose which is allowed in the zone district, but which does not conform in some other manner; for example, a building which is too tall for the zone district, or is



**TORO CANYON AREA  
LAND USE DESIGNATIONS  
Coastal and Comprehensive Plans  
OPEN LAND USES**

- A-I** AGRICULTURE I  
5 or MORE ACRES MINIMUM PARCEL SIZE  
5 to 40 ACRES MINIMUM PARCEL SIZE in COASTAL ZONE
- A-II** AGRICULTURE II  
40 or MORE ACRES MINIMUM PARCEL SIZE  
40,100 or 320 ACRES MINIMUM PARCEL SIZE in COASTAL ZONE
- AC** AGRICULTURAL COMMERCIAL  
The Coastal Commission did not approve the AC land use designation within Article II at its December 8th, 1999 hearing. However, the Board of Supervisors has not yet acted on this decision.
- MA** MOUNTAINOUS AREAS  
40 to 320 ACRES MINIMUM PARCEL SIZE  
40 to 100 ACRES MINIMUM PARCEL SIZE in COASTAL ZONE
- EXISTING PUBLIC OR PRIVATE PARK/  
RECREATION AND/OR OPEN SPACE**
- OOL** OTHER OPEN LANDS  
100 to 320 ACRES MINIMUM PARCEL SIZE

- COMMERCIAL**
- C** GENERAL COMMERCIAL
  - H** HIGHWAY COMMERCIAL

- COMMUNITY FACILITIES**
- EDUCATIONAL FACILITIES(PUBLIC or PRIVATE)**  
See staff reports for discussion of possible public elementary school site
  - CEMETERY**
  - TC** TRANSPORTATION CORRIDOR  
(COASTAL ZONE ONLY)

- RESIDENTIAL**
- RESIDENTIAL RANCHETTE**  
1 UNIT/5 ACRES TO 1 UNIT/40ACRES
  - SRR-0.1**  
0.1 UNITS/ACRE, 10 ACRE MINIMUM PARCEL SIZE
  - SRR-0.2**  
0.2 UNITS/ACRE, 5 ACRE MINIMUM PARCEL SIZE

- OVERLAY DESIGNATIONS**
- SCENIC/BUFFER AREAS**

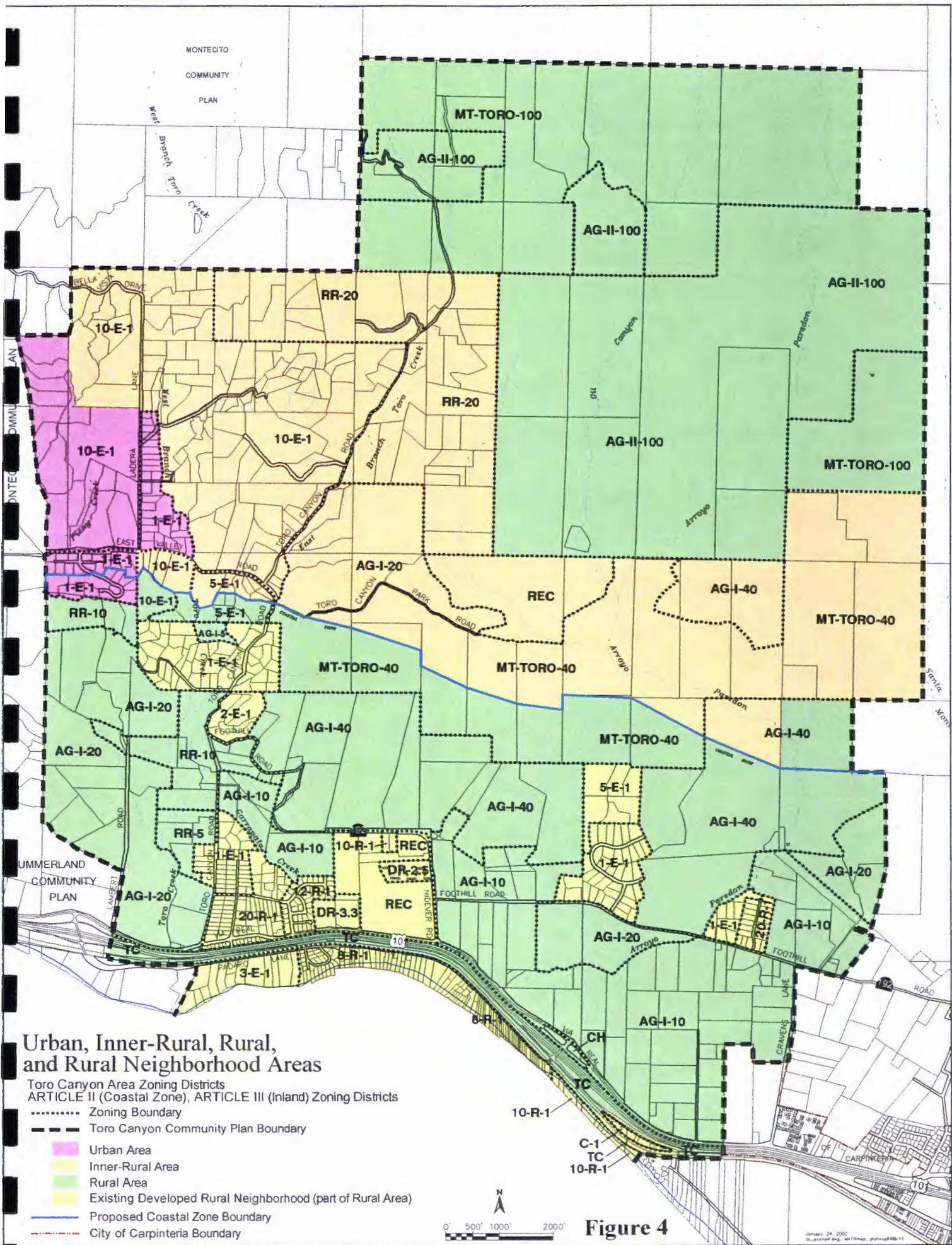
**SINGLE FAMILY**

MINIMUM LOT SIZE (COASTAL ZONE)	MAXIMUM DWELLING UNITS
3 or MORE ACRES	1.0/3 ACRES
2 or MORE ACRES	1.0/2 ACRES
1 ACRE or MORE	1.0/ACRE
20,000 SQFT or MORE	1.8/ACRE
10,000 SQFT or MORE	3.3/ACRE
7,000 SQFT or MORE	4.6/ACRE

- BOUNDARY LINES**
- TORO CANYON COMMUNITY PLAN AREA**
  - URBAN BOUNDARY (INLAND)**
  - RURAL BOUNDARY(INLAND)**
  - URBAN /RURAL BOUNDARY(COASTAL ZONE)**
  - RURAL NEIGHBORHOOD (COASTAL ZONE)**
  - COASTAL ZONE BOUNDARY**
  - CITY of CARPINTERIA**



**Figure 3**



### Urban, Inner-Rural, Rural, and Rural Neighborhood Areas

Toro Canyon Area Zoning Districts  
ARTICLE II (Coastal Zone), ARTICLE III (Inland) Zoning Districts

- ..... Zoning Boundary
- Toro Canyon Community Plan Boundary
- Urban Area
- Inner-Rural Area
- Rural Area
- Existing Developed Rural Neighborhood (part of Rural Area)
- Proposed Coastal Zone Boundary
- City of Carpinteria Boundary



Figure 4

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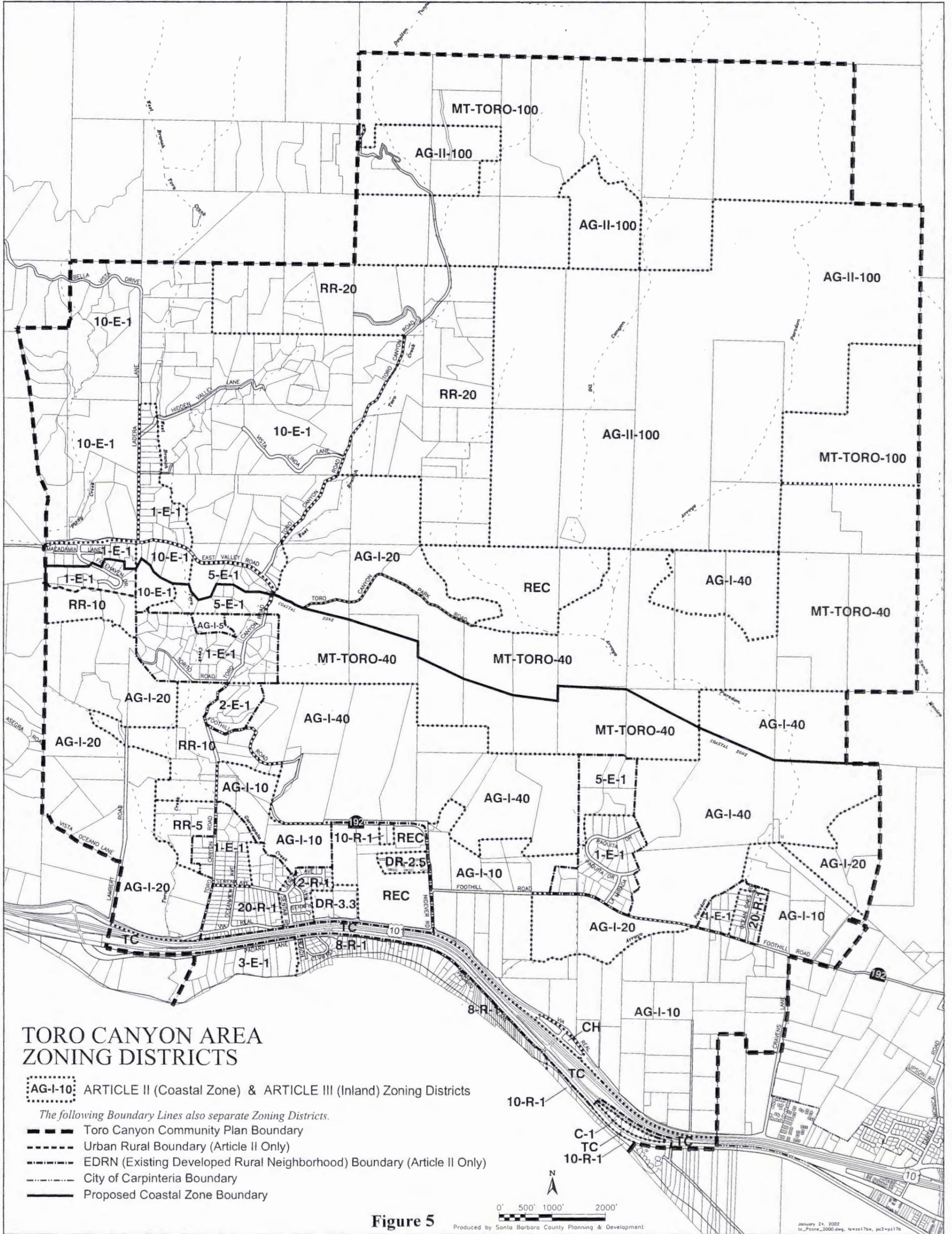
## Toro Canyon Plan

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built too close to the property line. A nonconforming lot is a lot that is smaller than the minimum size allowed in the zone district or which does not meet the width/depth ratio of the zone district.

Property owners have expressed concern that if their property is downzoned and rendered nonconforming as to size, they will not be able to renovate or expand their existing homes, or rebuild them in the event of a natural disaster. Property owners who currently own parcels that are nonconforming as to lot size, or which will become nonconforming as to lot size as a result of this Plan, need not worry about their ability to renovate their homes or rebuild their homes in the event of a disaster. Nonconforming parcels are not discouraged by the County's Zoning Ordinance to the same degree as nonconforming uses and structures. The chapters of the County Zoning Ordinances that address the amortization of non-conformities focus on uses and structures, not nonconforming lots; indeed, the title of these chapters is "Nonconforming Structures and Uses." Furthermore, residential and some nonresidential uses and structures that are nonconforming are treated more leniently in the Plan area than are nonconforming uses or structures located in other areas, under the applicable County ordinances including the new Toro Canyon Plan (TCP) Overlay District adopted along with this Plan

Regarding estimated buildout, the method typically used for calculating potential buildout does not account for limiting factors such as individual lot configurations or constraints. Therefore, the number of additional potential units could be somewhat overestimated in some areas of the Plan. This overestimation was readily apparent for the Padaro Lane area. Some Padaro Lane lots are extremely narrow, and some contain areas of sandy beach or state tidelands that cannot be built upon. When "setbacks" (areas adjacent to road rights-of-way and property lines in which development is not allowed), parking requirements, and the existing configuration of homes and structures were taken into account, it became apparent that subdivisions for additional residential units on many Padaro Lane lots would be infeasible or reasonably unlikely. For this reason, the projected buildout for the Padaro Lane area was adjusted by estimating the number of "reasonable" buildable lots after these limiting factors are taken into account. Table 2 summarizes the results of the buildout statistics that were modified for Padaro Lane. These statistics are also reflected in Table 1.



# TORO CANYON AREA ZONING DISTRICTS

**AG-I-10:** ARTICLE II (Coastal Zone) & ARTICLE III (Inland) Zoning Districts

- The following Boundary Lines also separate Zoning Districts.
- Toro Canyon Community Plan Boundary
  - - - Urban Rural Boundary (Article II Only)
  - · - · - EDRN (Existing Developed Rural Neighborhood) Boundary (Article II Only)
  - - - City of Carpinteria Boundary
  - Proposed Coastal Zone Boundary

**Figure 5**

Produced by Santa Barbara County Planning & Development

January 24, 2002  
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MONTECITO  
COMMUNITY  
PLAN



# TORO CANYON AREA Land Use Overlay Districts

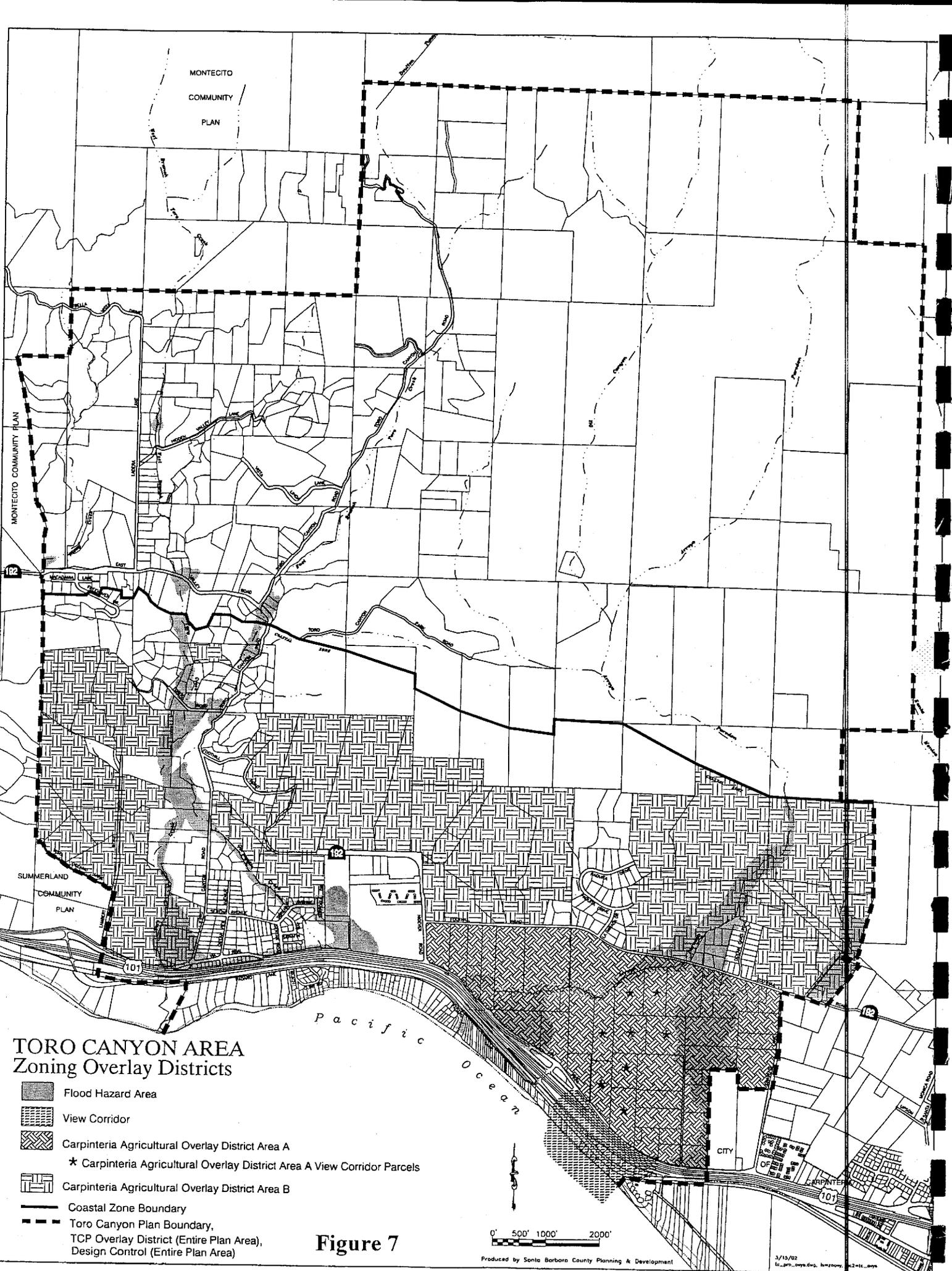
-  Flood Hazard Area
-  View Corridor
-  Scenic Buffer
-  Proposed Coastal Zone Boundary
-  Toro Canyon Plan Boundary

Figure 6

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development

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MONTECITO  
COMMUNITY  
PLAN

MONTECITO COMMUNITY PLAN

SUMMERLAND  
COMMUNITY  
PLAN

# TORO CANYON AREA Zoning Overlay Districts

-  Flood Hazard Area
-  View Corridor
-  Carpinteria Agricultural Overlay District Area A
- ★ Carpinteria Agricultural Overlay District Area A View Corridor Parcels
-  Carpinteria Agricultural Overlay District Area B
-  Coastal Zone Boundary
-  Toro Canyon Plan Boundary,  
TCP Overlay District (Entire Plan Area),  
Design Control (Entire Plan Area)

**Figure 7**

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development

3/15/02  
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# Toro Canyon Plan

**Table 1. Development and Potential Buildout**

<i>Comprehensive/Coastal Plan Land Use Designation</i>	<i>Applicable Zoning</i>	<i>No. of Parcels</i>	<i>Existing Resid. Units</i>	<i>Acres</i>	<i>Potential Add'l Units</i>
AC	Various	7	6	882	6
A-I-5	AG-I-5	1	0	5.6	1
A-I-10	AG-I-10	85	41	482	52
A-I-20	AG-I-20	34	25	476	11
A-I-40	AG-I-40	20	13	715	20
A-II-100	AG-II-100	6	6	117	0
MA-40	MT-TORO-40	15	8	635	8
MA-100	MT-TORO-100	15	6	755	11
Cemetery	AG-I-5/10	1	0	11.7	—
Educational Facility	Various	3	4	64	—
Rec./Open Space	REC	7	2	148	—
Other Open Lands	AG-II-100	1	0	3.5	—
Residential Ranchette	RR-5, -10, & -20	61	44	445	21
Semi-Rural Resid. 0.1	10-E-1	124	85	542	37
Semi-Rural Resid. 0.2	5-E-1	20	18	62	2
Residential 0.3	3-E-1	14	10	29	5
Residential 0.5	2-E-1	7	6	16	2
Residential 1.0	1-E-1	199	184	212	36
Residential 1.8	20-R-1	97	87	48	13
Residential 3.3	10-R-1, 12-R-1, DR-3.3	199	197	44	30
Residential 4.6	8-R-1	113	107	51	50
General Commercial	C-1	11	0	3.9	—
Highway Commercial	CH	3	0	1.7	—
<b>TOTALS:</b>		<b>1,043</b>	<b>849</b>	<b>5,750</b>	<b>305</b>

Acreege column total not exact due to rounding.

**Table 2. Summary of Padaro Lane Buildout Statistics**

<i>No. of APNs Analyzed</i>	<i>Existing Zoning Designations</i>	<i>Existing Units</i>	<i>Total Acreege</i>	<i>Potential New Lots Based on Zoning</i>	<i>Estimated "Reasonable" New Lots</i>	<i>Notes</i>
138	3-E-1, 8-R-1, 10-R-1	119	88.48	114	55	Various combinations of narrow lots, large existing homes, flood control easements, sandy beach and state tideland areas take up too much of the lot area to make additional lot(s) with new unit(s) feasible or reasonably likely.

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## Toro Canyon Plan

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### 4. LAND USE – GENERAL GOAL, POLICIES AND DEVELOPMENT STANDARDS

**GOAL LUG-TC:** Ensure That Residential And Agricultural Development Occurs In Balance With The Existing Natural Environment To Protect Natural Resources And Public Safety. Also, Ensure That Commercial Areas Are Economically Viable And Are A Benefit To Both Travelers And The Local Community.

**Policy LUG-TC-1:** All pertinent countywide Comprehensive Plan and Coastal Plan policies apply within Toro Canyon in addition to the specific policies and action items identified in this Plan.

**Policy LUG-TC-2:** The Development Standards contained within this Plan shall be used to implement the policies of the Plan. Where appropriate, these standards shall be applied to projects under review, unless a standard is inapplicable or ineffective and/or other standards have been required that more effectively implement the policies.

**Policy LUG-TC-3:** The Urban/Rural Boundary shall distinguish principally urban land uses from rural and/or agricultural land uses. This Boundary shall represent the maximum extent of the Toro Canyon urban area. This Boundary shall not be moved except as part of a County-initiated update of the Plan.

**Policy LUG-TC-4:** Land Use and Zoning designations shall provide for reasonable use and development of property within given site constraints.

**Policy LUG-TC-5:** The public shall be protected from noise that could jeopardize health and welfare.

**DevStd LUG-TC-5.1:** Construction activities within 1,600 feet of residential receptors shall be limited to the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday. Construction equipment maintenance shall be limited to the same hours.

**DevStd LUG-TC-5.2:** Stationary construction equipment that could generate noise exceeding 65 dB(A) at project site boundaries shall be shielded to County P&D's satisfaction, and shall be located a minimum of two hundred (200) feet from sensitive receptors.

**Policy LUG-TC-6:** The Policies and Development Standards of this Plan shall be implemented in a manner that does not take private property for public use without just compensation as required by applicable law.

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## Toro Canyon Plan

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### B. LAND USE - RESIDENTIAL

#### 1. EXISTING SETTING

##### a. *Regional Setting*

Toro Canyon is within the South Coast Housing Market Area (HMA), one of five County HMAs used to identify regional housing needs. This HMA extends from Ventura County to Gaviota Pass, south of the Santa Ynez mountains. Housing costs within this HMA are unaffordable to more than 50 percent of local residents, creating hardship for moderate and lower income households.

##### b. *Regulatory Setting*

County Housing Element goals stress providing its "fair share" of housing for all economic segments of the community, especially housing affordable to very low, low, and moderate income households where unmet needs exist. Government Code Section 65584 requires each local jurisdiction to address its share of regional housing needs. The regional share allocation process provides a basis for all jurisdictions to share equitably in meeting the County's housing needs. The purpose of the fair share is to ensure that each city and county provides for housing at all income levels, and does not shift provision of low income housing to other jurisdictions.

##### c. *Toro Canyon Planning Area Setting*

Residential development began in Toro Canyon in the 1920s with subdivision of several small farms. Today, about 850 residential units are scattered throughout the Plan area, with 113 of these units located on agriculturally zoned land. Roughly 1,450 acres are designated for residential uses, with minimum lot sizes ranging from 8,000 square feet to ten acres. Generally speaking, parcel size increases from south to north. Several neighborhoods with parcel sizes between 7,000 square feet to one acre exist in southern Toro Canyon, including beach front properties along Padaro Lane and Rural Neighborhoods (RNs) surrounded by agricultural and rural land. Upper Toro Canyon (generally north of East Valley Road and Paredon Ridge) residential development is characterized by parcel sizes of five acres or greater, and is generally associated with either agricultural uses or large estates. With the exception of the Serena Park and Ocean Oaks Road neighborhoods, most of the dwellings in Toro Canyon are large, single-family estate homes. This trend of large single family residential development has continued in recent years.

Upper Toro Canyon, the subarea with the greatest constraints, contains the greatest number of parcels with the potential for future development. Building trends involve new custom homes with structures far larger than existing homes, from 5,000 to as large as 20,000 square feet.

The following is a brief description of the existing residential patterns, types of neighborhoods and zoning districts in Toro Canyon from south to north.

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## Toro Canyon Plan

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### *Beach Front Residential*

The Padaro Lane residential area is a Rural Neighborhood located south of U.S. 101, adjacent to the Pacific Ocean. This area was developed in 1920 as the Town of Serena and was laid out in long narrow lots oriented perpendicular to Padaro Lane, formerly the Coast Highway, to the ocean. Today, the area is a mix of primary and secondary residences. The lots are generally larger at the western end of Padaro Lane, becoming narrower with smaller lots toward the eastern end. Directly east of the larger western properties is the "Beach Club Road" tract, a 1950s housing development with smaller parcels.

### *Serena Park*

This Rural Neighborhood is located at the northeast corner of Via Real and Toro Canyon Road and first resulted from a 34-acre farm subdivision in the 1920s laid out along Oak Avenue, Ocean View Avenue, and Serena Avenue. Most of the lots are less than one acre, with several larger parcels toward the northern end of the subdivision. Zoning designations include 1-E-1 in the northern portion, 12-R-1 in the eastern portion and 20-R-1 elsewhere.

### *Las Canchas Condominiums (Polo Club area)*

This complex of 140 units is located to the west of Nidever Road between Via Real and Foothill Road, amid the Santa Barbara Polo and Racquet Club. It was approved in the early 1970s in connection with the Polo Club. The polo fields and other related open space were counted toward the overall density of the project under DR-2.5 zoning (ref. Ord. 2243, Tract 11,620 & 71-CP-46), with most development rights for the fields and open space being granted to the county under the terms of Ord. 2243 and 71-CP-46. As such, since the time that the LCP was originally adopted and certified in the early 1980s, the site's zoning has been split, with DR-2.5 for the condominium area and REC for the Polo Club grounds. The condominium complex is considered to be a conforming use under the terms of its original adopting ordinance/development plan.

### *La Mirada/La Paquita*

This Rural Neighborhood is located north of Foothill Road, approximately 2,500 feet east of Nidever Road. The lots are generally less than one acre, with a few larger lots (three to six acres) in the north, which coincide with the 1-E-1 and 5-E-1 zoning designations of this area.

### *Ocean Oaks Road*

This Rural Neighborhood is located north of Foothill Road, approximately 5,000 feet east of Nidever Road. Most of the lots along Ocean Oaks Road are approximately 25,000 square feet. A few larger lots to the west are one to two acres. This conforms to the zoning designations, which are 1-E-1 to the west and 20-R-1 along Ocean Oaks Road.

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## Toro Canyon Plan

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### *Torito Road and vicinity*

This Rural Neighborhood is located along Toro Canyon Road between Foothill and East Valley Roads. Most of the area is characterized by lots of one to two-plus acres with zoning of 1-E-1; the southeasterly part of the area, east of Toro Canyon Road and north of Foothill Road, contains lots ranging from one up to 5.65 acres with zoning of 2-E-1.

### *Residential Estates*

Residential estates are concentrated in Upper Toro Canyon, generally with larger parcels to the north (along Toro Canyon Road and east of Ladera Lane) and smaller parcels to the south (south of East Valley Road). Some large estates also occur in the more level topography of the mountainous and the coastal areas. Large single family custom homes are predominant on residential estate lots, sometimes with second units or guest houses. Residential estate lot sizes vary from one to twenty acres and are located in a wide range of zoning districts, including 1-E-1, 5-E-1, 10-E-1, RR-5, RR-10, and RR-20. However, parcel sizes do not always equate to the respective zoning district minimum parcel size requirement.

### *Rural Residential*

Most of northern Toro Canyon is rural with diverse residential development, sometimes associated with agriculture. Steep slopes prevent dense residential development. The parcel sizes generally range from 20 to 160 acres, typical of the agricultural, residential ranchette, and large estate land use designations of the area.

## 2. PLANNING AND HOUSING ISSUES

### *a. Recent Residential Trends*

Steep slopes, poor soils, limited sewer service, sensitive habitats, fire hazard, and narrow winding roads seriously constrain intensified residential development in Toro Canyon. Respondents to the mailed community survey generally expressed a preference for limited additional development. However, a significant amount of residential development has been proposed recently for Toro Canyon and surrounding areas (Appendix B). In addition, recently several ranches in the rural areas have graded and cultivated the hillsides into orchards. After agricultural roads are in place, large residential estates have sometimes been developed. Building trends involve new custom homes with structures far larger than existing homes, from 5,000 to as large as 20,000 sq. ft.

### *b. Planning Issues*

Newer larger housing structures tend to change the rural character of the area. This is contrary to the type of development preferences expressed by many of the Toro Canyon property owners who responded to the mailed community survey (June 1998). These owners generally favored single family dwellings on large lots, with height restrictions to protect public views, and with reasonable limits on the size and scale of structures to maintain compatibility with respective parcel size and the surrounding environment (see Appendix A).

## Toro Canyon Plan

This Plan allows for up to 304 new units under base densities. This level of development potential does not account for adopted County policy or physical constraints such as access and fire protection, limited public road access, lack of adequate wastewater systems, sensitive habitat protection, and steep slopes, nor does it account for additional secondary residential uses such as residential second units and farm employee dwellings.

In addition, several current housing developments have involved extensive grading for building pads, yard space and driveways, both in residential and agriculturally designated areas. This has resulted in significant scarring of the terrain and ongoing erosion problems.

**TABLE 3: EXISTING UNITS AND RESIDENTIAL BUILDOUT POTENTIAL  
BASED UPON LAND USE PLAN DESIGNATIONS**

Existing Land Use Plan Designation	Acreage	Existing Units	Potential Additional Units	Potential Total Buildout
Residential 4.6	51	107	50	157
Residential 3.3	44	197	30	227
Residential 1.8	48	87	13	100
Residential 1.0	212	184	36	220
Residential 0.5	16	6	2	8
Residential 0.3	29	10	5	15
Residential 0.2	62	18	2	20
Residential 0.1	542	85	37	122
Residential Ranchette	445	44	21	65
Agricultural	2678	91	90	179
Mountainous Area	1390	14	19	34
Others	233	6	0	6
<b>TOTALS:</b>	<b>5,750</b>	<b>849</b>	<b>305</b>	<b>1154</b>

Key Toro Canyon residential development issues are:

- Change in rural character of the area;
- High fire danger and safety concerns due to limited access;
- Water contamination associated with absence of appropriate wastewater systems;
- Destruction of sensitive habitat, including riparian creek corridors;
- Adverse visual impacts as a result of extensive hillside grading;
- Agriculture protection.

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## Toro Canyon Plan

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In order to minimize adverse environmental impacts and preserve the rural character of Toro Canyon, this plan designates areas with significant development constraints to larger minimum parcel sizes.

*c. Relationship to the County Housing Element*

The opportunity for additional affordable housing in Toro Canyon is extremely limited because of County policies requiring protection of the area's rural nature and sensitive resource and physical constraints as described above. However, there are some opportunities to create or maintain relatively lower cost housing through the Residential Second Unit (RSU) Program and by developing Farm Employee Housing.

1. Residential Second Unit (RSU) Program

The development of second units provides a limited opportunity to increase the area's housing stock. RSUs are categorically considered to be a type of "affordable" housing due to their limited size and secondary use nature.

2. Farm Employee Housing

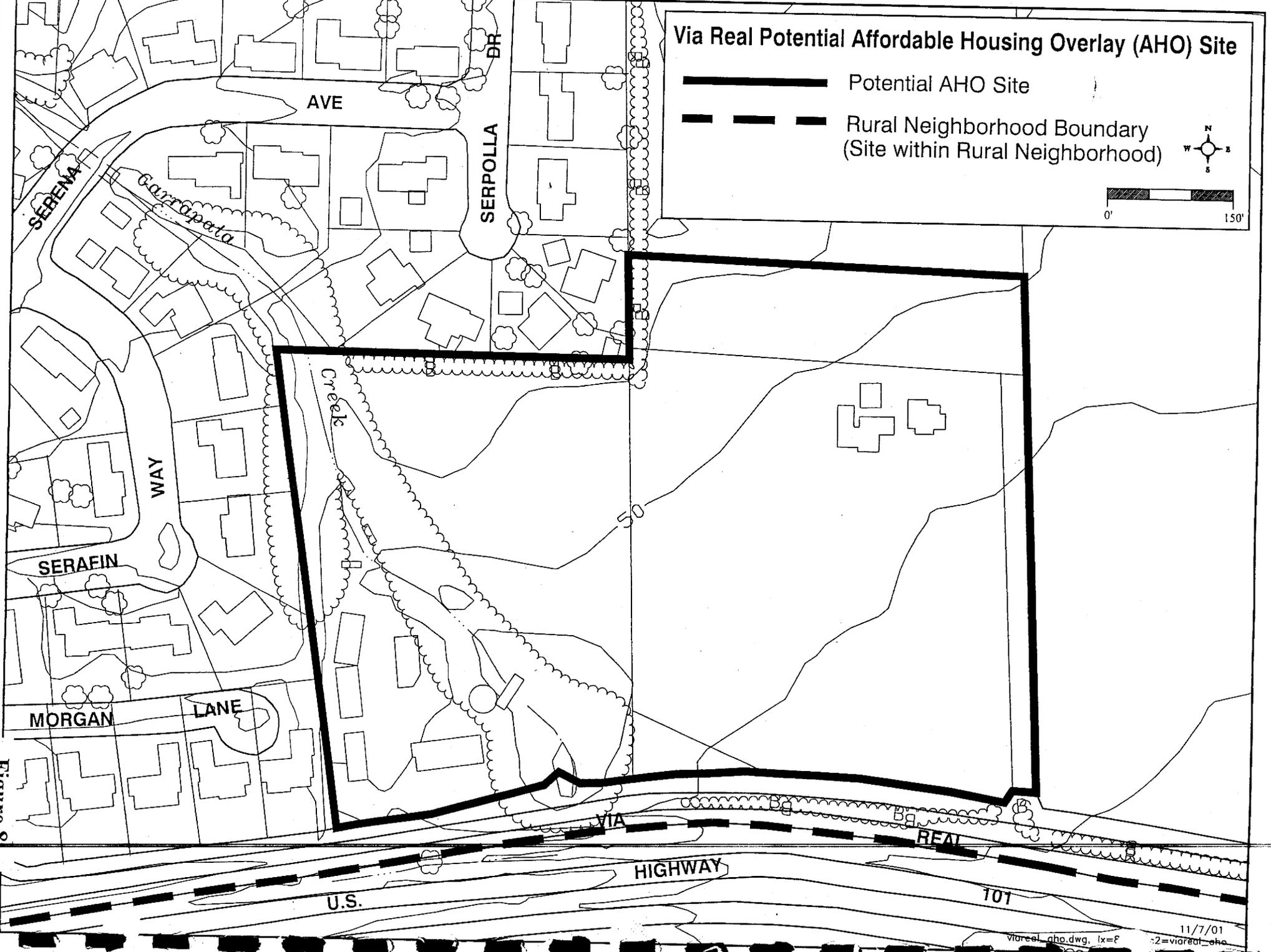
Almost 2,700 acres of Toro Canyon are designated for agricultural uses, which results in the need for residential development for both permanent and seasonal farm employees. Toro Canyon's greenhouses create a significant unmet demand for this type of housing. Farm employee housing currently requires either a minor or major Conditional Use Permit under the agricultural zoning districts.

3. Affordable Housing Overlay (AHO)

The AHO is intended to encourage the provision of affordable housing by offering, in addition to a site's base residential density, an optional higher density and other developer incentives along with specific affordability requirements. This Plan anticipates the potential future application of the AHO to part or all of the 11.4-acre Via Real Company site (APNs 005-270-017, -019, -029, -033, & -034), located on the north side of Via Real between the Polo Club on the east and existing residential tract housing on the west (see Fig. 8 and Action LUR-TC-1.3). Application of the AHO on this site, which is located within a Rural Neighborhood, would be contingent upon amendment of the Housing Element to allow the AHO within such neighborhood areas; currently (2001) the Housing Element limits the AHO to the Urban Areas only. Appropriate base and AHO densities would be considered at such time as the AHO may be applied to the property. Current terms of the AHO would require that at least 30% of the units developed under the optional higher AHO density be affordable to very-low-income households, or that at least 50% of such units be affordable to a range of low- and moderate-income households.

# Via Real Potential Affordable Housing Overlay (AHO) Site

-  Potential AHO Site
-  Rural Neighborhood Boundary (Site within Rural Neighborhood)



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## Toro Canyon Plan

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### 3. LAND USE - RESIDENTIAL GOAL, POLICIES AND ACTIONS

**GOAL LUR-TC: Balance Residential Development With Protection of Resources, Respect Constraints To Development and Concentrate Development In Areas With Adequate Public Facilities and Services.**

**Policy LUR-TC-1: The County shall encourage a diversity of housing types, while maintaining the predominantly large lot single family rural character of Toro Canyon.**

**Action LUR-TC-1.1:** The county shall consider the approval of Residential Second Units, which categorically are considered to be potentially affordable units, on appropriate sites in a manner consistent with applicable goals, policies, development standards, and ordinance provisions.

**Action LUR-TC-1.2:** The County shall work with interested property owners to develop appropriate farm employee housing, which shall be sited and designed in a manner consistent with the goals, policies, and development standards of this Plan.

**Action LUR-TC-1.3:** At such time as the Housing Element may be amended to allow application of the Affordable Housing Overlay within Rural Neighborhood areas, the county shall consider applying this Overlay to part or all of the Via Real Company property between the Serena Park neighborhood and the Polo Club (APNs 005-270-17, -19, -29, -33, &-34). Appropriate base and AHO densities shall be considered at such time.

**Policy LUR-TC-2: Residential development, including but not limited to the size of structures and development envelopes, shall be scaled to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes.**

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## Toro Canyon Plan

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### C. LAND USE – COMMERCIAL AND INSTITUTIONAL FACILITIES

#### 1. EXISTING SETTING

##### *a. Plan Area Setting—Commercial*

Toro Canyon is primarily a rural and semi-rural agricultural and residential area. Residents largely conduct their shopping in neighboring communities such as Montecito, Summerland, Carpinteria, or Santa Barbara. However, two areas along U.S. Highway 101 serve both residents and travelers. These two small “Highway Commercial” enclaves, with a limited range of uses, are located on Via Real and Santa Claus Lane. Combined recent annual taxable retail sales for the area is more than \$5 million. The Toro Canyon Plan proposes modifications to the commercial designations of the Santa Claus Lane area to broaden available uses and assist in revitalization of the area.

**Via Real:** The three Highway Commercial parcels between Via Real and Highway 101, at the eastern Padaro Lane/Highway 101 interchange, support a private gas station, a service garage, and a specialty car-related business. Pole signs, cars awaiting repair, rusting trailers and various flats of construction materials are visible from Highway 101. Both the garage and the industrial building are bordered by chain-link fencing. This area could benefit from additional landscaping and other features to improve aesthetics.

**Santa Claus Lane:** Santa Claus Lane is located in the southeastern area of the Toro Canyon planning area. The Lane is a frontage road between Highway 101 to the north and Union Pacific Railroad tracks/seawall and Pacific shoreline to the south. The Lane is continuous with Padaro Lane to the west, where custom homes are located. A gated exclusive residential area, Sandyland Cove, is located to the east of Santa Claus Lane. The eleven parcels on the Lane total about four acres. The Lane has a scattering of buildings and is less densely developed at its western end.

The largest parcel on the Lane is occupied by the Padaro Beach Grill restaurant, which features a park-like outdoor dining area with views of the ocean. Another restaurant on the Lane is part of the complex of buildings historically topped by the Santa Claus figure. Three retail shops, including a toy store, two gift shops featuring holiday items and decorative pieces, and an art gallery are also located in the complex. An agricultural and gardening supplies distributor, Western Farm Service, occupies the last structure at the western end of the lane. It stores many of its supplies outside behind a wooden fence. Business survey responses indicate that the majority of patrons at these businesses are local people rather than highway travelers. In addition to these commercial uses, a few dwellings are located along the Lane.

In general, the Lane has inconsistent architectural styles. Some of the architecture on the Lane can be classified as “Vernacular Commercial,” which is informal and casual with no discernible high style features. It is expressed on Santa Claus Lane through the use of informal wood buildings designed to showcase commercial wares. The style antecedents for these buildings are based on American folk architecture, differing from East Coast to West Coast through the use of

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## Toro Canyon Plan

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different wood siding. On the East Coast, shingles and clapboards were more usual, while on the West Coast board and batten was the norm, based on Western homestead buildings of the late nineteenth century. The more recent association is with twentieth century (1900-1950) roadside or beach town architecture.

Some areas of the Lane feature discontinuous sidewalks, sparse landscaping, unpaved parking areas with poor drainage, and unkempt paint on buildings. Cyclone, wooden, and black vertical metal bar fencing also occur along the Lane. To make the Lane appear welcoming and aesthetically pleasing to pedestrians, continuous sidewalks, additional well-maintained landscaping, well-kept building facades, compatible architectural styles and reduced fencing or vegetative screening of fencing may be advantageous.

Recent ownership changes and development proposals indicate a pattern of significant changes to Santa Claus Lane development trends. Parcel 005-450-06 had a vacant auto service garage station on it for many years. The garage was removed for the construction of the Franz Commercial Development which includes 6293 square feet of retail space, office space, and a second story residential apartment. Parcel 005-450-08, with a Christmas gift shop, and parcel 005-450-09, with Santa's Trading Post, have recently experienced ownership changes.

Santa Claus Lane property owners created plans for revitalization of the Lane in April, 1999 which include architectural and streetscape guidelines and a conceptual streetscape plan including a new parking configuration, crosswalks, landscaping, and street amenities such as sidewalks, bike racks, and benches. Funding for the improvements needs to be identified before the plans can be carried out.

### *b. Plan Area Setting-Institutional Facilities*

Three institutional facilities are found in Toro Canyon. The former Jesuit Novitiate property, northwest of the Ladera Lane and East Valley Road intersection, has historically been a seminary. Recently sold, most of the site is approved for low-density residential development (Cima del Mundo). A revised Conditional Use Permit has been approved for the La Casa de Maria retreat center to operate in the former seminary. The Vedanta Society Temple and bookstore located to the north is open to the public seven days a week with a lecture every Sunday serving about 100 guests. The Vedanta property also contains several permanent residences. The Pacifica Graduate Institute operates up to 225 days out of the year and, according to the Institute's Conditional Use Permit, no more than 65 students attend classes on any day and no more than 35 students stay overnight on campus on any given day. Currently, approximately 100 acres are used for institutional facilities in Toro Canyon. This plan proposes no major changes to existing institutional areas.

### *c. Regulatory Setting*

Both the state Coastal Act and the Santa Barbara County Local Coastal Program (LCP) identify visitor-serving commercial uses as having priority over private residential, general industrial, and general commercial development, and discourage commercial areas in the coastal zone that are built primarily to serve local residents. Accordingly, both Via Real and Santa Claus Lane were

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## Toro Canyon Plan

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zoned Highway Commercial under the original LCP to provide areas adjacent to highways or freeways exclusively for uses that serve the highway traveler.

The Highway Commercial zoning allows only limited commercial uses focusing on serving the traveling public. Because of location, access, fragmented ownership, parking constraints and limited demand, this designation did not assist in the most efficient use of the Santa Claus Lane commercial area. Business vacancies have been common, building modernization and upkeep sometimes lag, and this important gateway has been somewhat depressed. Also, both commercial strips are dominated by businesses serving locals rather than those intended by the Highway Commercial zoning. Based upon a survey of the commercial area property owners and businesses, most respondents indicated a preference for allowing additional commercial uses on Santa Claus Lane that are more geared to serve locals.

This plan zones Santa Claus Lane as Limited Commercial (C-1), with some additional use restrictions and design standards included in the TC Overlay. The Via Real commercial properties remain designated as Highway Commercial, due to their configuration as part of the northbound Highway 101 off- and on-ramps.

### 2. PLANNING ISSUES

As this is a rural and semi-rural area located between two established cities, creating additional commercial areas within Toro Canyon would be inappropriate. However, both existing commercial strips could benefit from upgrading as uses change. The primary planning issues are to assist in reasonable upgrades of these areas to meet the needs of area residents, balanced with continuing service to the traveling public.

In addition to the oversized Santa, Santa Claus Lane once featured a similarly scaled Frosty the Snowman and a small-scale train ride. For many years, the Lane and shops were a destination for travelers. However, for the last 15-20 years, visitors and customers have declined. Factors that have contributed to this decline include inadequate parking, demand for local rather than visitor-serving uses, small parcel size, lack of maintenance, and the design of the freeway and off-ramps so that travelers are often unaware of the Lane until after they have passed exits for it.

### 3. LAND USE – COMMERCIAL GOAL, POLICIES, ACTION, AND DEVELOPMENT STANDARD

**GOAL C-TC: Maintain an Appropriate Commercial Balance in Toro Canyon, Consistent with the Primarily Rural and Semi-Rural Nature of the Area.**

**Policy C-TC-1: The county shall encourage and support reasonable development and viability of existing commercial areas through infrastructure and design improvements.**

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## Toro Canyon Plan

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- Policy LUA-TC-1:** The County shall develop and promote programs to preserve agriculture in the Toro Canyon Plan Area.
- Policy LUA-TC-2:** Land designated for agriculture within Toro Canyon shall be preserved and protected for agricultural use.
- DevStd LUA-TC-2.1:** Development of nonagricultural uses (other than residential uses and appropriately sited public trails) on land designated for agriculture, including land divisions and changes to a non-agricultural land use/zoning designation, shall only be permitted subject to all of the following findings:
- a. Continued or renewed agricultural use of the property is not feasible;
  - b. Nonagricultural use shall be compatible with continued agricultural use on adjacent lands;
  - c. Nonagricultural use shall preserve prime agricultural land or concentrate development contiguous with or in close proximity to existing developed areas able to accommodate the use, including adequate public services;
  - d. Nonagricultural use shall not have a significant adverse impact on biological resources, visual resources and coastal resources (public access, recreation and coastal dependent uses);
  - e. Land divisions outside the Urban Boundary shall be permitted only where 50 percent of the usable parcels in the urban area have been developed and the proposed parcels would be no smaller than the average size of the surrounding parcels. Land divisions proposed in the Coastal Zone shall be consistent with Coastal Plan Policy 8.4;
  - f. For properties located in the Coastal Zone, the proposed nonagricultural use shall be consistent with Coastal Plan Policies 8.2 and/or 8.3.
- DevStd LUA-TC-2.2:** To the maximum extent feasible, hardscaped areas associated with agricultural and greenhouse development (i.e., parking lots, loading bays, interior walkways in greenhouses, and accessory building footprints) shall be minimized in order to preserve the maximum amount of prime agricultural soils. Minimizing the covering of soils shall be accomplished through efficient site and building design and the use of pervious surfaces wherever feasible.

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## Toro Canyon Plan

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**Policy LUA-TC-3:** New development shall be compatible with adjacent agricultural lands.

**DevStd LUA-TC-3.1:** New non-agricultural development adjacent to agriculturally zoned property shall include appropriate buffers, such as trees, shrubs, walls, and fences, to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel-specific review on a case-by-case basis.

**DevStd LUA-TC-3.2:** Consistent with the County's adopted Right to Farm Ordinance, a Notice to Property Owner (NTPO) shall be recorded with the final tract and/or parcel map for properties within 1,000 feet of agriculturally zoned land. The NTPO shall inform the buyer that:

*The adjacent property is zoned for agriculture and is located in an area that has been planned for agricultural uses, including permitted oil development, and that any inconvenience or discomfort from properly conducted agricultural operations, including permitted oil development, shall be allowed consistent with the intent of the Right to Farm Ordinance. For further information, contact Santa Barbara County Planning and Development.*

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## Toro Canyon Plan

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**Section III**  
**Public Facilities and**  
**Services**

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## Toro Canyon Plan

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### A. FIRE PROTECTION/HAZARDS

#### 1. EXISTING SETTING AND ISSUES

Hazardous fire conditions in Toro Canyon, like other foothill areas of southern Santa Barbara County, are a function of local topography, dry climate, fire-dependent vegetation, residential development in the hillsides, limited access/evacuation routes, and increasing fuel loads. In the Plan area, fire has the potential to spread rapidly, leaving very little time for residents to evacuate.

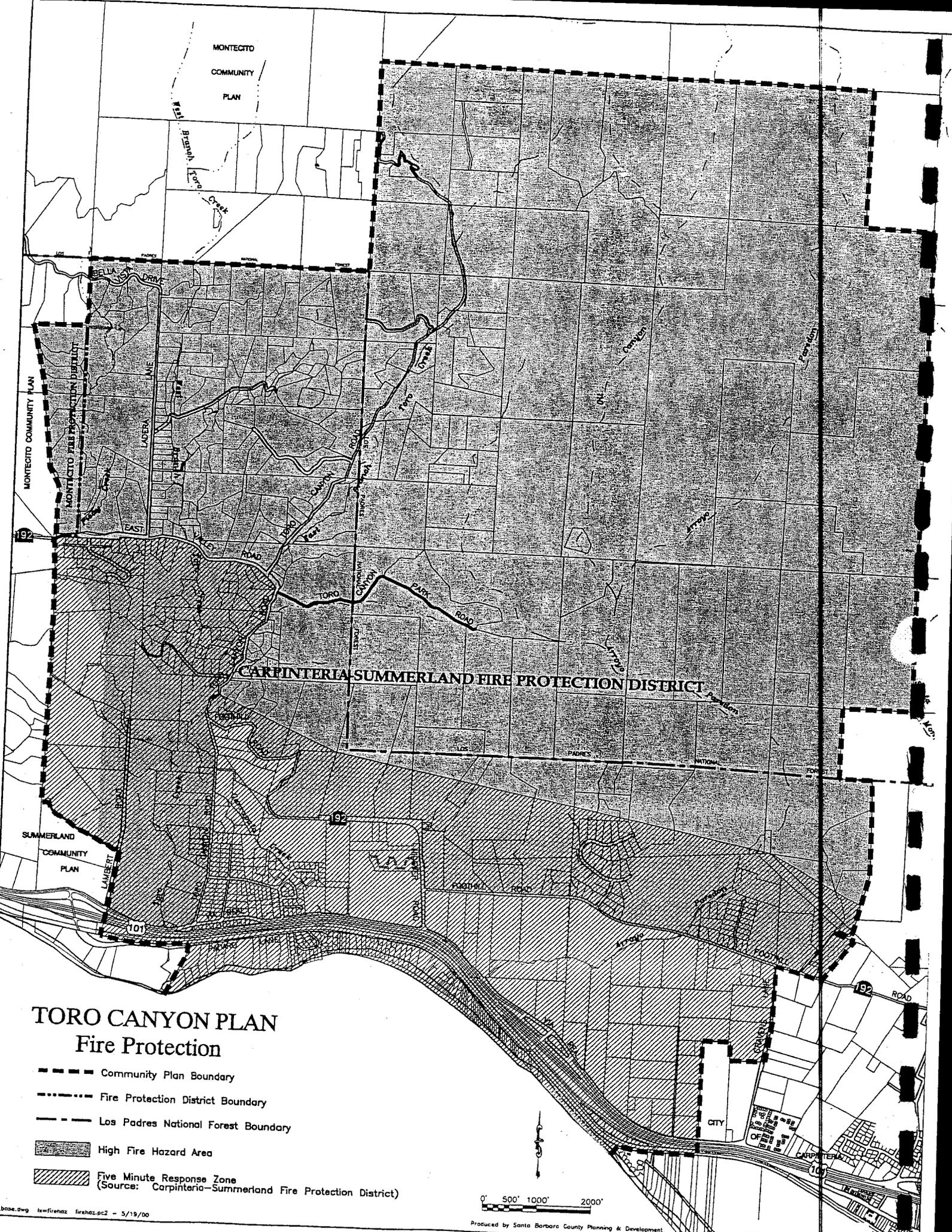
##### *Fire Protection Service*

The majority of the Toro Canyon Plan area is served by the Carpinteria-Summerland Fire Protection District (CSFPD) and the Montecito Fire Protection District (MFPD) (Figure 9). The CSFPD extends from the Santa Barbara-Ventura County line on the east to Montecito on the west and operates two stations: at 911 Walnut Avenue in Carpinteria (CSFPD Station 1); and 2375 Lillie Avenue in Summerland (CSFPD Station 2). The Summerland station receives assistance from both the Carpinteria and Montecito fire stations on an as-needed basis (Bury 1998). Paramedic services are provided by CSFPD and MFPD, and by American Medical Response from either their Carpinteria headquarters or their Santa Barbara station under contract to the County of Santa Barbara. All of the firefighters in the CSFPD and MFPD have Emergency Medical Technician training (EMT-1) and provide first response medical services.

The MFPD extends from approximately Ladera Lane west to the Santa Barbara City limits and also operates two stations in Montecito: at 595 San Ysidro Road (MFPD Station 1); and at 2300 Sycamore Canyon Road (MFPD Station 2) (see Table 5). Within the Plan area, the MFPD serves the area west of Ladera Lane and north of East Valley Road. In addition to fire response personnel, a paramedic rescue staffed by two firefighter/paramedics, a shift Battalion Chief, and a dispatcher are at Station 1 at all times. Montecito stations receive automatic aid from the CSFPD, Santa Barbara City Fire Department, and the United States Forest Service (personal communication, Jim Langhorne 1999). The MFPD Board of Directors has authorized a study for a new station at the eastern end of their jurisdiction. However, this station is not presently needed to address the MFPD service in the northwestern Plan area (personal communication, Jim Langhorne 1999).

With a population of approximately 20,000 served and seven on-duty fire personnel per shift, the current ratio of on-duty CSFPD personnel to population served is approximately one to 2,900. The ratio of on-duty MFPD personnel to population is approximately one to 994, with a population of approximately 8,500 served and nine on-duty fire personnel per shift.

Less than half of Toro Canyon is within the CSFPD's five-minute response zone (Figure 9). The response zone boundary line generally follows East Valley Road in the western Plan Area and continues just north of Foothill Road to the eastern edge of the planning area. East Valley and Toro Canyon Roads serve as the boundary edge for the five-minute response zone



MONTECITO  
COMMUNITY  
PLAN

# TORO CANYON PLAN Fire Protection

-  Community Plan Boundary
-  Fire Protection District Boundary
-  Los Padres National Forest Boundary
-  High Fire Hazard Area
-  Five Minute Response Zone  
(Source: Carpinteria-Summerland Fire Protection District)

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development

Figure 9

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## Toro Canyon Plan

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since large fire equipment is more quickly maneuvered on these roadways rather than on driveways and access roads. The U.S. Forest Service, in conjunction with the CSFPD and the MFPD, serves areas within the Los Padres National Forest. None of the Plan area is within the MFPD five-minute response zone. CSFPD, MFPD and County Fire Department require additional measures for development in high fire hazard areas including: access road width; steepness and turnout requirements; water infrastructure; automatic sprinkler systems; vegetation management plans; and special construction standards.

**TABLE 5: TORO CANYON FIRE PROTECTION SERVICES**

Station	Location	Personnel	Equipment
CSFPD Station 1	911 Walnut Ave., Carpinteria	5 per shift/ 5 total	1 engine and 2 reserve engines
CSFPD Station 2	2375 Lillie Ave., Summerland	3 per shift/ 3 total	engine company
MFPD Station 1	595 San Ysidro Rd., Montecito	6 per shift	1 engine, 1 rescue, 2 reserve engines
MFPD Station 2	2300 Sycamore Canyon Rd., Montecito	3 per shift	1 engine, 1 reserve

### Fire Hazards

Most of Toro Canyon is a high fire hazard zone, which includes all areas north of Foothill Road, and the area between Toro Canyon Road and west of Lambert Road, north of Highway 101 (Figure 9). The steep topography, high fuel load associated with native vegetation, and potential high downslope "sundowner" winds (prevailing northerly winds of superheated and extremely dry air that can blow down the coastal canyons at up to 70 miles per hour) accompanied by high temperatures and low humidity create the potential for major wildfires. Residences within the Toro Canyon foothill area are exposed to these high fire hazards and increase the potential for structural damage, emergency access/evacuation problems and risk to human life. Since upper Toro Canyon has not been subject to a major fire in over 25 years, and the southern portion for an even longer period, high fuel loads could contribute to a major fire.

The MFPD and CSFPD routinely maintain fire suppression crews for *fuel modification*, a process to reduce the fuel load (quantity) by hand decedent materials including brush and overgrowth that could be burned in a major fire. Fuel modification in the form of a *fuel break* is commonly required by fire agencies within approximately 100 feet of structures and along major access roads and driveways. Vegetation within this area is trimmed, limbed, landscaped and managed in a mosaic pattern to reduce fuel loads. Annual maintenance of the fuel break is crucial to suppress the fire hazards of the area. Historically, this technique has been implemented in lieu of constructing *fire breaks*, which are graded corridors where all vegetation is removed by heavy equipment (personal communication, Jim Langhorne MFPD, & Randy Graham CSFPD, 1999).

### Wildfire History

Both the Romero Fire of 1971 and the Coyote Fire of 1964 burned northern Toro Canyon. Approximately 80,000 acres burned in the Coyote Fire. The Romero Fire originated in Picay

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## Toro Canyon Plan

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Canyon and burned all of upper Toro Canyon, from its base at East Valley Road to the top of the Santa Ynez Mountains including Oil, Arroyo Paredon, and Santa Monica Canyons. In the past 10 years, the CSFPD has responded to three fires in the Toro Canyon area, including one brush fire in upper Toro Canyon (Oil Canyon area) and two structural fires in the lower Toro Canyon.

### Access

Fire protection in Toro Canyon is further constrained by the limited number of major roads and their physical natures. Four main access routes include Toro Canyon Road, Foothill Road, East Valley Road, and Via Real. Roadways other than Via Real are narrow and winding, with shoulders either limited or absent. North-south access to upper Toro Canyon is limited to Toro Canyon Road on the east and Ortega Ridge Road to the west. The narrow winding roads and steep grades delay emergency response time, and the lack of routes funnel all residents and emergency vehicles onto the same narrow roads.

### Evacuation

No official evacuation routes in the Plan Area have been designated by the County Office of Emergency Services (OES). Designating official evacuation routes may not be desirable for wildland fires, since the location of the fire will determine the appropriate direction for evacuation to occur. However, local fire agencies, law enforcement, transportation officers and OES continually work towards better integrated fire preplanning, including mutual aid response, coordinated staging and command posts, and citizen shelters. Due to narrow roads, emergency vehicles entering the Plan area would complicate a quick and successful evacuation of the area.

## 2. PLANNING ISSUES

Narrow roads, steep terrain, high fuel load, and access and evacuation difficulties necessitate that development in Toro Canyon require a variety of additional fire protection measures. These measures include fire development standards for new development and a vegetation management plan, and a new fire station may be established in the area. The MFPD Board of Directors has authorized a study for a new station at the eastern end of their jurisdiction. Given issues such as habitat protection, aesthetics and erosion control, such measures may not be fully effective.

While providing fuel breaks for protection of homes can reduce fire hazards, fuel breaks may increase erosion, eliminate wildlife habitat, require removal of mature trees, increase invasive non-native vegetation, and change the area's scenic and rural character. Locating roads, driveways and yards between development and high fire hazard open space could minimize exposure of new homes to wildland fires and reduce impacts to habitat. Vegetation management along certain roads in Toro Canyon would reduce fire hazards along evacuation routes by reducing the fuel loading and increasing the width and visibility along roads. Carefully implemented, such a program could also protect the aesthetic character of the brush and tree-canopied, rural roads that are valued by many Toro Canyon residents. The MFPD has staffed a full-time position for a Wildland Fire Specialist to develop fire hazard mitigations.

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## Toro Canyon Plan

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### 3. FIRE PROTECTION GOAL, POLICIES, ACTIONS, AND DEVELOPMENT STANDARDS

**GOAL FIRE-TC: Maximize Effective and Appropriate Fire Prevention Measures in Order to Minimize Exposure of People and Property to Wildfire Hazards; Minimize Adverse Impacts of Fire Protection and Suppression Efforts.**

**Policy FIRE-TC-1: The County shall coordinate with the Carpinteria and Montecito Fire Protection Districts to maintain and improve fire prevention and protection service for the residents of the Toro Canyon Planning Area.**

**Action FIRE-TC-1.1: The County shall coordinate with the Carpinteria Fire Protection District to ensure that fees for new development are adequate to cover the cost of required fire protection services.**

**Policy FIRE-TC-2: Fire hazards in the Toro Canyon Planning Area shall be minimized in order to reduce the cost of/need for increased fire protection services while protecting the natural resources in undeveloped areas.**

**Action FIRE-TC-2.1: When the County updates the Comprehensive Plan Safety Element, the County, where applicable, shall update the policies and development standards in the Toro Canyon Plan Fire Protection/Hazards Section.**

**DevStd FIRE-TC-2.2: Development shall be sited to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zone(s) on the property (see Appendix D).**

**DevStd FIRE-TC-2.3: Applications for parcel and tract maps in high fire hazard areas shall include fuel management plans for review during the permit review process. Such plans shall be subject to final review and approval by Planning & Development and the applicable Fire District before recordation of the final map.**

**DevStd FIRE-TC-2.4: Two routes of ingress and egress shall be required for discretionary permits for subdivisions involving five or more lots to provide emergency access unless the applicable fire district waives/modifies the requirement**

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## Toro Canyon Plan

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and documents finding(s) for the waiver/modification with the County. For discretionary permits for subdivisions involving fewer than five lots, the permit application shall identify a secondary ingress and egress route for review by appropriate P&D decision maker. This secondary route may be a consideration in the siting and design of the new development.

**DevStd FIRE-TC-2.5:** All private roads and driveways serving development, including but not limited to subdivision or additional residential units on one lot, shall be constructed to the minimum roadway width requirement of the CSFPD or MFPD unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County.

**DevStd FIRE-TC-2.6:** Development requiring fire hydrants in the Plan area shall maintain the required residual water pressure and hydrant spacing standards of the CSFPD or MFPD unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County.

**DevStd FIRE-TC-2.7:** Development within or adjacent to high fire hazard areas shall include the use of fire prevention measures such as fire retardant roof materials, sprinklers, and water storage consistent with county and state regulations for fire resistant construction, and the respective fire district standards of the CSFPD and MFPD.

**Action FIRE-TC-2.8:** P&D shall encourage and work with the CSFPD, MFPD and the residents in the Planning Area to prepare a Toro Canyon Fire Protection Plan. Other affected departments and agencies, such as the County Public Works and Fire Department, the U.S. Forest Service, and the Fire Safe Council, a south coast multi-agency/community organization, should also be encouraged to participate. A component of the plan shall include a fire education program for the residents. The education program shall address roadside fuel management, including mowing of annual grasses within public road rights-of-way and selective pruning of trees and brush near such roads. The Plan shall maintain the aesthetic character of the area, while increasing roadway width and visibility, and controlling the "bottom rung of the fuel ladder."

**Action FIRE-TC-2.9:** P&D, in cooperation with Public Works and the CSFPD shall prepare a fee schedule for the Toro Canyon Fire Protection Plan. The fees assessed from new development on affected parcels shall help to fund implementation of this Toro Canyon Fire Protection Plan.

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## Toro Canyon Plan

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- Policy FIRE-TC-3:** Fuel breaks in Toro Canyon shall be sited and designed to be effective means of reducing wildland fire hazards and protecting life and property, while also minimizing disruption of biological resources and aesthetic impacts to the maximum extent feasible.
- DevStd FIRE-TC-3.1:** Fuel breaks shall incorporate perimeter roads and yards to the greatest extent feasible. Development envelopes containing new structures and the area of site disturbance shall be sited to reduce the need for fuel breaks (see Fuel Management Guidelines in Appendix D).
- DevStd FIRE-TC-3.2:** Fuel breaks shall not result in the removal of protected healthy oaks, to the maximum extent feasible. Within fuel breaks, treatment of oak trees shall be limited to limbing the branches up to a height of eight (8) feet, removing dead materials, and mowing the understory. Along access roads and driveways, limbing of branches shall be subject to the vertical clearance requirements of the CSFPD and MFPD. Where protected oaks have multiple trunks, all trunks shall be preserved.
- DevStd FIRE-TC-3.3:** Fuel management within *Inland* Environmentally Sensitive Habitat (ESH) and the ESH buffer areas shall be subject to Biological Resources DevStd BIO-TC-7.6.
- DevStd FIRE -TC-3.4:** Fuel management within *Coastal* Environmentally Sensitive Habitat (ESH) and the ESH buffer areas shall be subject to Biological Resources DevStds BIO-TC-4.2 and BIO-TC-4.3.

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# Toro Canyon Plan

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### B. PARKS, RECREATION & TRAILS

#### 1. PARKS

##### a. *Parks Setting*

The main public and private recreational amenities in Toro Canyon include Toro Canyon County Park, a regional park outside of the concentrated residential areas containing 68 acres of public picnic and play areas, a sand volleyball area, stables, and walking trails. The privately owned Santa Barbara Polo and Racquet Club located on Nidever Road and Via Real provides stables, polo grounds, tennis courts, and a pool. Other amenities include the beach adjacent to Padaro Lane and Santa Claus Lane, and several existing trails.

##### b. *Park Issues*

No neighborhood parks exist in Toro Canyon. Toro Canyon Park, in the northern Plan Area, is the only public park and the only facility with playgrounds for children.

The Santa Barbara County Board of Supervisors has established in the Comprehensive Plan Recreation Element a minimum standard ratio of 4.7 acres of recreational/open space per 1,000 people in a given community area. As discussed above, formal public recreational areas within the Plan area are limited to the 68-acre Toro Canyon Park. (Since the polo fields are privately owned and are not accessible to all residents, they are excluded from consideration in community planning efforts.) The approximate population of the Plan area is 2,275 persons, based on 849 existing units and approximately 2.68 persons/unit (Santa Barbara County Housing Element, 1993). The resulting ratio is over 30 acres of recreational/open space per 1,000 people. Therefore, in terms of acreage, there is no deficiency in the amount of recreational space available. However, the recreational opportunities located in Toro Canyon Park are not immediately accessible from most residences by foot or bicycle. Therefore, there is a deficiency in accessible park land located near the most densely populated areas of the Plan area, such as Serena Park

While a formal study has not been performed for the Toro Canyon area, analyses completed for other areas of the County such as Goleta and Orcutt indicate that the current fee structure is not sufficient to provide adequate recreational facilities. Parks, open spaces, and recreational facilities are available to project area residents, although the location and number of such facilities do not meet neighborhood recreational demand. Deficiencies include lack of developed neighborhood parks and shortages of specialized recreational facilities, such as public tennis courts and pools.

The County is usually able to secure enough capital funds to improve land for parks and open space, although it has not historically been able to secure sufficient funds for long-term maintenance of these facilities. Maintenance funding has primarily come from the General Fund. Competition for General Fund monies has resulted in the decline of funding for maintenance of public park/open space facilities, and the inability to acquire and maintain parks in the Plan area has resulted in insufficient developed neighborhood park recreational opportunities.

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## Toro Canyon Plan

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### 2. BEACHES

#### a. *Beaches Setting*

Although the City of Santa Barbara has many public beaches, much of the South Coast lacks formal beach access points. Of the County's 110 miles of shoreline, only twenty miles (18%) are publicly owned, although the public legally owns and is allowed access along all beaches below the mean high tide line. The coastline provides a diversity of topography and vegetation (e.g., rocky headlands and wide sandy beaches) and supports a range of recreational uses, including surfing, swimming, walking, sunbathing, and nature study. Where access is available, these beaches receive extensive use by locals and visitors, providing a significant component of local recreation.

No dedicated open public beach access exists along Toro Canyon's two miles of beach frontage. Loon Point, immediately west of Toro Canyon, provides the only open public beach access in close proximity to Toro Canyon. Loon Point provides a parking lot on the north side of Padaro Lane with a trail access to the beach and a nearby Monarch butterfly roosting area. The County also maintains two more beach access points in Summerland. The closest public beach access to the east is at Carpinteria City Beach.

Beach access in Toro Canyon has been gradually obstructed by development of coastal properties. Many properties fronting the beach in the Plan Area have seawalls and some of these seawalls project out far enough that lateral access is impaired during high tide. Informal access to the two beach areas in the Plan area is summarized below.

#### b. *Beach Issues*

The California Constitution guarantees public right of access to all beach areas below the mean high tide line, and the County's Coastal Plan designates public beach access as a high priority. However, vertical coastal access along almost the entire coastal frontage in Toro Canyon (i.e., Padaro Lane to Santa Claus Lane) is severely limited and beach access is not yet formalized in Toro Canyon.

Public access for Toro Canyon's two miles of sandy beach frontage from Padaro and Santa Claus Lanes has been gradually obstructed by development of coastal properties. Substantial informal (i.e. not dedicated/protected) public access occurs by crossing the Union Pacific Railroad tracks and seawall at the western end of Santa Claus Lane. Some informal roadside parking exists in this area.

**Padaro Lane:** The 1.5 miles of sandy beach frontage west of Santa Claus Lane beaches are obstructed at all but the lowest tides by an artificial headland consisting of several single family homes surrounded by a major seawall. Some of the homes in the Padaro Lane area were granted permits to build under the condition that access to the beach would be offered to the public via vertical easements to and/or horizontal easements along the beach. For formal access to become available at Padaro Lane, the one existing public vertical access easement within the Padaro Lane area to the beach would need to be opened and appropriate improvements may need to be provided.

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## Toro Canyon Plan

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Several discontinuous informal parking spaces exist on the north side of the road along Padaro Lane between Garrapata Creek and Toro Creek. Parking on the shoulder north of the road is extremely constrained east of Arroyo Paredon due to an open drainage channel and landscaping. Traveling westward, the shoulder widens and many parallel and perpendicular parking space areas approximately fifteen feet wide exist. Approximately 15-20 spaces are developed between the residences of 3200 to 3300 Padaro Lane.

***Santa Claus Lane:*** This area is extensively used by the public, although no official beach access easement exists. Public access occurs by crossing the Union Pacific Railroad tracks and climbing over large seawall rocks at the western end of Santa Claus Lane. No crossing guards or signals exist to caution beach-goers of approaching trains, and traversing the seawall can be difficult. Limited informal roadside parking exists in this area.

The Toro Canyon Plan may be used in conjunction with the County's ongoing coastal access implementation program to secure additional public beach access.

### 3. TRAILS

#### a. *Trails Setting*

In the South Coast, seven public trails (Romero, Rattlesnake, Cold Springs, San Ysidro, Jesusita, Tunnel and Gaviota Trails) provide hikers, bicyclists and equestrians access to the Los Padres National Forest and remote scenic areas not served by roads. The 1980-1981 Comprehensive Plan and Coastal Plan included a Recreation Element and accompanying Parks, Recreation and Trails maps (PRT-2) for the Carpinteria/Summerland areas. The map includes the Toro Canyon Planning Area within its boundaries and establishes a planning tool for a proposed network of trails identifying existing trail easements and proposed trail corridors for future exaction or acquisition. Table 6 provides a brief description of these trails. Figure 10 represents an update of PRT-2 for the Planning Area with minor revisions. The 1980-1981 map established an extensive network of proposed off-road and on-road trails. The Toro Canyon Plan updates and revises the map to reflect existing easements and shifts some proposed trails to follow property boundaries. The Plan also revises the routing of trails 2, 6, and 11, adds an on-road trail along Nidever Road and shows proposed staging areas (Figure 10). The eighteen existing and proposed off-road trails total over seven miles in length, and the six existing and proposed on-road trails are over three miles in length. The Polo Club Connector/Perkins Trail and Toro Canyon Park Trail are the most accessible and clearly marked existing trails in Toro Canyon.

The proposed Plan incorporates input from representatives of the Montecito Trails Foundation and the County Riding and Hiking Trails Advisory Committee (CRAHTAC), First District. Many of the proposed trails have been sited to connect with existing trails outside of the Toro Canyon Plan area.

# Toro Canyon Plan

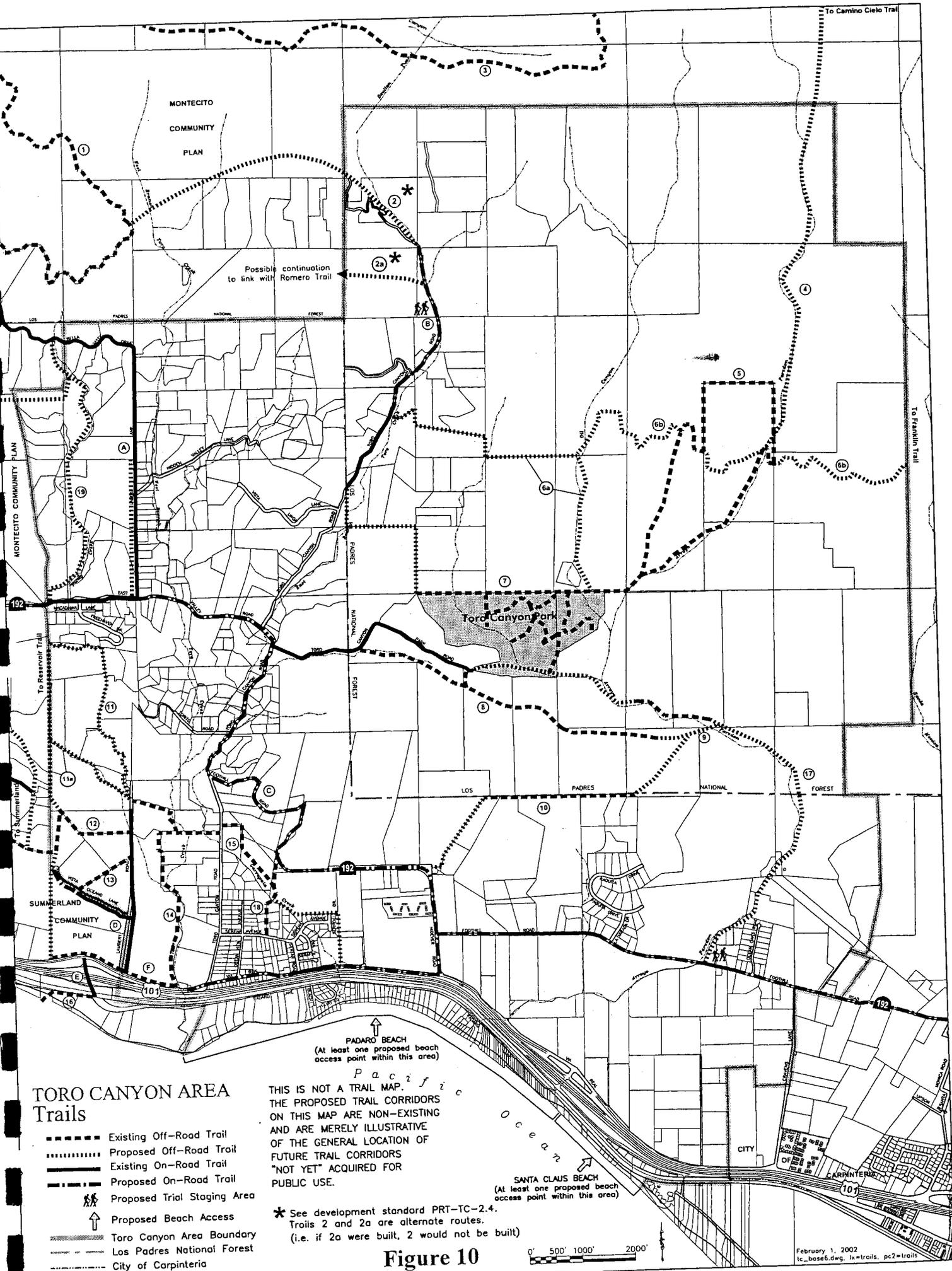
## Table 6: On-Road Trails<sup>1</sup>

Key	Trail Name. Description
A	Ladera Lane. Wide, straight, steep road has ample room for pedestrians on unmarked road shoulders.
B	Toro Canyon Road. Due to creeks, steep slopes adjacent to the road and encroaching vegetation, constructing a road shoulder trail here is unlikely. An easement is held for the portion of Toro Canyon Road just north of where Toro Canyon Road and Vista Linda Road meet. High acquisition priority. Low-intensity parking area proposed to serve proposed trail connecting to Romero Canyon Trail and proposed trail connecting to Toro Canyon Park.
C	Foothill Road. A designated Class III bike trail, portions of this road east of Serena Park are moderately wide, allowing for some recreational use on the marked shoulders. The portion which winds through the canyon is much narrower. Low acquisition priority. Staging area proposed to serve proposed Arroyo Paredon Creek Trail (Peck Trail).
D	Lambert Road. Moderately wide road allows for some recreational use on the unmarked shoulders.
E	Padaro Bridge Shoulder Trail. West of Toro Canyon, connects across creek and under freeway.
F	Via Real. Extends from west of Toro Canyon at Greenwell Ave. to Nidever Road. Class II bikeway recently created along Via Real through the Toro Canyon Planning Area. High acquisition priority.

## Table 6: Off-Road Trails<sup>1</sup>

Key	Trail Name. Description
1	Romero Canyon Trail. North of Toro Canyon. The eastern-most and western-most portions of this trail are used for mountain biking as well as hiking. Provides connection to Camino Cielo trail. Officially open to the public, passable.
2	Proposed Connection, Romero Canyon Trail from Toro Canyon Rd. (Toro Canyon Saddle Trail). High acquisition priority.
2a	Proposed Alternative Connection to Romero Canyon Trail. Steep terrain, but distant from avocado orchards.
3	Camino Cielo. Dirt road path north of Toro Cyn., part of the Los Padres National Forest. Open to the public, passable.
4	Proposed Camino Cielo Connection from trail northeast of Toro Canyon Park. Trail would be along Arroyo Paredon Creek corridor, sited with least impact to biological resources as feasible. Medium acquisition priority.
5	Trail northeast of Toro Canyon Park. Legal easements form a loop here, but trail not built. High construction priority.
6a	Proposed Connection to Toro Canyon Road/Toro Canyon Park. Would be continuous with proposed Edison Catway trail and existing loop easement northeast of Toro Canyon Trail. High acquisition priority.
6b	Edison Catway. Dirt road which facilitates utility line maintenance. Proposed trail to connect with Franklin Trail located in Rancho Monte Alegre. High acquisition priority.
7	Toro Canyon Park Trail. Moderately steep loop within Toro Canyon Park. The crest of the trail features a viewing area with a gazebo and bench. This County property is open to the public and passable. A large parking area is located within the park. Alice deCraft Trail. North of Toro Canyon Park. This is a legal county easement, but is closed to the public and impassable. This trail easement would connect with proposed Trail 4 to connect to Camino Cielo.
8	Canyon Trail/Ridge Trail (Talcott Trail). The Canyon trail leads from the road to a viewing area. The Ridge Trail begins at the crest of Toro Canyon Park Rd. This trail is a legal county easement officially open to the public.
9	Pump Station Trail. Some easements are held along this proposed trail.
10	Unnamed Rocky Trail. This is a legal county easement. The property is very rocky and steep. Low priority.
11A	Proposed Lambert Trail. This trail would provide another route northwest to the Reservoir Trail west of Toro Canyon from the Polo Club Connector/Perkins Trail, following a Toro Creek tributary. Low acquisition priority.
11	Proposed Lambert Trail Alternative Route
12	Reservoir Trail Connection. West of Toro Canyon. A legal county easement, open to the public.
13	Fantasy Farms Loop. Legal county easement open to the public, passable.
14	Toro Canyon Creek Connector/Meeker Trail. Legal county easement, closed to public due to encroachment. High priority to reopen.
15	Polo Club Connector/Perkins Trail. Generally narrow, flat, straight, equestrian trail runs east-west between private developed property fences. Extends from Lambert Rd. to Foothill Rd. Continues westward to Summerland.
16	Loon Point Beach Access Trail. West of Toro Cyn. This trail provides the closest formal beach access to Toro Cyn and has a parking lot with an off-road trail to the beach. Legal county easement or property open to the public, passable.
17	Arroyo Paredon Creek (Peck Trail). Would connect to Toro Canyon Park from Foothill Rd. High acquisition priority.
18	Ed Clark Trail. Legal county trail easement or property, closed to the public. High priority to open the trail.
19	Picay Creek Trail. Proposed trail connecting existing on-road E. Valley Rd. trail and Bella Vista Dr. trails to be located generally within an existing conservation easement. Segment of this trail would connect to Romero Cyn. Rd. High Acquisition Priority

<sup>1</sup>Note: The map referred to by these tables is a broad planning map. The proposed trail corridors on the maps are merely illustrative of the general location of future trail corridor locations.



### TORO CANYON AREA Trails

- Existing Off-Road Trail
- ..... Proposed Off-Road Trail
- Existing On-Road Trail
- · - · - Proposed On-Road Trail
- ⚓ Proposed Trail Staging Area
- ↑ Proposed Beach Access
- ▭ Toro Canyon Area Boundary
- ▭ Los Padres National Forest
- ▭ City of Carpinteria

THIS IS NOT A TRAIL MAP. THE PROPOSED TRAIL CORRIDORS ON THIS MAP ARE NON-EXISTING AND ARE MERELY ILLUSTRATIVE OF THE GENERAL LOCATION OF FUTURE TRAIL CORRIDORS "NOT YET" ACQUIRED FOR PUBLIC USE.

\* See development standard PRT-TC-2.4. Trails 2 and 2a are alternate routes. (i.e. if 2a were built, 2 would not be built)

Figure 10

0' 500' 1000' 2000'

February 1, 2002  
tc\_base6.dwg, lx=trails, pc2=trails

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## Toro Canyon Plan

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For example, connections to the Romero Canyon Trail, Camino Cielo in the Los Padres National Forest, and the Franklin Trail are proposed. Two new staging areas, where public parking would be provided to increase trail accessibility, are proposed in conjunction with the trails. The staging areas, as shown on Figure 10, would be located in the area of Foothill Road near Arroyo Paredon Creek and near the debris basin on Toro Canyon Road.

According to the Parks and Recreation policies of the Land Use Element, opportunities for hiking and equestrian trails should be preserved, improved, and expanded wherever compatible with land uses. Toro Canyon, because of its special aesthetic qualities, topography, opportunities for wildlife study, and views of the Santa Ynez Mountains and ocean, is an especially ideal place for trails. Careful trail siting is important to minimize negative impacts to the natural environment and existing land uses and developments. Appendix E addresses land use compatibility; biological, agricultural, and archaeological concerns; access control; and trail maintenance/construction.

### *b. Trail Issues*

- **Staging Areas.** Many proposed trails and existing legal county easements do not have parking available at trail heads.
- **Encroachments.** Legal county trail easements sometimes become impassable due to private property owner fencing or vegetation overgrowth.
- **Fragmentation.** Many trail easements held by the County are not continuous with existing trails and the connectivity of existing trails is extremely limited in Toro Canyon.
- **Agricultural Land Use Conflicts.** Siting trails near agricultural lands can be problematic due to potential pesticide use harmful to trail users, and potential pilferage and damage to agriculture by trail users.
- **Aesthetics.** Development next to trails can obstruct public views from trails. Construction material, such as reflective greenhouse roofs in the southern area of Toro Canyon, can degrade public views.

## 4. PARKS, RECREATION, AND TRAILS GOAL, POLICIES, ACTIONS, AND DEVELOPMENT STANDARDS

**GOAL PRT-TC: Public Recreational Opportunities For Residents And Visitors, Including Improved Beach Access, Expanded Trail Network And Parks.**

**Policy PRT-TC-1: The County shall strive to provide new park facilities, increased beach access and new trails.**

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## Toro Canyon Plan

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### Parks

**Action PRT-TC-1.1:** The County shall conduct a fee study, to be completed by 6/30/2003, to determine if current fees are adequate to provide and maintain parks and other public recreational facilities.

**Action PRT-TC-1.2:** The County shall pursue siting a neighborhood park within the central area of residential development near Toro Canyon Road and Highway 101.

### Beach Access

**Action PRT-TC-1.3:** The County shall pursue, to the extent feasible, developing a public beach access on Padaro Lane, provided the County Board of Supervisors finds, based on substantial evidence, that there are insufficient opportunities for public access to the beach elsewhere in the Plan area. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. The County shall include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The siting of the beach access shall minimize removal of native trees and eucalyptus trees that are part of a monarch butterfly aggregation site.

**Action PRT-TC-1.4:** Public access to the beach from Santa Claus Lane shall be formalized as soon as feasible by: securing and opening a vertical accessway between Santa Claus Lane and the beach; clarifying the status of lateral beach access rights and securing any easements that may be necessary and appropriate; developing one or more parking areas (also see Action CIRC-TC-4.3); constructing appropriate safety features; and installing any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. The opening of any beach access shall be considered "development" subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Access for jet ski and other motorized recreational activity shall be prohibited from any coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking

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## Toro Canyon Plan

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area(s) developed in support of this recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.

### Trails

- Action PRT-TC-1.5:** The County should investigate all obstructions to dedicated public trails and property and take appropriate action to remove any such obstructions.
- DevStd PRT-TC-1.6:** Consistent with the Agricultural Element, all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails.
- Action PRT-TC-1.7:** The County shall actively pursue acquisition of interconnecting useable public trails within designated trail corridors through negotiation with property owners for purchase, through exchange for surplus County property as available, or through acceptance of gifts and other voluntary dedications of easements.
- Action PRT-TC-1.8:** If either of the proposed alternative connections to the Romero Trail from Toro Canyon Road (2 or 2a on Figure 10) and/or the proposed connection between Toro Canyon Park and Toro Canyon Road (6a on Figure 10) are constructed, the County should consider the feasibility of siting low-intensity roadside parking on the western portion of parcel 155-020-004 (Figure 10). Also, appropriate "no parking" signs shall be located along Toro Canyon Road consistent with applicable County Road Division standards, and motor vehicle barriers shall be installed at trailheads per County Park Department standards. The staging area would feature a minimal amount of grading and clearing so as not to disturb existing trees.
- Action PRT-TC-1.9:** Trailhead parking shall be sited and designed to minimize disruption to existing neighborhoods.
- Action PRT-TC-1.10:** The County shall support the efforts of volunteer trail organizations and encourage their efforts to clear trails. County support may include,

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## Toro Canyon Plan

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but not be limited to: coordinating volunteer efforts, designating a liaison between volunteer groups and the County Park Department, providing information on grant opportunities, and facilitating communication between trail organizations.

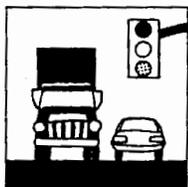
- Policy PRT-TC-2:**      **The County shall ensure that trails provide users with a recreational experience appropriate to the quiet, rural nature of the area.**
- DevStd PRT-TC-2.1:**      Development adjacent to trail easements shall include setbacks and, where appropriate, landscaping to minimize conflicts between use of private property and public trail use. For off-road trails outside of Urban and Rural Neighborhood areas, new structures shall be sited at least 50 feet from the edge of trail easements unless this would preclude reasonable use of property.
- DevStd PRT-TC-2.2:**      On-road trail development design shall maximize road shoulder width to separate trail users from vehicular traffic.
- Action PRT-TC-2.3:**      The County should explore the feasibility of routing trail 2 from Toro Canyon Road to connect with the Romero Trail south of the Edison Catway (see trail route 2a on Figure 10). Property owners, the Park Department and Planning & Development should work together to determine trail siting feasibility.

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## Toro Canyon Plan

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### C. CIRCULATION

#### 1. EXISTING SETTING

##### a. *Existing Roadway Network*

The primary components of the circulation system serving the Toro Canyon Planning Area are shown in Figures 11, Proposed Circulation Element, and 12, Bikeways. Access to the planning area is provided primarily by U.S. Highway 101, S.R. 192, and Via Real. Secondary roadways include Toro Canyon Road, Toro Canyon Park Road, Ladera Lane, Lambert Road, Nidever Road, and Cravens Lane. Descriptions of key segments of the street system follow.

*U.S. Highway 101* is the primary travel route through Santa Barbara County. Within the Toro Canyon Planning Area, there are two connections to U.S. Highway 101, one at North Padaro Lane and the other at Santa Claus Lane.

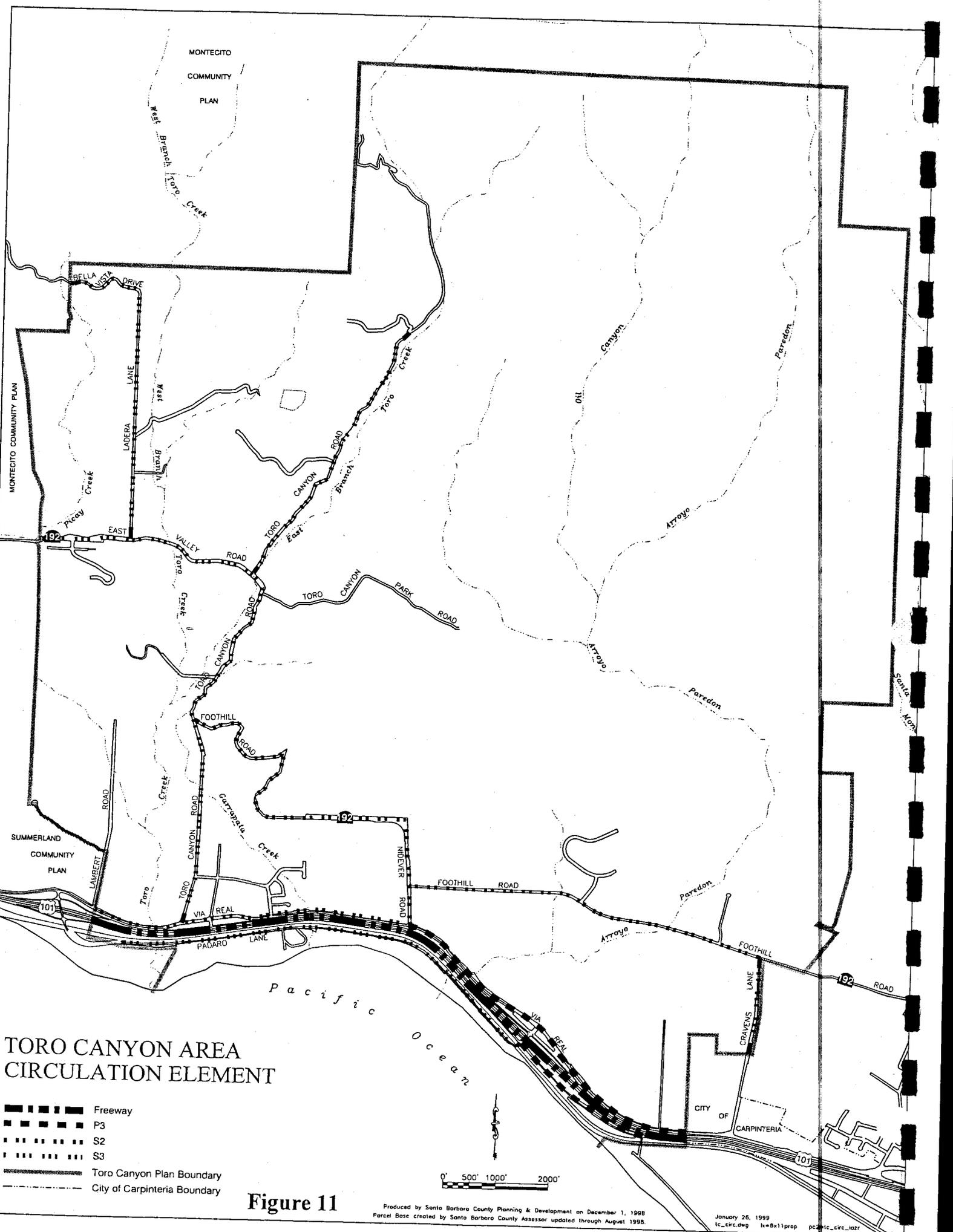
*State Route (S.R.) 192 (Foothill Road/East Valley Road)* is a two-lane, east/west state route that traverses the foothills of the Toro Canyon Planning Area and provides an alternate east-west travel route to U.S. Highway 101. S.R. 192 is 21-foot wide west of Toro Canyon Road and 19-foot wide east of Toro Canyon Road, with no shoulders. The route is known as Foothill Road east of Toro Canyon Road and East Valley Road to the west.

*Bella Vista Drive*, located at the northern end of Ladera Lane, is a 22-foot-wide, two-lane, local road that extends in a westerly direction through the foothills of the Toro Canyon Planning Area for 0.7 mile to a crossing at Romero Creek. This roadway has no shoulder in most areas. There are some turnouts for parking, especially near the creek crossing.

*Ladera Lane* is a two-lane local road that ascends the base of the foothills in a northerly direction for approximately 0.8 mile from East Valley Road to its intersection with Bella Vista Drive. This road is 20 feet wide where it intersects East Valley Road and where it merges into Bella Vista Drive. This width is maintained for most of this road's length, although near the intersection of Ladera Lane and Hidden Valley Lane the width increases to 24 feet. Room for on-street parking exists in some areas. Travel lanes are not delineated on this road.

*Hidden Valley Lane*, located about midway on Ladera Lane, is a residential road with no shoulder that terminates at several private driveways within 0.6 mile from its intersection with Ladera Lane. Road width varies from 17 feet near the intersection to a width of 15 feet 6 inches near a speed bump located at 0.4 mile from the intersection. There are limited turnouts for parking. No lanes are delineated.

*Freehaven Drive* is a 24-foot-wide residential road that terminates 0.5 mile from its intersection with S.R. 192. This roadway proceeds in an easterly direction, ascends a hill, turns westerly, and crests the top of a ridge prior to terminating at a private, one-lane, gated, driveway with a "No Trespassing" sign posted. No lanes are delineated on this road.



# TORO CANYON AREA CIRCULATION ELEMENT

- ▬▬▬▬▬▬ Freeway
- ▬▬▬▬▬▬ P3
- ▬▬▬▬▬▬ S2
- ▬▬▬▬▬▬ S3
- ▬▬▬▬▬▬ Toro Canyon Plan Boundary
- ▬▬▬▬▬▬ City of Carpinteria Boundary

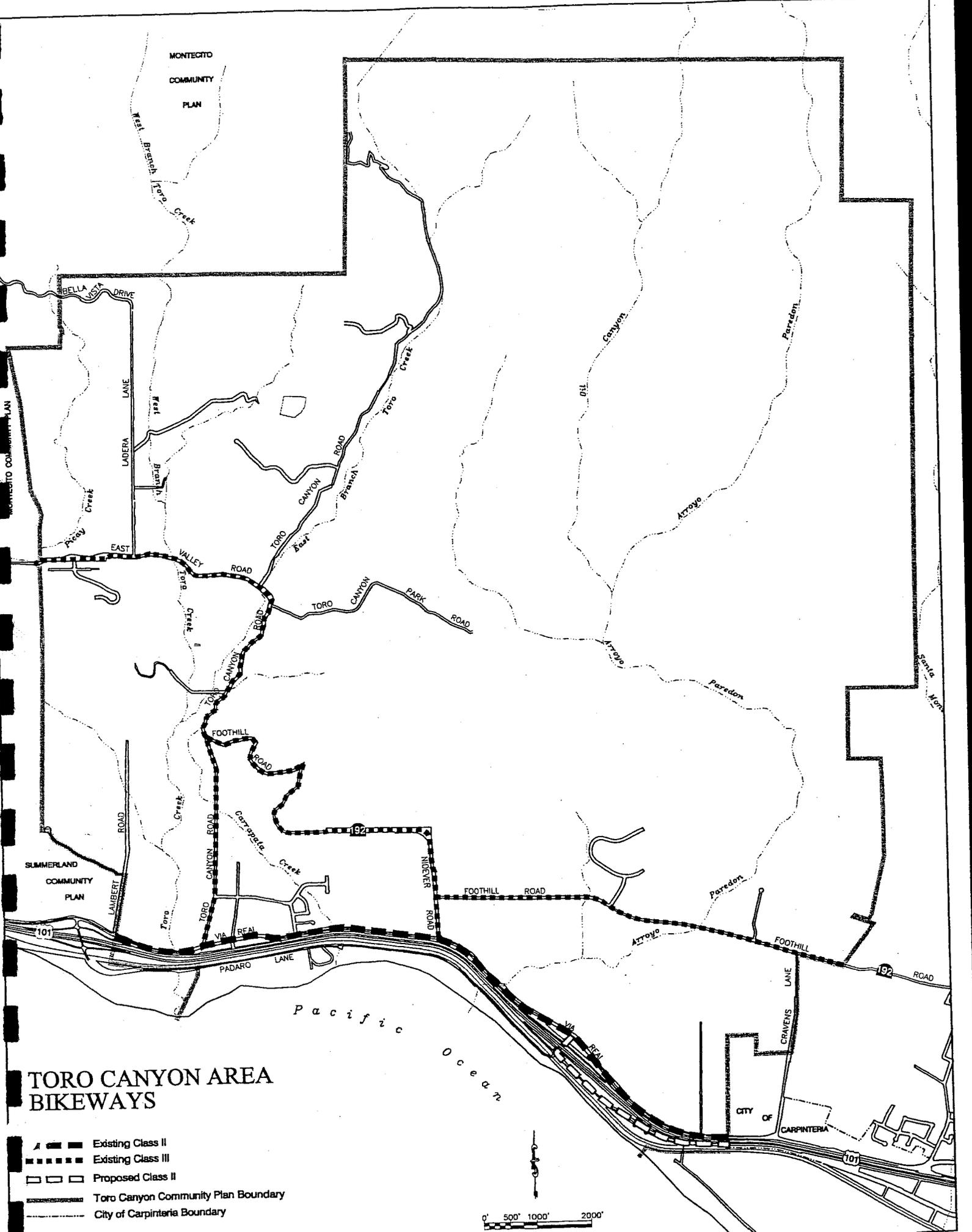
**Figure 11**

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development on December 1, 1998  
 Parcel Base created by Santa Barbara County Assessor updated through August 1998.

January 26, 1999  
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MONTECITO  
COMMUNITY  
PLAN



# TORO CANYON AREA BIKEWAYS

-  Existing Class II
-  Existing Class III
-  Proposed Class II
-  Toro Canyon Community Plan Boundary
-  City of Carpinteria Boundary

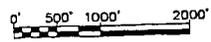


Figure 12

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## Toro Canyon Plan

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*Toro Canyon Road* is a two-lane, 21-foot-wide collector road with no paved shoulders. This road extends northerly from Via Real to S.R. 192. Stop signs are located at the southbound approach to S.R. 192, and farther south at the southbound approach to Via Real. North of S.R. 192, Toro Canyon Road ascends the foothills and terminates within 1.5 miles at a fork of two private roadways where a sign is posted telling through travelers to stop and turn around. These private roadways lead to the Upper Toro Canyon Ranches. This section of Toro Canyon Road narrows from a width of 19 feet at its intersection with S.R. 192, to a width of 11 feet where it forks. There is no shoulder in most places on this section of Toro Canyon Road.

*Vista Linda Lane* extends west from Toro Canyon Road and is a curbed, 20 feet-wide, residential road that proceeds in a westerly direction along the foothills and terminates in a cul-de-sac at 0.4 mile. No lanes are delineated on this road.

*Toro Canyon Park Road* is an 18-foot wide (19 feet wide at its intersection with Toro Canyon Road) branch of Toro Canyon Road providing local access to Toro Canyon Park. This road proceeds in an easterly direction, ascends the foothills, and then descends into a canyon where the entrance to Toro Canyon Park is located at 1 mile. Paving continues for another 0.3 mile into two parking areas. Toro Canyon Park Road continues past the entrance to the Toro Canyon Park for another 0.6 mile where it terminates at some private driveways. Lanes are not delineated on Toro Canyon Park Road and there is no shoulder in most places. Few parking turnouts exist.

*Torito Road* is a residential road that proceeds for 1.6 miles in a westerly direction from its intersection with Toro Canyon Road. This road crosses two bridges that are 10 feet in width. There are multiple speed bumps on this road as it ascends a hillside and narrows to 14 feet near its terminus at several private driveways. There are no lanes delineated on this road.

*Lambert Road* is a residential road that is 20 feet wide near its intersection with Via Real and terminates at 0.7 mile at several driveways leading into Live Oaks Ranch. Here the roadway is 14 feet in width. There is no shoulder on this roadway and lanes are not delineated. There is some on-street parking provided.

*Via Real*, located adjacent to U.S. Highway 101, is a 30-foot-wide two-lane major roadway with 4-foot-wide asphalt shoulders on the north and south side. Via Real parallels U.S. Highway 101 within the Toro Canyon Planning Area. A Class II bike lane is painted along the right shoulder in each direction.

*Serena Avenue* is a two-lane local street that extends east from Toro Canyon Road into an adjacent residential neighborhood. Serena Avenue is 26 feet wide with dirt shoulders used for on-street parking. Lanes are not delineated on this road.

*Sentar Road* is a 40-foot-wide, curbed, collector street that extends north from Via Real into the Serena Park neighborhood. On-street parking is possible along this 0.1-mile-long roadway.

*Padaro Lane* is a two-lane roadway located south of Hwy. 101 and the Union Pacific Railroad tracks, connecting to Hwy. 101 and Via Real at two freeway interchanges in the western and

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## Toro Canyon Plan

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central-eastern portions of the planning area. Padaro Lane serves single-family residential development located between the roadway and the coastline, as well as the county parking lot for the Loon Point coastal access trail at the western end of the lane. Speed humps have been installed along the roadway in order to slow vehicle speeds, especially because some drivers attempt to use this road as a detour around occasional congestion on southbound Hwy. 101. On-street parking is limited, especially on the narrower eastern end of Padaro Lane. Surface drainage also is a problem in places, especially at the eastern end.

*Santa Claus Lane* is a two-lane roadway located between Hwy. 101 and the railroad tracks, connected on its western end to the easterly Padaro Lane-Via Real-Hwy. 101 interchange and becoming the southbound Hwy. 101 on-ramp at its eastern end. This road serves commercial development located along its eastern end between the roadway and the railroad tracks, as well as the Sand Point Road and Casa Blanca residential developments located southeast of the planning area. The access for these residential developments is via a T-intersection near where Santa Claus Lane becomes the southbound Hwy. 101 on-ramp, thus creating the potential for conflicts between turning vehicles and straight-through traffic accelerating to enter the freeway. On-street parking is available along most of the lane; formal perpendicular parking exists along the commercial property frontages, while informal parallel parking exists elsewhere along the roadway shoulders. This parking serves commercial users, beach users, and truckers taking a rest break from Hwy. 101. Speed and turning movement conflicts can exist between vehicles entering and exiting the perpendicular parking spaces along the commercial strip and southeast-bound traffic accelerating for the freeway on-ramp, as previously described for the Sand Point Rd.-Casa Blanca access road.

*Nidever Road* is a north-south oriented, two-lane, collector road connecting Via Real to S.R. 192. The west side of this roadway (southbound lane) maintains a soft shoulder and a white fog line is painted along the east side (northbound lane). The roadway is 32 feet wide at its intersection with both Via Real and S.R. 192.

*La Mirada Drive*, extends northerly from S.R. 192 between Nidever Road and Cravens Lane. The road is 32 feet wide near its intersection with S.R. 192. This is a curbed, residential road without delineated lanes. This road intersects Paquita Drive in 0.1 mile.

*Paquita Drive* extends northerly from La Mirada Drive and is a 32-foot-wide residential road. Paquita Drive terminates at a dead-end atop a hill in 0.4 mile. No lanes are delineated on this road.

*Ocean Oaks Road* extends northerly from S.R. 192 between Nidever Road and Cravens Lane and is 35.5 feet wide at its intersection with S.R. 192. This roadway terminates in 0.2 mile at a cul-de-sac. Curbing exists in some areas, while a low shoulder exists in other areas.

*Cravens Lane* is a north-south two-lane collector road that extends north from Via Real to S.R. 192. The intersections of Cravens Lane at Via Real and S.R. 192 are stop-sign controlled. The northern portion of the roadway is located in the County and the southern portion is located in the City of Carpinteria. Within the County, Cravens Lane is about 18 feet wide and the pavement is in fair to poor condition. The roadway has been widened within the City (+ 30 feet) and a curb and gutter is present. Parking is allowed on the east side of the street at the south end adjacent to Via Real.

# Toro Canyon Plan

## *b. Existing Levels of Service*

The primary factor influencing efficiency of operation of a roadway system is the adequacy of intersection design and operation. Operating conditions are described by level-of-service (LOS), which is derived by comparing traffic volumes with roadway capacity. LOS A represents the best traffic operation, while LOS F represents the worst. LOS B is considered the minimal level desired in the Toro Canyon Planning Area. The six LOS categories are described in Table 7. Table 8 lists the existing levels of service for area roadways.

**TABLE 7: LEVEL OF SERVICE DEFINITIONS**

LOS	Definition
A	Free unobstructed flow, no delays; signal phases able to handle approaching vehicles.
B	Stable flow, little delay, few phases unable to handle approaching vehicles.
C	Stable flow, low to moderate delays, full use of peak direction signal phases.
D	Approaching unstable flow, moderate to heavy delays, significant signal time deficiencies experienced for short durations during peak traffic period.
E	Unstable flow, significant delays, signal phase timing is generally insufficient, extended congestion during peak period.
F	Forced flow, low travel speeds and volumes well above capacity.

**TABLE 8: EXISTING INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Delay / LOS	
		AM Peak	PM Peak
North Padaro Lane/Via Real	1-Way Stop	6.6/LOS B	3.9/LOS A
North Padaro Lane/U.S. 101 NB Ramp	1-Way Stop	3.3/LOS A	4.7/LOS A
North Padaro Lane/U.S. 101 SB Ramp	1-Way Stop	3.8/LOS A	4.4/LOS A
Ladera Lane/East Valley Road	1-Way Stop	*	2.9/LOS A
Toro Canyon Rd/S.R. 192	1-Way Stop	3.4/LOS A	3.5/LOS A
Toro Canyon Rd/Serena Avenue	1-Way Stop	3.5/LOS A	3.9/LOS A
Toro Canyon Rd/Via Real	1-Way Stop	3.7/LOS A	3.8/LOS A
Santa Claus Lane/Via Real	1-Way Stop	6.3/LOS B	5.1/LOS B
Santa Claus Lane/U.S. 101 NB Ramp	1-Way Stop	3.7/LOS A	4.0/LOS A
Santa Claus Lane/U.S. 101 SB Ramp	2-Way Stop	3.8/LOS A	5.0/LOS A
Cravens Lane/S.R. 192	All-Way Stop	2.0/LOS A	1.5/LOS A
Cravens Lane/Via Real	1-Way Stop	4.6/LOS A	6.0/LOS B

LOS based on average delay per vehicle in seconds.  
 \* Intersection not studied in A.M. period.

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While the majority of Toro Canyon's roadways and intersections operate within designated standards, there are areas within the community where interactions between motorists, bicyclists and pedestrians may present safety hazards. Residents have indicated the need to improve safety and reduce vehicle speeds as the highest circulation needs that should be addressed by the Toro Canyon Plan. Areas of particular concern include: 1) vehicle speed and sight distance problems along Toro Canyon Road; 2) potential unsafe turning movements at the intersection of Toro Canyon Road and Foothill Road (investigate need for stop sign control); 3) sight distance problems at Cravens Lane and Foothill Road; and 4) vehicle speeds along Padaro Lane<sup>1</sup> and the eastern end of Santa Claus Lane (becomes the southbound Hwy. 101 on-ramp).

### *c. Alternative Transportation Modes*

**Transit Service:** Santa Barbara Metropolitan Transit District (MTD) provides the general public with fixed route service. Route 20, the Santa Barbara/Carpinteria line, serves the major markets of downtown Santa Barbara, the Haley and Milpas Street commercial corridors, Coast Village Road, Summerland, the City of Carpinteria, and the Mark Avenue industrial park. Route 20 bus stops are located along Via Real within the Toro Canyon Planning Area.

**Carpooling:** An important step in efforts to encourage carpooling and transit use is the provision of park-and-ride facilities. There is not an official park-and-ride lot in the planning area; however, many local residents use the County parking lot on Padaro Lane near Loon Point as an unofficial park-and-ride facility. The Toro Canyon Plan proposes to develop a public parking lot along Santa Claus Lane to enhance coastal beach access, parking availability for local commercial uses, and community park-and-ride needs.

**Existing Bikeways System:** The existing Toro Canyon bikeway plan provides limited Class II (striped on-road bike paths) and Class III (signs only) bicycle routes along major east-west and north-south roads (see Figure 12). The narrow and winding character of area roadways and lack of bicycle signs and Class II bike lanes are perceived as barriers to improved safety and increased use of the bikeway network.

A primary goal of the bikeways plan is to provide a comprehensive system that will link up with the City of Carpinteria's future bikeway system and provide contiguous east/west paths across the planning area. For commuters, this expanded system will offer safe routes for bicycle travel between residential areas, schools, and employment and commercial centers.

Proposed bikeway improvements include: 1) designate Class II bike lanes along Santa Claus Lane; and 2) construct a Class I bike path (off-road path) connecting the eastern end of Santa Claus Lane with Carpinteria Avenue.

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<sup>1</sup> Note: Padaro Lane Homeowners Association installed speed humps along Padaro Lane in 1998.

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### 2. CIRCULATION ELEMENT

Policy A of the Santa Barbara County Comprehensive Plan Circulation Element states that:

“Roadway classifications, intersection levels of service, and capacity levels adopted as part of any community or area plan subsequent to the adoption of this Element shall supersede any standards included as part of this Element.”

This section of the Plan updates the roadway classifications and project consistency standards of the County's Circulation Element for Toro Canyon. In so doing, this Community Plan identifies a new system of roadway classifications and project consistency standards, which supersede the prior classifications and standards.

#### *a. Definitions:*

Acceptable Capacity: The maximum number of Average Daily Trips (ADTs) that are acceptable for the normal operation of a given roadway. As defined by this Plan, the Acceptable Capacity for a given roadway is based upon its roadway classification and the acceptable level of service for that roadway. The minimum acceptable level of service (LOS) for roadways and intersections in the Toro Canyon Planning Area is Level of Service B.

Estimated Future Level of Service: For a given intersection, the projected level of service (LOS) is based on existing traffic levels combined with traffic to be generated by approved but not yet occupied projects as referenced by the public draft environmental documents for the development project under review. The Estimated Future Level of Service must consider any funded but not yet constructed improvements that are planned for completion prior to the project's occupancy. This includes any mitigation from projects that have been approved by the Planning Commission or Board of Supervisors but have not yet been constructed.

Estimated Future Volume: For a given roadway segment, the most recent County-accepted projections based upon a count not more than two years old of Average Daily Trips (ADTs) plus any ADTs associated with approved projects that are not yet occupied as referenced in the public draft environmental document for the development project under review.

Design Capacity: The maximum number of ADTs that a given roadway can accommodate based upon roadway design as determined by the County Public Works Department. Design Capacity usually equates to LOS E/F.

#### *b. Roadway Classification System:*

The Toro Canyon roadway classification system (Table 9) is divided into two main designations: Primary and Secondary roadways. Each of these main designations is further subdivided into three subclasses, dependent upon roadway size, function, and surrounding uses. Primary

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roadways serve mainly as principal access routes to major shopping areas, employment and community centers, and often carry a large percentage of through traffic (Table 10). Secondary roadways are two lane roads designed to provide principal access to residential areas or to connect streets of higher classifications to permit adequate traffic circulation. Such roadways may be fronted by a mixture of uses and generally carry a lower percentage of through traffic than primaries.

**TABLE 9: TORO CANYON ROADWAY CLASSIFICATIONS**

Roadway	Segment	Classification	Design Capacity (2-Lane) <sup>2</sup>	Acceptable Capacity (LOS B)
East Valley Rd	Toro Cyn Rd to end of Planning Area	S-3	7,900	5,530
Bella Vista Dr	Ladera Ln to end of Planning Area	S-3	7,900	5,530
Ladera Ln	Bella Vista Dr to East Valley Rd	S-3	7,900	5,530
Toro Cyn Rd	Entire length	S-3	7,900	5,530
Foothill Rd	Toro Cyn Rd to east Planning Area	S-2	9,100	6,370
Nidever Rd	Via Real to Foothill Rd	S-2	9,100	6,370
Cravens Ln	Via Real to Foothill Rd	S-3	7,900	5,530
Padaro Ln	End of Planning Area to Santa Claus Lane	S-3	7,900	5,530
Santa Claus Ln	Padaro Ln to US 101 SB ramp	P-3	15,700	10,990
Via Real	Lambert Rd to Nidever Rd	S-2	9,100	6,370
Via Real	Nidever Rd to end of Planning Area	P-3	15,700	10,990

**c. Standards for Determination of Project Consistency:**

**Purpose:** This section defines intersection and roadway standards in terms of level of service, provides methodology for determining project consistency with these standards, and defines how the roadway and intersection standards will be applied in making findings of project consistency with this Plan. The intent of this section is to ensure that roadways and intersections in the Planning Area continue to operate at acceptable levels.

Consistency Standards for Primary Roadways (P-1 through P-3)

- 1) *For Primary roadway segments, a project is considered consistent with this section of the Plan where the Estimated Future Volume does not exceed the Acceptable Capacity.*

<sup>2</sup> Same standards as used in the Montecito Community Plan, 1992, pp. 76-7

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**TABLE 10: DEFINITIONS OF ROADWAY CLASSIFICATIONS<sup>3</sup>**

Classification	Purpose and Design Factors	Design Capacity		LOS B Threshold	
		2 Lane	4 Lane	2 Lane	4 Lane
Primary 1	Roadways designed to serve primarily non-residential development. Roadways would have a minimum of 12-foot wide lanes with shoulders and few curb cuts. Signals would be spaced at 1 mile or more intervals.	19,900	47,760	13,930	33,432
Primary 2	Roadways that serve a high proportion of non-residential development with some residential lots and few or no driveway curb cuts. Lane widths are a minimum of 12 feet with well spaced curb cuts. Signals intervals at a minimum of ½ mile.	17,900	42,480	12,530	29,736
Primary 3	Roadways designed to serve non-residential development and residential development. More frequent driveways are acceptable. Potential signal intervals of ½ to ¼ mile.	15,700	37,680	10,990	26,376
Secondary 1	Roadways designed primarily to serve non-residential development and large lot residential development with well spaced driveways. Roadways would be 2 lanes with infrequent driveways. Signals would generally occur at intersections with primary roads.	11,600	NA	8,120	NA
Secondary 2	Roadways designed to serve residential and non-residential land uses. Roadways would be 2 lanes with close to moderately spaced driveways.	9,100	NA	6,370	NA
Secondary 3	Roadways designed primarily to serve residential with small to medium lots. Roadways are 2 lanes with more frequent driveways.	7,900	NA	5,530	NA

\* Defined as 70% of Design Capacity.

<sup>3</sup> Same standards as used in the Montecito Community Plan, 1992, pp. 76-7

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- 2) *For Primary roadway segments where the Estimated Future Volume exceeds the Acceptable Capacity, a project is considered consistent with this section of the Plan if: 1) intersections affected by traffic assigned from the project operate at or above minimum level of service standards, or 2) the project provides a contribution toward an alternative transportation project (as identified in the applicable Transportation Improvement Plan (TIP)) that is deemed to offset the effects of project-generated traffic.*

### Consistency Standards for Secondary Roadways (S-1 through S-3)

- 3) *For Secondary roadway segments where the Estimated Future Volume does not exceed the Acceptable Capacity, a project is consistent with this section of the Plan. However, county decision-makers may impose additional mitigation measures (i.e., traffic calming, alternative transportation, etc.) based upon project impacts and specific road segment characteristics (i.e., sight distance, school proximity, parking driveways, roadway width, safety, vehicle speed, etc.).*
- 4) *For Secondary roadway segments where the Estimated Future Volume exceeds the Acceptable Capacity, a project is consistent with this section of the Plan if: 1) the project generates 70 ADT or less, or 2) the project provides a contribution toward an alternative transportation project (as identified in the applicable TIP) that is deemed to offset the effects of project-generated traffic.*

### Unsignalized Intersection Consistency Standards

- 1) *Projects contributing peak hour trips to unsignalized intersections that operate at an Estimated Future Level of Service A, as shown in the last column of Table 11, shall be found consistent with this section of the Plan unless the project results in a change of one level of service or an equivalent amount of delay.*
- 2) *Projects contributing peak hour trips to intersections that operate better than or equal to Estimated Future Level of Service B shall be found consistent with this section of the Plan, provided that the intersection's Level of Service would not fall below B.*
- 3) *Projects contributing traffic to unsignalized intersections that do not trigger traffic signal warrant criteria shall be found consistent with this section of the Plan.*

### Special Standards for Projects Involving Comprehensive Plan Amendments and Major Conditional Use Permits

- 1) *Comprehensive Plan Amendment and Major Conditional Use Permit applicants shall be required to demonstrate that the proposed change or land use would not potentially*

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*result in traffic levels higher than those anticipated for that parcel by the Plan and its associated environmental documents. If higher traffic levels could result from the amendment or Major CUP, then the following findings must be made by the Planning Commission or Board of Supervisors for approval:*

- The increase is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Plan; or*
- Road improvements included as part of the project description are consistent with the Plan and are adequate to fully offset the identified potential increase in traffic; or*
- Alternative transportation improvements included as part of the project description, that are consistent with the Plan, have a reasonable relationship to the project and substantially enhance the alternative transportation system consistent with the applicable TIP.*

### Exemptions

Roadway and Intersection standards stated above shall not apply to:

- 1) *Land use permits and coastal development permits if the Zoning Administrator/Planning Commission/Board of Supervisors has taken final action on a valid prerequisite discretionary approval (e.g., FDP, CUP) and a finding of Comprehensive Plan consistency was made at the time of approval, and no substantial change has occurred in the project.*
- 2) *Residential projects which contain a minimum of 50% of the units in price ranges affordable to persons of low or moderate income, consistent with the policies of the County's Housing Element, and special needs facilities.*

### 3. PLANNING ISSUES

*Cravens Lane/S.R. 192 Intersection.* Collision data indicates that collision rates experienced at the Route 192/Cravens Lane intersection are higher than the statewide average for similar facilities. The Route 192/Cravens Lane intersection is a Caltrans facility. Additional review by Caltrans and the City of Carpinteria and County Public Works Departments will be required to determine the exact intersection deficiency (e.g. sight distance, geometry, etc.), and what corrective action is

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required. Plan buildout plus other cumulative buildout would send additional traffic to the intersection.

*Santa Claus Lane.* There are currently 115 to 120 on-street parking spaces on Santa Claus Lane. Many of the spaces are not clearly marked. Demand on the weekends for parking spaces can be high. Additional development on Santa Claus Lane should provide on-site parking to accommodate the additional parking demand generated by development. Providing on-site parking might be difficult for some properties on the Lane due to the configuration of existing buildings and uses. Lane Association proposals for a round-about, redesigned parking configuration, street landscaping, and crosswalks need further study to determine safety, engineering, and fiscal feasibility.

*Joint Use Park and Ride/Beach Access Parking Lot (Santa Claus Lane).* A possibility exists for creating a joint use Park and Ride/beach access parking lot along the north side of Santa Claus Lane within the Caltrans U.S. Highway 101 right of way. The two uses would be compatible as commuters would make use of the lot during week days, and the majority of beach-goers would make use of the lot on weekends when commuters would not need to use the lot. The area is listed as a potential Park and Ride Lot in the Hwy. 101 widening project Draft EIR (as part of a Transportation Demand Management Program mitigation measure) and the Caltrans District #5 1993 District "Park & Ride Program Report." The need for Park and Ride facility expansion in the Santa Barbara area is also called out in the May 1995 "Alternatives Analysis of Highway 101 Corridor Final Report" by the Santa Barbara County Association of Governments. The County could apply for an encroachment permit onto Caltrans property, or the County could write a proposal for Caltrans to relinquish the property to the County. However, Caltrans has indicated that they have on-going plans to utilize the right of way area for storage. Additional County analysis of the right of way and team-work with Caltrans to explore other storage opportunities to free the space for a Park and Ride Lot may be desirable.

*Increased Traffic from Build Out.* As shown in Table 11, traffic generated from project and cumulative buildout would result in area intersections continuing to operate at acceptable levels of service. This assumes that no substantial roadway or intersection improvements would be made.

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**TABLE 11:        EXISTING & CUMULATIVE + PROJECT  
INTERSECTION OPERATIONS**

<i>Intersection</i>	<i>Delay / LOS</i>			
	<i>AM</i>		<i>PM</i>	
	<i>Cumulative</i>	<i>Cumulative + Project</i>	<i>Cumulative</i>	<i>Cumulative + Project</i>
N. Padaro Lane/Via Real	7.5/LOS B	9.3/LOS B	3.3/LOS A	4.6/LOS A
N. Padaro Lane/U.S. 101 N-B Ramp	3.6/LOS A	3.7/LOS A	3.8/LOS A	3.9/LOS A
N. Padaro Lane/U.S. 101 S-B Ramp	4.0/LOS A	4.4/LOS A	4.7/LOS A	5.3/LOS B
Ladera Lane/Foothill Rd	*	3.3/LOS A	*	3.3/LOS A
Toro Canyon Rd/S.R. 192	3.8/LOS A	4.1/LOS A	3.6/LOS A	3.8/LOS A
Toro Canyon Rd/Serena Avenue	3.5/LOS A	3.6/LOS A	3.4/LOS A	2.9/LOS A
Toro Canyon Rd/Via Real	4.8/LOS A	5.6/LOS B	4.3/LOS A	4.9/LOS A
Santa Claus Lane/Via Real	7.5/LOS B	9.4/LOS B	5.8/LOS B	7.9/LOS B
Santa Claus Lane/U.S. 101 NB Ramp	4.1/LOS A	4.7/LOS A	4.5/LOS A	6.3/LOS B
Santa Claus Lane/U.S. 101 SB Ramp	4.1/LOS A	4.6/LOS A	5.4/LOS B	7.7/LOS B
Cravens Lane/ S.R. 192	3.3/LOS A	3.4/LOS A	3.3/LOS A	3.6/LOS A
Cravens Lane/Via Real	4.9/LOS A	5.4/LOS B	6.8/LOS B	7.9/LOS B

LOS based on average delay per vehicle in seconds.  
\* Intersection not studied in A.M. period.

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### 4. CIRCULATION GOALS, POLICIES, ACTIONS, AND DEVELOPMENT STANDARDS

**GOAL CIRC-TC-1: Provide An Efficient And Safe Circulation System To Accommodate Existing Development And Future Growth In Toro Canyon.**

**Policy CIRC-TC-1:** The County shall allow reasonable development of parcels within Toro Canyon while maintaining safe roadways and intersections that operate at acceptable levels of service.

**Action CIRC-TC-1.1:** When the County adopts a Transportation Improvement Plan (TIP) for the Montecito-Summerland-Carpinteria area, it shall include the Toro Canyon Plan area. The TIP shall address any necessary long-term improvements to roadways and alternative transportation facilities, including any appropriate traffic calming measures, designed to maintain public safety and acceptable levels of service on roadways and intersections within the Toro Canyon Plan area. The TIP shall be an integrated plan for capital improvements of roads and intersections as well as alternative transportation facilities. The TIP shall contain a list of transportation projects to be undertaken and include projected costs for each funded and unfunded improvement. The County shall also revise the Transportation Impact Fee based upon the projected cost of transportation system improvements identified in the TIP.

**Action CIRC-TC-1.2:** The TIP shall be updated as necessary by the Public Works Department, in consultation with P&D, and presented to the Board of Supervisors for review. At such time, the Transportation Impact Fee shall be re-evaluated and modified as necessary to account for changes to the TIP.

**Action CIRC-TC-1.3:** The County Public Works Department shall submit current traffic count and intersection level of service data to the Planning Commission and Board of Supervisors with each TIP update.

**Action CIRC-TC-1.4:** The TIP shall include a comprehensive neighborhood traffic management program to address problems related to increased vehicular traffic and/or vehicular speeds in residential areas. Identified improvements shall be funded through collection of traffic mitigation fees and/or grants, and implemented through the TIP. (Also see Action PS-TC-2.1.)

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**DevStd CIRC-TC-1.5:** The County shall balance the need for new road improvements with protection of the area's semi-rural character. All development shall be designed to respect the area's environment and minimize disruption of the semi-rural character.

**DevStd CIRC-TC-1.6:** In order to minimize vehicle trips to improve both transportation system efficiency and quality of life, transit, pedestrian, and bicycle access to commercial, recreational, and educational facilities shall be encouraged.

**Policy CIRC-TC-2:** **The County shall maintain a minimum Level of Service (LOS) B or better on classified roadways and intersections within Toro Canyon.**

**Action CIRC-TC-2.1:** Through the TIP or other means, the Public Works Department shall regularly monitor the operating conditions of designated roadways and intersections in Toro Canyon. If traffic on any roadway or intersection is found to exceed the acceptable capacity level defined by this Plan, the County should re-evaluate and, if necessary, amend the Plan in order to reestablish the balance between allowable land uses and acceptable roadway and intersection operation. This re-evaluation should include, but not be limited to:

- Redesignating roadways and/or intersections to a different classification;
- Reconsidering land uses to alter traffic generation rates and circulation patterns; and
- Changes to the TIP, including re-evaluation of alternative modes of transportation.

**Action CIRC-TC-2.2:** Through the TIP or other means, the County Public Works Department and Planning and Development shall work with Caltrans to investigate the source of elevated collision rates experienced at Route 192/Cravens Lane and to implement appropriate corrective action, if necessary. The design and scale of intersection improvements shall be consistent with the rural character of the area to the greatest extent feasible.

**Policy CIRC-TC-3:** **A determination of project consistency with the standards and policies of the Toro Canyon Plan Circulation Section shall constitute a determination of consistency with Coastal Land Use Plan Policy 2-6 and the Land Use Element's Land Use Development Policy 4 with regard to roadway and intersection capacity.**

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- Policy CIRC-TC-4:** The County shall encourage development of all feasible forms of alternative transportation in the Toro Canyon area.
- Action CIRC-TC-4.1:** The County shall work with the MTD and the City of Carpinteria to improve transit services.
- DevStd CIRC-TC-4.2:** Development shall be evaluated, pursuant to applicable MTD standards, for possible need to contribute to new and/or upgraded public transit facilities that would benefit the development and its neighborhood.
- Action CIRC-TC-4.3:** The County shall coordinate with Caltrans to incorporate appropriate park-and-ride facilities (including bike lockers, transit stops and benches) near planned freeway interchange improvement projects.
- Policy CIRC-TC-5:** The County shall encourage Caltrans to accommodate planned bicycle facilities in the design and construction of new highway overpasses and/or work on existing overpasses.
- GOAL CIRC-TC-2:** Achieve Land Use Patterns And Densities That Reflect The Desire Of The Community To Prevent Further Degradation Of Roadways And Intersections For The Benefits Of Safety, Aesthetics And Community Character.
- Policy CIRC-TC-6:** Traffic signals are not considered compatible with the semi-rural character of Toro Canyon, and should only be considered when no other form of intersection improvement is feasible, or when warranted to protect public safety. Signals shall not be installed until community workshops have been held so that community concerns can be discussed and addressed to the maximum extent feasible.
- Policy CIRC-TC-7:** To ensure that mature landscaping does not compromise public safety, landscaping proposed in connection with development shall be consistent with applicable county or Caltrans sight distance standards.
- Policy CIRC-TC-8:** Encroachment permits for structures, fences, walls, landscaping, and other such objects may be issued where the placement of such objects would neither compromise public safety nor conflict with applicable county or Caltrans sight distance standards.
- Policy CIRC-TC-9:** The county shall investigate and support appropriate traffic calming measures and shall work with Caltrans in this regard as may be appropriate.

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**Action CIRC-TC-9.1:** Through the TIP or other means, the county shall consider implementing appropriate traffic calming measures on lower Toro Canyon Road, when consistent with the county's adopted Neighborhood Traffic Management Policy (as it may be amended from time to time).

**Action CIRC-TC-9.2:** The county shall work with Caltrans to investigate possible ways to calm traffic and minimize vehicle movement conflicts on Santa Claus Lane. This investigation shall include the possible relocation of the southbound Hwy. 101 on-ramp to a more northwesterly location, in order to avoid commercial parking areas and the access for the Sand Point Road and Casa Blanca residential developments.



### **D. PUBLIC SERVICES: RESOURCE RECOVERY, POLICE PROTECTION, AND SCHOOLS**

#### **1. RESOURCE RECOVERY**

##### *a. Resource Recovery Existing Setting*

Both solid waste and recyclable materials in the Toro Canyon area are currently collected by MarBorg Industries. MarBorg Industries has contracted its services to the County since 1974 and their current contract is valid until 2007; a four-year extension is possible at that point.

MarBorg also provides curbside recycling service in Toro Canyon. Improvements in recyclable material collection have increased the amount of recyclable material collected to approximately 51 tons of co-mingled recyclables and 144 tons of green yard waste annually. This material is transported to the South Coast Transfer Station. MarBorg is able to serve additional residents in Toro Canyon with trash and recycling pick-up (personal communication, Derek Carlson 1998). After recycling, approximately 195 tons of solid waste a year are collected from the Toro Canyon area and are disposed of at the Tajiguas landfill.

A new permit to allow benchfilling at the Tajiguas landfill will allow an additional capacity of 3.1 million cubic yards (approximately 1.5 million tons) of solid waste disposal, permitting this landfill to remain open until early 2006. A proposal to develop an additional 15 years of disposal capacity will be evaluated in an environmental impact report that will be prepared in 2000 (personal communication, Chris Wilson 1999).

##### *b. Resource Recovery Issues*

The California Integrated Waste Management Act of 1989 (AB 939) requires each city and county to develop a Source Reduction and Recycling Element (SRRE) that provides strategies for diverting at least 50 percent of all solid waste from landfills by the year 2000 (County SRRE, 1991). Approximately 50 percent of the solid waste generated within Toro Canyon is currently diverted from landfills, with this percentage projected to increase as residents become more accustomed to recycling (MarBorg Industries 1998).

#### **2. POLICE PROTECTION**

##### *a. Existing Setting*

The Santa Barbara County Sheriff's Department serves the Toro Canyon area. Two deputies on average cover the unincorporated area east of the Santa Barbara City limits to the Ventura County line. The Sheriff's Department has responded to a relatively low number of calls from the Toro Canyon area in recent years. The standard service ratio for police protection is one officer per 1,200 population. Since the Plan area is generally covered by two deputies, the current service ratio is approximately one officer to 1,140 residents within the Plan area. However, these officers also provide police services to Montecito, Summerland and the unincorporated areas of the Carpinteria Valley. Thus, for the entire service area, the service ratio is in excess of 1:1,200. However, as Toro Canyon is generally a low-crime community, this

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number of officers provides adequate service (personal communication, Mike Burrige, Jeff Meyer 1998).

The California Highway Patrol (CHP) also serves the Toro Canyon area, covering the fifteen miles of Highway 101 from the Ventura County line to Olive Mill Road. An officer patrols both that freeway section and the County's roads on both sides of the freeway at all times. Officers spend limited time on rural County roads, due to the size of the beat area. Sheriff's deputies, CHP officers from adjacent beats, or police officers from cities occasionally provide extra support. The Santa Barbara County Sheriff's Department provides general police protection and the CHP has primary responsibility for Vehicle Code enforcement and accidents. The two police agencies have reciprocal agreements to provide mutual assistance under emergency situations.

### ***b. Police Protection Issues***

Speeding on many Toro Canyon roads is viewed as commonplace. Survey respondents noted that speeding is a problem on Toro Canyon Road between Foothill and East Valley; on Foothill Road; on East Valley Road between Ortega Hill and Ladera Lane; on Padaro Lane; on Ladera Lane; and on Via Real.

## **3. SCHOOLS**

### ***a. Schools Regional Setting***

The Carpinteria Unified School District (CUSD) serves the City of Carpinteria, the unincorporated community of Summerland and other unincorporated areas of the Carpinteria Valley, including the Toro Canyon Plan Area. The CUSD educates students in this area from kindergarten through the twelfth grade at seven schools, most of which are over capacity (Table 12). Attendance boundaries are flexible; available classroom space at various campuses is more important than geographic attendance area boundaries. The CUSD plans to add two new elementary schools and thereafter switch to a "neighborhood schools" elementary attendance configuration.

Total CUSD-wide enrollment for the 1999-2000 school year was 3161, and is projected to increase to a peak of 3277 by the year 2003-04, including 747 K-2 students, 718 grades 3-5 students, 798 grades 6-8 students, and 1014 grades 9-12 students including continuation/alternative school enrollment (CUSD, February 2000). Overall enrollment is projected to decline slightly over the following two years, down to a total of 3249 students in the 2005-06 school year. Elementary grades (K-5) enrollment peaked at 1555 students in 1998-99 and dropped to 1539 in 1999-2000. Elementary enrollments are projected to rise slightly to 1541 in 2001-02, and thereafter to decline to between 1463-1467 students in the years 2002-03 through 2005-06.

### ***b. Schools Planning Area Setting***

In 1999-2000, approximately 120 elementary-aged children within the Plan area attended either Aliso or Canalino school, both of which are located within the City of Carpinteria to the east. This represents about seven to eight percent of the District-wide enrollment in grades K-5.

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**TABLE 12: STUDENT ENROLLMENT AND CAPACITIES**

School	Grades Served	1998-99 Enrollment	1999-2000 Enrollment	School Capacity	Space Available (+) or Over Capacity (-)	
					1998-99	1999-2000
Aliso Elementary	3-5	387	419	372	-15	-47
Canalino Elementary	K-2	781	719	766	-15	+47
Main Elementary	3-5	329	350	270	-59	-80
Summerland Elementary	K-5	58	51	60*	+2	+9
Carpinteria Middle	6-8	731	750	644	-87	-106
Carpinteria High	9-12	803	810	802	-1	-8
Rincon/Foothill High	7-12	69	62	---	---	---
<b>Total</b>		3158	3161	---	---	---

\* Includes use of a room at the Summerland Presbyterian Church for Grades 4 and 5. A State Department of Education waiver, which will expire in June 2000, approved use of the church. Two additional portable classrooms are proposed to be installed on the school site by September 2000.

Source: Carpinteria Unified School District, January 2000, CBEDS Reports.

### *c. School Issues*

In 1996, the CUSD embarked upon an effort to construct a new school in lower Toro Canyon to serve elementary-aged children (K-5) from Summerland, Toro Canyon/East Valley Road, Serena Park, and the Carpinteria Valley west of Cravens Lane. The District's proposed site is APN 005-210-009, a 9.048-acre agricultural lot situated between Toro Creek and Toro Canyon Rd., extending from about 500 to 1000 feet north of Via Real. The school would be located within an attendance area that would extend from Ortega Ridge on the west to Cravens Lane on the east. The existing Summerland School would be closed and the students relocated to the proposed new Toro Canyon School site.

In March 2000 the CUSD deferred the Toro Canyon school for a period of at least five years due to a number of circumstances including uncertainties about the likely success of County and Coastal Commission permit applications, lower enrollment projections, and funding limitations that impeded the simultaneous pursuit of both the Toro Canyon school and another larger new elementary school in the northeastern Carpinteria area. The District has requested "that the County facilitate planning for the still needed new school by identifying a specific school site during the Toro Canyon Plan process" (C. Price, legal counsel for CUSD, 3/31/00).

The Plan substantially reduces potential future residential buildout compared to previous land use and zoning patterns, although buildout under the Plan still could increase student population within the area by approximately 140 children at grade levels K-8 and 60 children at grade levels 9-12. (These projections could increase by up to one-third if the Affordable Housing Overlay (AHO) density on the Via Real AHO site is maximized.) There is no planning rule that provides a "threshold" number of students that should be served by a new school campus, nor is there a threshold for maximum desirable commute distances to school. The choice of reasonably possible sites for a school within the Plan area is extremely limited; very few vacant or sparsely-developed non-agricultural lots exist that have a usable area large enough to support a school.

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## Toro Canyon Plan

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Given the rural and semi-rural character of the Toro Canyon Plan area, the limited choice of suitable sites, the substantial residential downzoning reflected in this Plan, and the overall elementary-grade enrollment decreases projected within the CUSD through 2005-06, this Plan does not presume a need to locate a new elementary school within the Toro Canyon area and therefore does not designate a future school site on the Land Use Plan map. However, this Plan recognizes the CUSD's previously expressed desire to construct a new school in the area. The Plan proposes that, at such time as funding levels and enrollments may support the CUSD's renewed pursuit of a new elementary school within the area, that the District re-apply for the appropriate county permits (most likely an LCP Amendment and Major Conditional Use Permit) on the site of its choice.

#### 4. PUBLIC SERVICES POLICIES, ACTIONS AND DEVELOPMENT STANDARD

**Policy PS-TC-1:** Resource conservation and recovery shall be implemented to reduce solid waste generation and to divert the waste stream from area landfills to the maximum extent feasible.

**Action PS-TC-1.1:** The County shall work with the local waste hauler to continue with education programs which provide information on conservation, recycling and composting techniques, and the awards campaign that recognizes significant local waste reduction achievements.

**Action PS-TC-1.2:** The County shall encourage developers to use recycled building materials such as composites, metals, and plastics to the greatest extent feasible, through programs such as the Innovative Building Review Program.

**DevStd PS-TC-1.3:** Recycling bins shall be provided by the applicant or contractor at all construction sites. All recyclable materials currently being accepted at the County Transfer Station, landfill, or recycling centers shall be collected for recycling at construction sites. Adequate and accessible enclosures and/or areas shall be provided for the storage of recyclable materials in appropriate containers.

**Policy PS-TC-2:** The County shall strive to ensure adequate traffic law enforcement within Toro Canyon.

**Action PS-TC-2.1:** The County Public Works Department and Sheriff's Department shall work with the California Highway Patrol to address speeding concerns on problem streets, and to encourage the reporting of non-injury accidents so that a better record of traffic hazards may be compiled for improving traffic safety and law enforcement. (Also see Action CIRC-TC-1.4.)

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## Toro Canyon Plan

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**Policy PS-TC-3:** The County shall work with the Carpinteria Unified School District to ensure that public education needs are met.

**Action PS-TC-3.1:** Upon the request of the School District, the County shall consider participation in a joint task force comprised of representatives of the County and District for the purpose of identifying suitable future school sites within the District.

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## Toro Canyon Plan

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## E. WASTEWATER AND WATER

### 1. WASTEWATER SERVICE EXISTING SETTING



#### a. *Regional Setting*

Sanitary Districts in the South County include Montecito, Summerland, Carpinteria, Goleta, and Goleta West Sanitary Districts. In rural areas, septic systems serve most residents.

#### b. *Planning Area Setting*

##### *Sewer*

The Montecito and Carpinteria Sanitary Districts (MSD and CSD) each serve small portions of Toro Canyon (see Figure 13). The MSD serves Cima Del Mundo and Macadamia Lane and Freehaven Drive residences. MSD capacity is 1.5 million gallons per day, and current treatment flows average 0.75 mgd. The CSD serves approximately 175 residences in Serena Park and on Padaro Lane east of Garrapata Creek. The CSD wastewater treatment plant has a capacity of 2.5 million gallons per day (mgd), and current flows average 1.6 mgd (Carpinteria Sanitary District 2000).

##### *Septic*

Although the sanitary districts serve limited areas within Toro Canyon, eighty percent of area residents rely upon private septic systems for wastewater disposal (Refer to Section F., Water for more information regarding septic systems). Area soil characteristics, topography, and depth to groundwater present significant constraints and challenges to the siting and long-term operation of private disposal (septic) systems. Several recent and current development projects have required extensive time and effort and repeated testing to demonstrate ability to comply with minimum geologic and wastewater disposal standards. These difficulties have been experienced even at densities and intensities below the maximum levels allowed by land use and zoning designations. The inability to adequately comply with minimum geologic and wastewater disposal standards is one of several development constraints, which, when taken together, are contributing factors for the Plan's general reduction in residential densities throughout much of the Plan area.

### 2. WASTEWATER SERVICE ISSUES

#### **Sewer Extension**

Coastal Land Use Plan Policy 2-10 and Local Agency Formation Commission (LAFCO) policies discourage extending sewer service to rural areas because such extensions can encourage development intensification. When public health hazards are an issue, an exception to the

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## Toro Canyon Plan

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policies may be granted. For Toro Canyon, with poor soils, close proximity to the ocean and waterways that feed to the ocean, some limited sewer line extensions are recommended.

Although the County is concerned with septic systems in large areas of Toro Canyon, extending sewer service is only a possibility for two areas, on Padaro Lane/Beach Club Road and Ladera Lane. These two areas are shown on Figure 13. Because of possible growth inducing effects of sewer extension into rural areas, extending sewers to other areas in the Plan is not recommended.

Padaro Lane and Beach Club Road. Residences here are dense, close to the ocean, and within CSD boundaries. Extending CSD sewer lines here would require approximately 5800 feet of line.<sup>1</sup>

Ladera Lane. Residences along the east side of Ladera Lane have an average parcel size of one acre, are in close proximity to Toro Creek, and are within reasonable distance of an existing MSD sewer line. Before service could be provided to the east side of Ladera, annexation of these parcels to the MSD would be required. Annexation would be subject to the approval of the MSD and Santa Barbara County LAFCO.<sup>2</sup>

### 3. WATER EXISTING SETTING

#### *a. Regional Setting*

Recently, in 1997, the State Water Project (SWP) brought new supplies of water to the Santa Barbara area, providing adequate water supplies to accommodate future growth and existing development in many areas. Local reservoirs, groundwater, and state water supply the South Coast area.

#### *b. Planning Area Setting*

Both the Carpinteria Valley and Montecito Water Districts (CVWD, MWD, see Figure 14) provide water service within Toro Canyon. Individual accounts serve both domestic and agricultural users. Extension of the State Water Project (SWP) to the Santa Barbara area in 1997 has increased the available water supply in the CVWD and MWD service areas; for planning purposes, conservative assumptions are used regarding the ability of the State Water Project (SWP) to deliver contracted entitlements during a drought (see below).

Toro Canyon is primarily within the Carpinteria Groundwater Basin and the Basin's foothill watershed (Figure 15). A small area northwest of Picay Creek is within the adjacent Montecito Groundwater Basin. Groundwater is extracted by a number of private wells scattered throughout residential areas (Figure 16). However, at present, no CVWD or MWD wells are operating within Toro Canyon.

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<sup>1</sup> Miko, John Miko, Carpinteria Sanitary District, October 2000.

<sup>2</sup> Smith, Jerry, Montecito Sanitary District, January 2001.

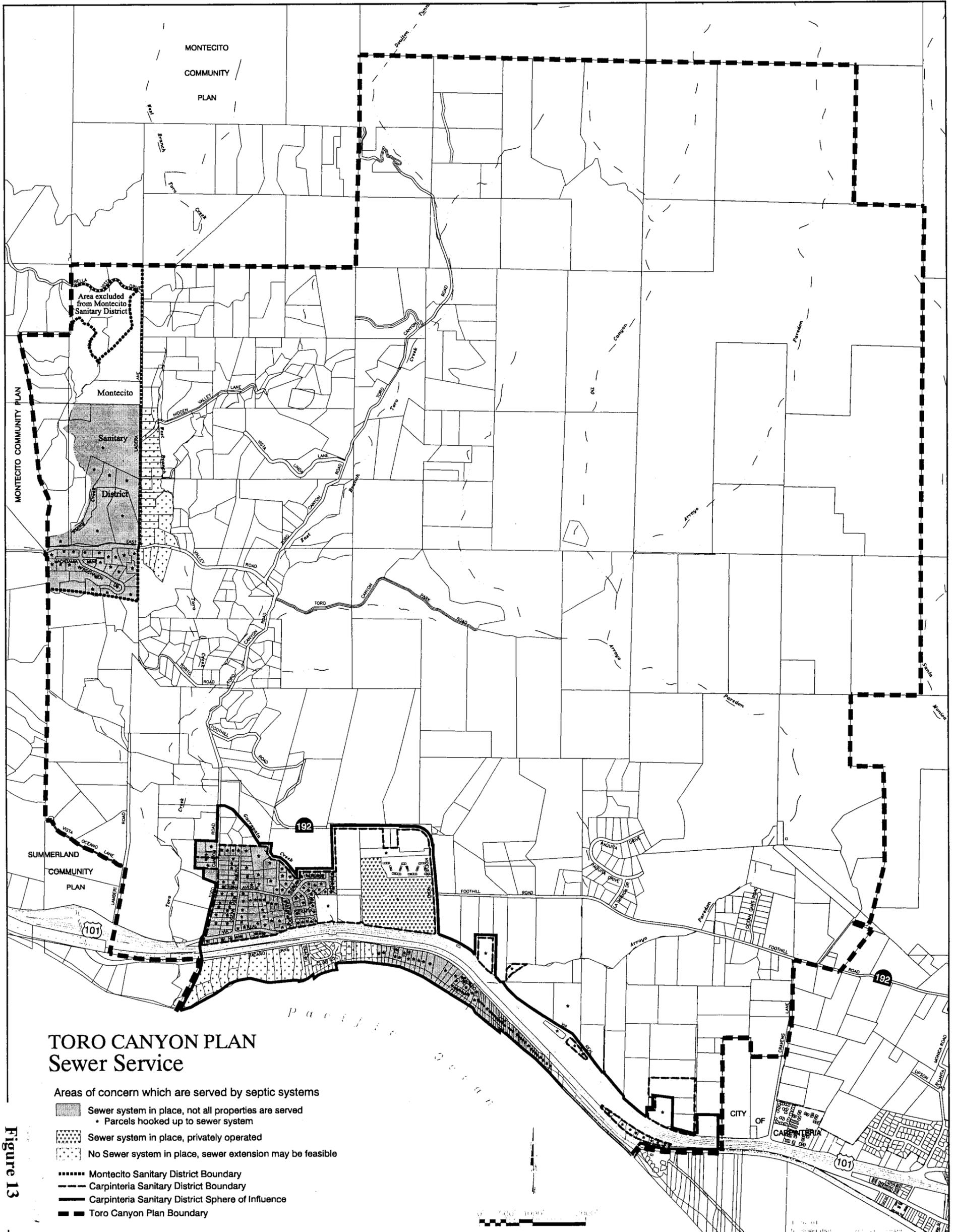
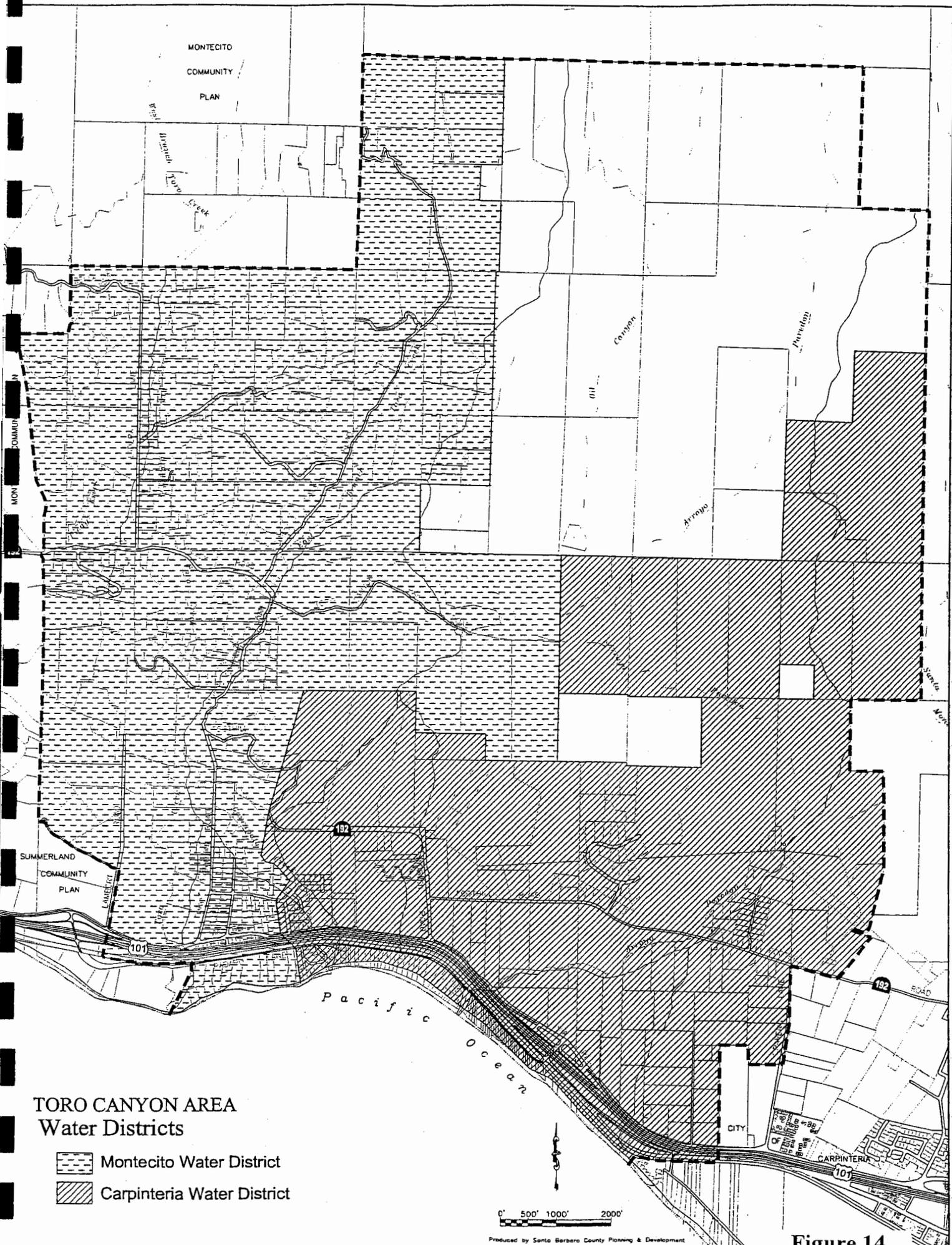


Figure 13



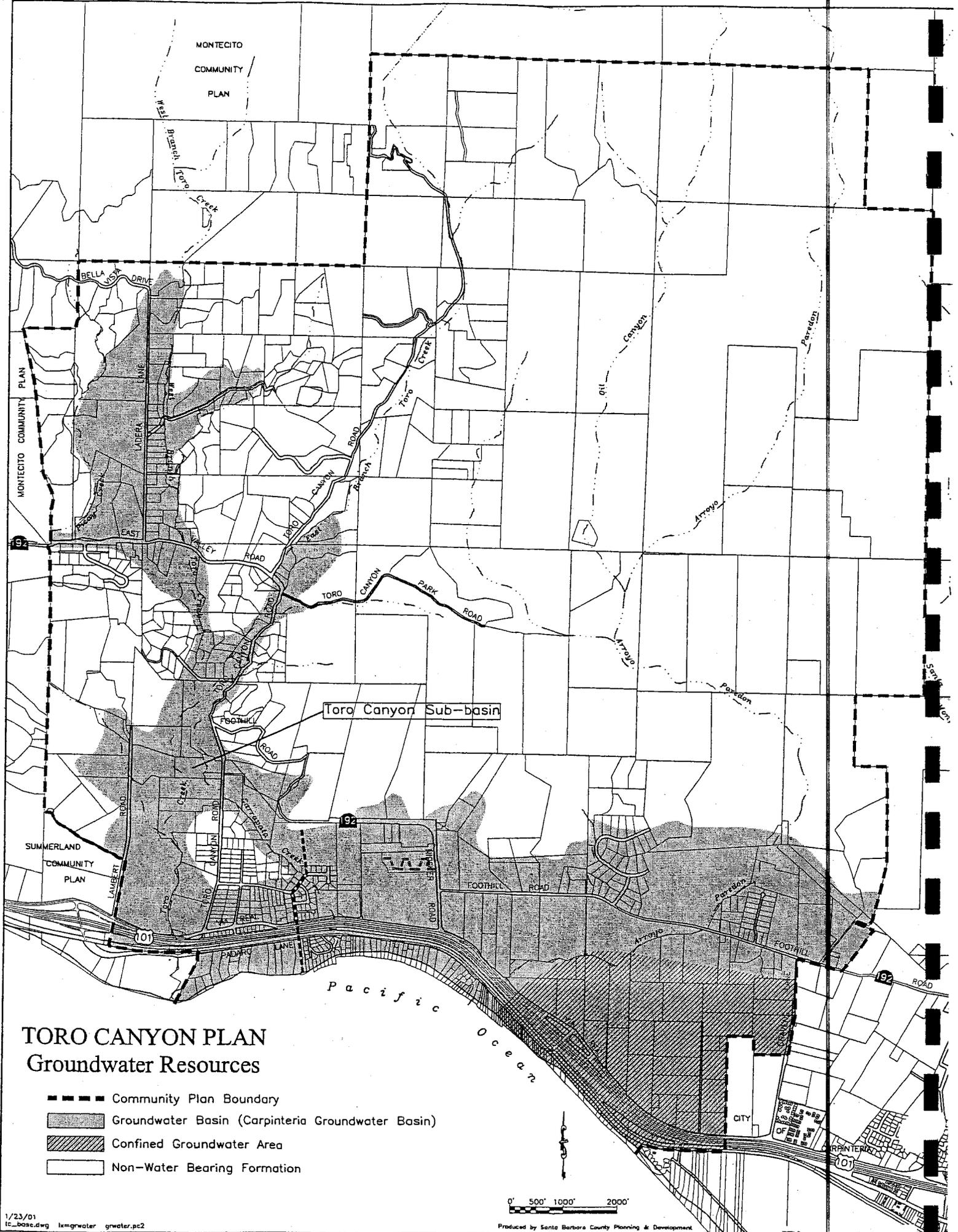
**TORO CANYON AREA  
Water Districts**

-  Montecito Water District
-  Carpinteria Water District

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development

**Figure 14**



# TORO CANYON PLAN Groundwater Resources

- Community Plan Boundary
- Groundwater Basin (Carpinteria Groundwater Basin)
- ▨ Confined Groundwater Area
- Non-Water Bearing Formation

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development

Figure 15

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## Toro Canyon Plan

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### *Montecito Water District*

The MWD supplies 375 customers in western Toro Canyon from both surface and groundwater sources. Surface water sources include Lake Cachuma, Jameson Lake, and Fox and Alder Creeks and the District's 3,000 acre-foot per year (AFY) entitlement of State Water. Groundwater sources consist of the Montecito Groundwater Basin, the Toro Canyon Subbasin, Doulton Tunnel intrusion water, and wells in hard rock or alluvial aquifers north of the main basin. The Montecito Water District's current demand in conjunction with that of approved projects and existing legal lots does not exceed the available supply, based upon conservative assumptions regarding the ability of the State Water Project (SWP) to deliver contracted entitlements during a drought.

### *Carpinteria Valley Water District*

The CVWD serves the eastern part of Toro Canyon. CVWD supplies come from Lake Cachuma, the Carpinteria Groundwater Basin, and the SWP. The SWP entitlement held by the CVWD is 2,000 AFY. CVWD's current demand plus the potential demand of currently vacant lots does not exceed the available supply, based upon conservative assumptions regarding the ability of the State Water Project (SWP) to deliver contracted entitlements during a drought. The CVWD also has produced a Groundwater Management Plan (1996). The Plan includes proposals to inventory local wells and their use and to monitor groundwater levels and quality.

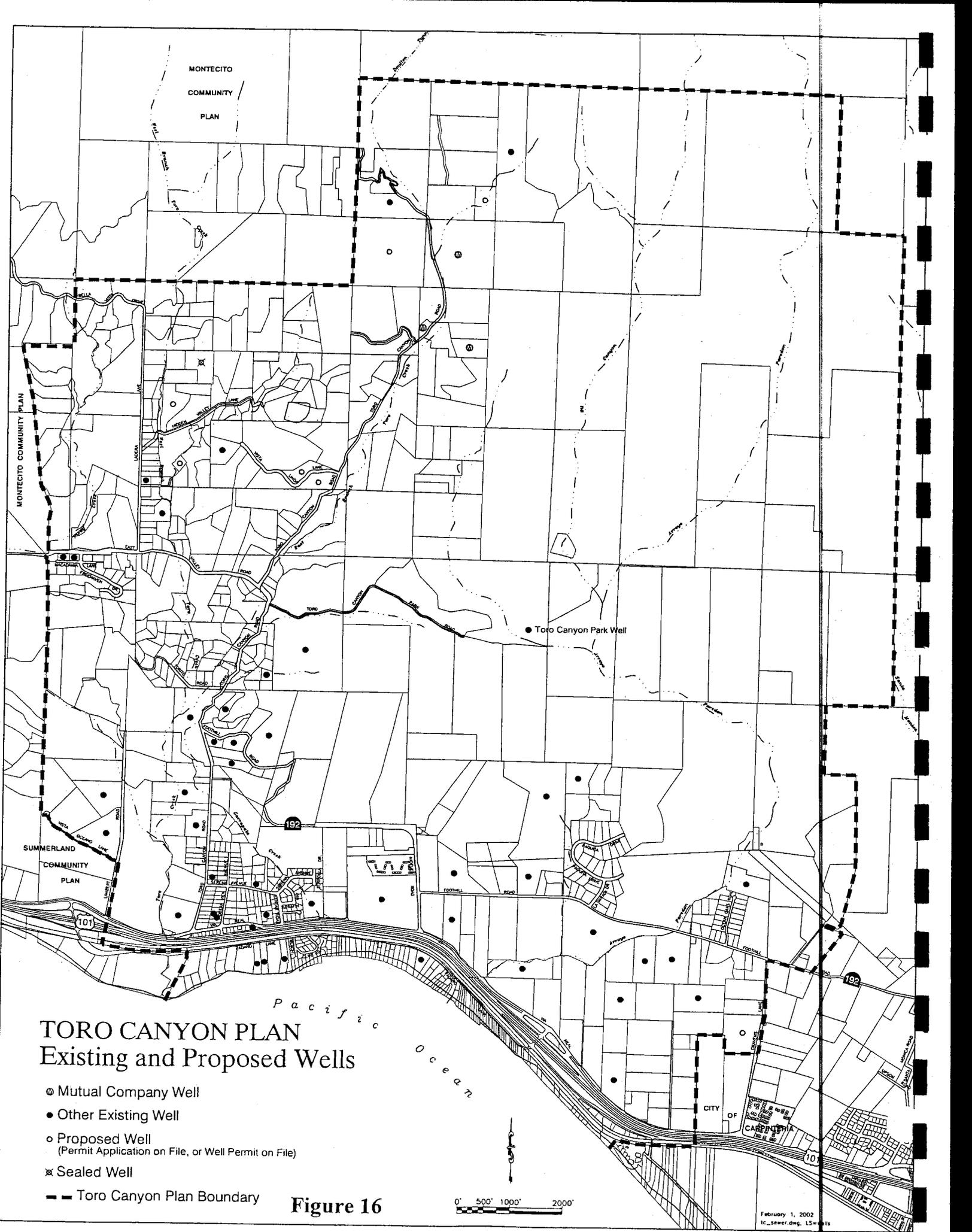
### *Private Wells*

The Toro Canyon Estates Company and East Montecito Mutual Water Company manage private wells that distribute water to multiple parcels in Toro Canyon. More than 28 private wells serve individual properties in addition to these two private companies. Water quality is tested at the time County Environmental Health Services issues a water system permit. Private wells are not subject to the regular periodic testing requirements set forth by the State Department of Health for municipal wells.

## 4. WATER PLANNING ISSUES

### Quantity

Within Toro Canyon, supply of water exceeds demand for water. However, in view of water shortage issues within California in general, and the environmental effects of excessive water usage (e.g., stream/spring dewatering), water conservation measures are appropriate for new development in Toro Canyon.



MONTECITO  
COMMUNITY  
PLAN

MONTECITO COMMUNITY PLAN

SUMMERLAND  
COMMUNITY  
PLAN

• Toro Canyon Park Well

# TORO CANYON PLAN

## Existing and Proposed Wells

- ⊙ Mutual Company Well
- Other Existing Well
- Proposed Well  
(Permit Application on File, or Well Permit on File)
- ⊗ Sealed Well
- Toro Canyon Plan Boundary

Figure 16

0' 500' 1000' 2000'

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## Toro Canyon Plan

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### Quality

The possibility of water contamination is a universal concern. The following list outlines some actions and processes that may affect groundwater and surface water (e.g., creeks) quality. Creeks and streams provide significant wildlife habitat. Many species cannot survive if surface waters become overly polluted. Additionally, Toro Creek, Garrapata Creek, Oil Canyon Creek, and Arroyo Paredon ultimately flow to the ocean, where pollution could affect both beach/ocean users and wildlife.

### Storm Water Runoff and Non-Point Source Pollutants

The U.S. EPA has identified urban surface runoff as a significant cause of water pollution in the United States. As of March 2003, Santa Barbara County will be subject to Federal Phase II storm water regulations. Two main impacts result from development: changes in surface water hydrology, and changes in water quality. Pollutants most frequently associated with storm water runoff include sediment, nutrients, bacteria, oxygen-demanding substances, oil and grease, heavy metals, other toxic chemicals, and floatables. The primary source of the pollutants include automobiles and automobile use, housekeeping and landscaping practices, construction, accidental spills, illegal dumping and illegal connections to the storm drain system. Construction sites may be considerable sources of sediment, trace metals, nutrients, oil and grease, pesticides, herbicides, and other synthetic organic compounds. Agricultural activities within the planning area may also be a source of pollutants such as sediment, nutrients and pesticides.

These pollutants often enter waters in sudden pulses and large quantities as rain, irrigation, and other types of runoff that can mobilize and transport the contaminants. Examples include lawn and garden chemicals from urban areas transported by rain or irrigation runoff; household and automotive care products dumped onto streets and into gutters; fertilizers, pesticides, and sediment transported from agricultural lands; sediment transported from roads, construction and developed land; and various air particulates that are deposited from the atmosphere.

### Domestic Animals and Commercial Livestock

The large numbers of horses and domestic animals residing in Toro Canyon may be a source of water pollution. The Santa Barbara Polo and Racquet Club has the capacity to board 350 horses in stalls and corrals. Also, some areas within Toro Canyon are zoned to allow one large animal, including horses, for every 20,000 square feet of lot area. EHS requires an animal waste management plan for all projects involving the raising or keeping of animals that are subject to a conditional use permit. For example, commercial riding and boarding stables, kennels, hog ranches, dairies, or more than one animal per 20,000 square feet require a conditional use permit in many zones. Equestrians use many of the local trails. In addition, there is a large canine boarding facility in Toro Canyon that can accommodate up to about 120 dogs. The level of nitrates in area groundwater can be raised if the waste from animals is not properly treated or disposed. Recent surface water samples taken near the Santa Barbara Polo and Racquet Club reflected relatively high levels of coliform bacteria (personal communication, Peggy Langle 1998). Also, preliminary Project Clean Water samples from Toro Creek near properties where a large number of horses are boarded indicate very high levels of fecal coliform bacteria. Excess

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## Toro Canyon Plan

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nitrate in groundwater used for drinking water are a health concern. Coliform in surface water, including the ocean, is important as it can indicate the presence of organisms that could cause illness.

### Septic Systems

Septic systems serve approximately eighty percent of Toro Canyon's residents. All septic systems have a disposal field. There are two types of disposal fields, leach fields and drywells. A leach field is shallow (less than five foot total depth) horizontal disposal of septic effluent. Leach fields maximize separation to groundwater and allow for evapotranspiration of effluent. A drywell is vertical disposal of septic effluent. Drywells are only allowed in areas where leach fields are determined to be infeasible. Some systems are old and do not meet current standards. Septic systems can cause water quality problems if they are not properly sited or maintained. Many residents are unaware of the maintenance requirements of their septic systems. Appendix F outlines suggested septic system maintenance procedures.

Properly maintaining septic systems follows the more basic issue of properly siting septic systems. Regional Water Quality Control Boards (RWQCBs) have the authority to regulate activities that can affect water quality in California. The Central Coast's RWQCB 1998 Water Quality Control Plan (Basin Plan) lists specific criteria or site conditions under which new septic systems are prohibited. The prohibitions are based on soil percolation rates, proximity to areas prone to flooding, slope steepness, parcel size, distances between trench bottom and usable ground water, and other criteria. Some areas of Toro Canyon that may fall under these prohibitions include areas currently zoned for fairly dense housing (one acre or less per residence) and areas close to creeks or the ocean. These areas include: neighborhoods north of Foothill Road near Ocean Oasis Lane and La Mirada Drive; areas west of Toro Canyon Road north of Garrapata Creek; and areas east and west of Toro Canyon Road north of Foothill Road. Because of prevalent unfavorable soil, slope, ground and surface water conditions, much of the plan area has septic system limitations. As septic system constraints vary by parcel, each would be analyzed on a case by case basis to determine ability of a project to utilize a septic system for wastewater disposal.

Most leach fields eventually fail when the ability of the soil to percolate is impaired due to use of a field over time and build up of "biomat," or bacterial growth, in the absorptive surfaces in the soil. When effluent from a septic tank can no longer percolate downward, the effluent will rise to the surface of the ground, a situation called "daylighting." Most drywells also eventually fail. A well-maintained, well sited disposal field typically lasts for 20 - 30 years. Services are normally planned so that they will be available at least 75 years into the future for new projects.

Daylighting has the potential to contaminate surface waters. Septic effluent could be carried away from failing or poorly designed septic systems to nearby creeks and then to the ocean when heavy rains saturate the ground. High fecal coliform bacteria counts in creeks or the ocean indicate potential contamination by septic systems and possible presence of disease-causing pathogens. Disease-causing pathogens would be a potential public health hazard. Toro, Garrapata, and Arroyo Paredon creeks flow through Toro Canyon in proximity to septic systems and discharge into the ocean.

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## Toro Canyon Plan

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Since 1983, Environmental Health Services (EHS) received approximately 55 suspected Toro Canyon septic system problem complaints and confirmed approximately 30 septic system-related problems. These include violations of Health and Safety Code Sections 5411 (sewage, and related materials not to be discharged so as to result in contamination, pollution, or nuisance), and 4476 (deposit of sewage, garbage, and similar materials in the street is a misdemeanor). Many residents improperly maintain their septic systems and often are unaware of their septic system's location or last service date, which can lead to unnecessary failures and complications in correcting failures.

Occasionally, Toro Canyon farm and construction employees are not provided access to toilet facilities. CalOSHA requires employers to provide temporary toilets if permanent restrooms are unavailable. CalOSHA conducts periodic inspections. EHS responded to four such reported instances in Toro Canyon between 1993 and 1998.

The maximum contamination level for nitrates in drinking water is 45 parts per million. The California State University, Chico wastewater studies have determined that on average, 11 – 15 grams of nitrates per person using a septic system per day enters the septic tank and that approximately 20 percent of nitrogen is removed within the septic tank. Shallow leach fields allow for the removal of an additional 30 percent of total nitrogen, however drywells do not remove any additional nitrogen. "Advanced treatment," which utilizes bacteriological processing prior to effluent entering a traditional septic system, can remove virtually all nitrate from septic effluent. (See Appendix F.)

### **Underground Storage Tanks**

Two sites in Toro Canyon could have underground storage tanks for gasoline including the gas station on Via Real at the eastern Padaro Lane/U.S. Highway 101 interchange, and the site of a former gas station on Santa Claus Lane. All underground storage tanks are subject to regulations designed to ensure their contents do not pollute groundwater.

### **Seawater Intrusion**

The Toro Canyon Subbasin is part of the Carpinteria groundwater basin. Seawater intrusion into groundwater resources could occur if the subbasin were overdrafted, or if pumpage was concentrated in a local area. However, water samples taken in 1991, at the height of the most recent drought, indicated no saltwater intrusion in the Toro Canyon area. Wetter years since that time have added to groundwater in storage. Therefore, the subbasin is not overdrafted, and is not considered at risk of seawater intrusion (Norman Cota, Carpinteria Valley Water District, 1999).

### **Oil Seeps**

There is one significant oil seep from an old horizontal well in the northern portion of Toro Canyon. The California Department of Fish and Game has installed special filters and trapping mechanisms at the main source of this seep to ensure that the oil will not pollute surface waters.

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## Toro Canyon Plan

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### 5. WASTEWATER AND WATER GOAL, POLICIES, ACTIONS, AND DEVELOPMENT STANDARDS

**GOAL WW-TC:** Protect Quality Of Surface, Ground, And Ocean Waters From Degradation; Maintain Adequate, Safe Water Supplies; And Protect Groundwater Basins From Prolonged Overdraft. Provide Adequate Wastewater Treatment And Disposal Throughout The Planning Area.

**Policy WW-TC-1:** Development and infrastructure shall achieve a high level of wastewater treatment, in order to best serve the public health and welfare.

**DevStd WW-TC-1.1:** Septic system installations shall only occur on parcels that are free of site characteristics listed under "VIII.D.3.i. Individual, Alternative and Community Systems Prohibitions" in the *Water Quality Control Plan for Central Coast Basin, Region 3* by the Regional Water Quality Control Board. Adherence to this standard and any other more restrictive applicable standards or zoning regulations as well as the County Wastewater Ordinance shall constitute a finding of consistency with Land Use Development Policy 4 and Coastal Plan Policy 2-6 with regard to wastewater service.

**DevStd WW-TC-1.2:** To the maximum extent feasible, development shall be sited and designed to avoid the use of wastewater system features (e.g. lift stations and grinder pumps) that require more maintenance than gravity fed laterals or septic systems and whose failure could result in the contamination of surface or groundwater or potential health hazards. Gravity flow of wastewater to septic tank and disposal fields must be available when new lots to be served by septic systems are created. Unless it would preclude reasonable use of property, private operation and maintenance of lift stations and grinder pumps is prohibited.

**DevStd WW-TC-1.3:** For development proposing public sewer service, prior to approving land use clearance and/or recording final maps, adequate wastewater treatment and disposal capacity (based on County and RWQCB accepted figures) shall be demonstrated for the Carpinteria Sanitary District or Montecito Sanitary District, as appropriate, to serve the specific project along with other approved development.

**Action WW-TC-1.4:** The County shall work with the Montecito Sanitary District and Local Agency Formation Commission to extend sewer lines to serve residents on the east side of Ladera Lane, west of Toro Creek, within the Urban Boundary.

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## Toro Canyon Plan

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- Action WW-TC-1.5:** The County shall work with the Carpinteria Sanitary District and Local Agency Formation Commission to extend sewer lines within designated Rural Neighborhoods (RNs) when consistent with Coastal Plan Land Use Policy 2-10.
- Policy WW-TC-2:** **Pollution of surface, ground and ocean waters shall be avoided. Where avoidance is not feasible, pollution shall be minimized.**
- DevStd WW-TC-2.1:** To reduce the possibility of prolonged effluent daylighting, two disposal fields shall be built to serve each septic system as required by EHS so that when one field begins to fail, the other field can immediately be put into use. An additional third expansion area shall be set aside where no development can occur, except for driveways on constrained sites as provided below in Development Standard WW-TC-2.3.1. In the expansion area, a disposal field should be constructed when any other disposal field is in a state of failure.
- DevStd WW-TC-2.2:** For remodels of plumbed structures where the existing septic system must be enlarged or where septic system repairs are required due to failure, in addition to the enlargement and/or repair of the existing septic system, an additional disposal field shall be installed to the maximum extent feasible.
- DevStd WW-TC-2.3** Where feasible, measures to decrease the amount of nitrates filtering through soil to groundwater shall be required, including:
1. Shallow-rooted non-invasive plants (maximum root depth of four feet) shall be planted above all leach fields to encourage evapotranspiration of effluent and uptake of nitrates. Impervious surfaces, such as paved driveways, shall not be constructed above leach fields. If site constraints require a driveway to be located above a leach field in order to ensure reasonable use of property, turf block or other suitable pervious surface shall be used.
  2. Advanced treatment for the removal of nitrates shall be required on septic systems utilizing drywells as the disposal field. Existing septic systems that utilize drywells that have failed, or that need to be modified or certified, must also install advanced treatment.
- DevStd WW-TC-2.4:** Discretionary development to house or manage animals must have a waste management program prepared according to Environmental Health Services' Guidelines for Management of Animal Wastes and approved by the Environmental Health Services Division.

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## Toro Canyon Plan

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- DevStd WW-TC-2.5:** Septic systems and other potential sources of water pollution shall be a minimum of 100 feet from the geologic top of slope of tributary or creek banks (reference point as defined by Planning and Development and Environmental Health Services). Modifications to existing sources of potential water pollution shall meet this buffer to the maximum extent feasible.
- Action WW-TC-2.6:** The County should mail the Environmental Health Services brochure "Your Septic System: A Reference Guide for Homeowners" to all Toro Canyon properties with septic systems.
- DevStd WW-TC-2.7:** Development shall not be approved where individual or cumulative impacts of septic systems for new development would cause pollution of creeks and ocean waters, unless this would preclude reasonable use of property.
- DevStd WW-TC-2.8:** Development shall be designed to reduce runoff from the site by minimizing impervious surfaces, using pervious or porous surfaces, and minimizing contiguous impervious areas.
- DevStd WW-TC-2.9:** Development shall incorporate best management practices (BMPs) to reduce pollutants in storm water runoff. The BMPs can include, but are not limited to dry wells for roof drainage or other roof downspout infiltration systems, modular paving, unit pavers on sand or other porous pavement for driveways, patios or parking areas, multiple-purpose detention systems, cisterns, structural devices (e.g., grease, silt, sediment, and trash traps), sand filters, or vegetated treatment systems (e.g. bioswales/filters).
- DevStd WW-TC-2.10** Construction Best Management Practices shall be included on drainage plans and/or erosion control plans and implemented to prevent contamination of runoff from construction sites. These practices shall include, but are not limited to, appropriate storage areas for pesticides and chemicals, use of washout areas to prevent drainage of wash water to storm drains or surface waters, erosion and sediment control measures, and storage and maintenance of equipment away from storm drains and water courses.
- Policy WW-TC-3:** **Development in Toro Canyon shall incorporate appropriate water efficient design, technology and landscaping.**
- Action WW-TC-3.1:** The County Water Agency shall work with the MWD and the CVWD to promote educational programs that encourage efficient water use.

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## Toro Canyon Plan

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**DevStd WW-TC-3.2:** In cases where landscape plans are required for development, they shall include appropriate water-conserving features such as those listed in the Water Resources section of the County's *Standard Conditions of Approval and Standard Mitigation Measures*.

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## Toro Canyon Plan

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## **Section IV**

# **Resources and Constraints**

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## Toro Canyon Plan

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### A. BIOLOGICAL RESOURCES

#### 1. EXISTING SETTING

##### a. *Planning Area Setting*

Toro Canyon extends from the crest of the Santa Ynez Mountains in the Los Padres National Forest to the Pacific Ocean, supporting diverse biological resources. Due to low development density, Toro Canyon contains substantial, relatively undisturbed native habitat. Although residential and agricultural development have fragmented this habitat, there remain large expanses of native vegetation, rare and sensitive plant and animal species, and key habitat linkages. Toro Canyon's primary habitat resources include the steep, chaparral-covered foothills of the Santa Ynez Mountains, a rare southern oak riparian forest along Picay, Toro, Garrapata, and Arroyo Paredon Creeks, and a large oak forest near Toro Canyon Park. Toro Canyon supports wildlife species typical of the lower slopes of the Santa Ynez Mountains. Mammals include a variety of rodents, gray fox, coyote, and mule deer. Typical birds include sparrow, towhee, wren, scrub jay, warbler, acorn woodpecker, Anna's hummingbird, and quail, that nest, roost and forage within the chaparral and riparian communities. Various species of reptiles and amphibians are expected in Toro Canyon including but not limited to western fence lizard, horned lizard, gopher snake, common kingsnake, rattlesnake, frogs and turtles.

#### **Description of Natural Habitats**

The biological resources in Toro Canyon have been identified from a range of information sources. Biological studies of specific development project sites within Toro Canyon and the Carpinteria Valley provided a background for the general biological resources in the Plan area. County Planning and Development Department (P&D) aerial photographs of the Toro Canyon area, taken on June 6, 1997 were evaluated to determine the location of major vegetation types. P&D biologists and experts on aerial photograph interpretation assessed all of the biological information described above and conducted brief field investigations during 1999 and early 2000, as well as during adoption hearings on the Plan later in 2000 and through early 2002, to develop the following general natural habitat classifications and prepare the Plan's Biological Resources and Environmentally Sensitive Habitat Map shown on Figure 17.

##### *Southern Coast Live Oak Riparian Forest*

Toro Canyon has the largest, contiguous coast live oak riparian forest on the South Coast. Covering roughly 550 acres, the habitat extends down the branches of Toro Creek and Garrapata Creek, spreading out from the creek banks hundreds and sometimes thousands of feet onto the floodplains, connecting as one system between Lambert and Toro Canyon Roads. The forest is comprised of about 90 percent coast live oak and 10 percent western sycamore. These trees reach about 60 feet in height and have average diameters of 20 to 30 inches. The forest canopy of interlocking branches provides habitat for at least as many as 57 bird species, and perhaps as high as 83 species including three hawk species, as many as four owl species, four woodpecker species, and many others. White-tailed kites are known to roost and nest regularly in this habitat

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(Holmgren and Rindlaub 1988, Storrer and Philbrick 1998). Due to the dominance of non-natives in the understory at lower elevations there is less diversity of mammals, amphibians and reptiles than in areas higher in the watershed where there is a greater percentage of natives in the understory. The unusual close proximity of the creeks and oaks contributes to the richness of this habitat and high species diversity which was documented in a 1988 survey where more than 60 different animal species and an additional 30 species were expected. Because of the high diversity and because this habitat has been almost completely eliminated in the region, the remaining habitat is extremely important (Holmgren and Rindlaub 1988).

### *Coast Live Oak Forest*

This community ranges from Sonoma County to Carpinteria, reaching its southern limit of distribution in the Plan area (Holland 1986). Where a species or entire community reaches the northern or southern limit of its range, it is significant because it is a place where ecological and evolutionary change can occur. A significant oak forest occurs along Toro Canyon Park Road in and near the park itself. There are approximately 260 acres of mapped oak forest in the community including 100 acres of dense forest on the north slope below Paredon Ridge.

Another oak forest, about 16 acres in size, occurs at the northwest corner of East Valley Road and Ladera Lane. A pair of white-tailed kites ("Fully Protected") were believed to be nesting here in 1998. The understory here is predominantly native and well developed; species diversity is high. Abundant oak seedlings are also present here. Other species in this community include lemonade berry, laurel sumac, red berry and fuchsia-flowered gooseberry, poison oak, wild blackberry, wild cucumber, wild rose, melic grass, giant rye, wood mint, and hummingbird sage (Storrer and Philbrick 1998).

### *Coast Live Oak Woodland*

Roughly 50 acres of oak woodland are mapped. This community is dominated by coast live oaks occurring on the north slopes of the upper portion of the canyon. This community is slightly less dense than the oak forest and oak riparian forest described above.

NOTE: Coast Live Oak Woodland is combined with Coast Live Oak Forest as one habitat designation on the Biological Resources map, Figure 17.

### *Scrub Oak Chaparral*

Scrub Oak Chaparral occurs on the south-facing slopes and ridges of the eastern portion of Toro Canyon. Approximately 280 acres are mapped as scrub oak chaparral. This community is dominated by Nuttall's scrub oak (*Quercus dumosa*). Dense woody, evergreen shrubs 3 to 12 feet tall populate this community. This fire-dependent community is found on steep, dry, rocky mountain slopes and ridges. It contains a rich diversity of native plants including several endemic and rare species. Catalina mariposa lily (*Calochortus catalinae*) is on the California Native Plant Society's (CNPS) List 4, which means the species is uncommon and its population levels should be watched.

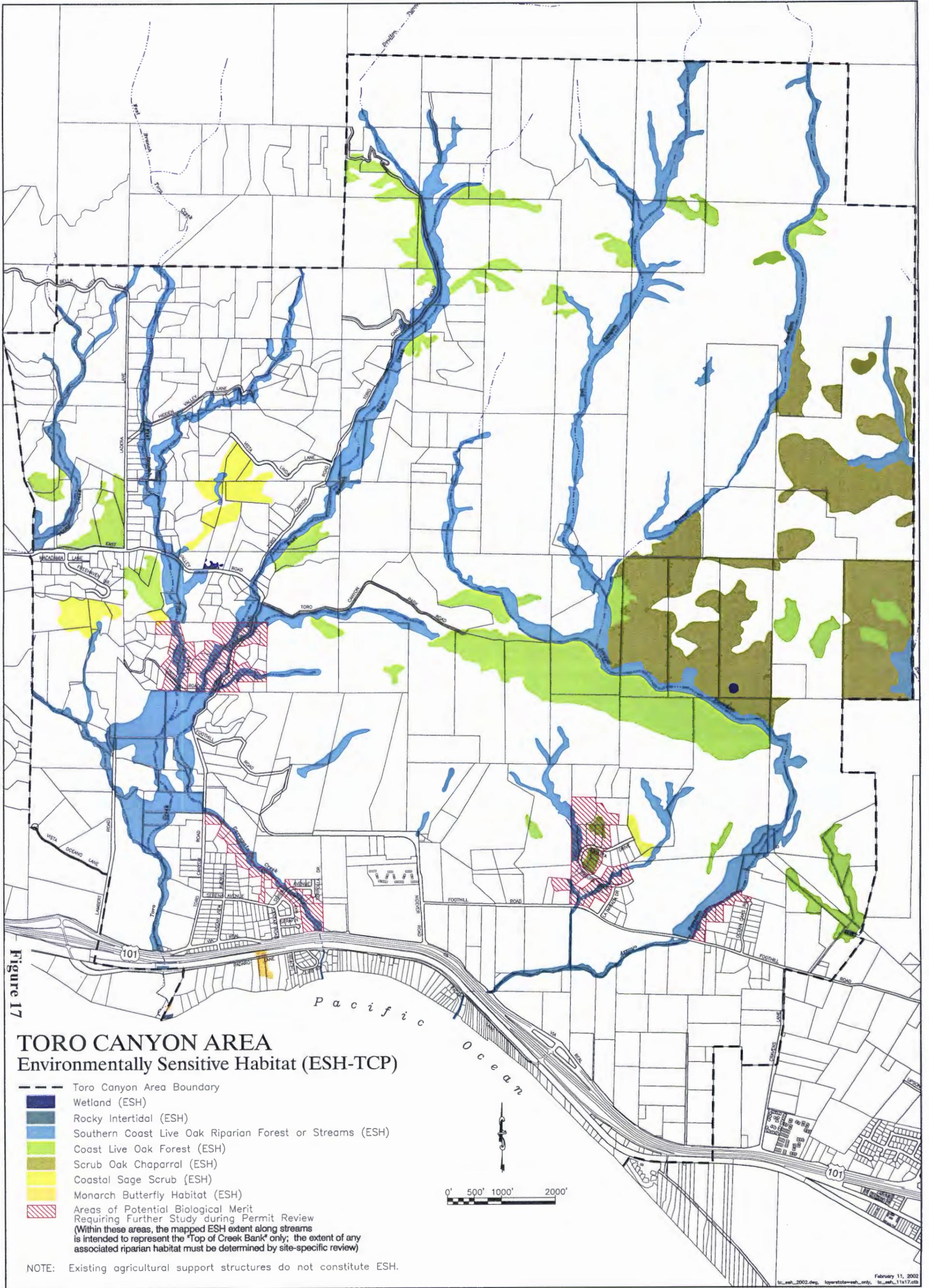


Figure 17

### TORO CANYON AREA Environmentally Sensitive Habitat (ESH-TCP)

- Toro Canyon Area Boundary
- Wetland (ESH)
- Rocky Intertidal (ESH)
- Southern Coast Live Oak Riparian Forest or Streams (ESH)
- Coast Live Oak Forest (ESH)
- Scrub Oak Chaparral (ESH)
- Coastal Sage Scrub (ESH)
- Monarch Butterfly Habitat (ESH)
- ▨ Areas of Potential Biological Merit  
Requiring Further Study during Permit Review  
(Within these areas, the mapped ESH extent along streams  
is intended to represent the "Top of Creek Bank" only; the extent of any  
associated riparian habitat must be determined by site-specific review)

NOTE: Existing agricultural support structures do not constitute ESH.

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CNPS reports that this lily is rare, endangered in a portion of its range, and endemic to California. Other scrub oak chaparral species that are endemic to the region include chaparral mallow (*Malacothamnus fasciculatus* var. *nuttallii*) and Phacelia (*Phacelia viscida* var. *albiflora*). These species also typically occur in areas mapped simply as chaparral.

Nuttall's scrub oak (*Quercus dumosa*) and Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*) are listed by the California Native Plant Society as List 1B plants, which means that they are eligible for state listing as threatened or endangered species and meet the definitions of the Native Plant Protection Act or the California Endangered Species Act. CEQA Guidelines Section 15380 states that a plant or animal may be treated as rare or endangered for the purposes of CEQA evaluation even if it has not been placed on an official list.

Nuttall's scrub oak ranges from northern coastal Baja California to Santa Barbara, reaching its northern limit in Mission Canyon. In the past, the term scrub oak has been used for several different species of shrubby evergreen oaks. Now, the name *Quercus dumosa*, or Nuttall's scrub oak, only refers to a species that is restricted to twenty known populations from Baja to Mission Canyon based on the taxonomic research of Nixon and Muller (1994). The distinct nature of this species is recognized in the *Jepson Manual* (Hickman 1993), *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995), and *A Flora of Santa Barbara County* (Smith 1998). The name *Quercus dumosa* does not apply to other scrub oaks that occur in much of the mountainous portions of California (Nixon and Muller 1994). Only two and a portion of a third of these populations are protected; one in the Santa Barbara Botanic Garden and one at Torrey Pines State Park. The third population to which this refers is in Toro Canyon where a portion of the population (roughly 65 acres) is protected as part of a recorded parcel map (Assessor Parcels 155-220-009 and -010).

The California Native Plant Society (1994) reports that Nuttall's scrub oak has a limited number of occurrences; it is endangered throughout its range; and it is rare outside California. Occurring between 200 and at least 1,400 feet in elevation, the species has been documented in Toro Canyon by Carroll (1992), Philbrick (1993), Storrer and Rindlaub (1998), Stevens (1999), and Gevirtz (2000). At the species' higher elevations it comprises 70 to 80 percent of the vegetation cover, such as on the ridge between Arroyo Paredon and Santa Monica Canyon (Carroll 1992). This area has been mapped as "scrub oak chaparral." At some time between 1990 and 1997, what was probably scrub oak chaparral was removed on Paredon Ridge just west of the documented population in order to install avocado orchards (County aerial photographs 1990 and 1997).

Further west, but still within the Toro Canyon Plan area, chaparral at these elevations has been mapped as "chaparral" rather than "scrub oak chaparral" unless surveys have been done which document the dominance of scrub oak. These areas mapped as chaparral include Nuttall's scrub oak, but apparently not at the densities described above. At lower elevations, such as north of Vista Linda (Stevens 1999), on Paredon Ridge (Gevirtz 2000), and near the 800 and 900 blocks of Toro Canyon Road (Philbrick 1993) its percentages are much lower (apparently less than 10 percent). As additional survey information becomes available, additional areas may be mapped as scrub oak chaparral if warranted.

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### *Chaparral*

This community is similar in appearance to scrub oak chaparral, but lacks scrub oak as the dominant shrub species. It includes chamise, manzanita, coastal sage, mountain-lilac, mountain mahogany, coast live oak, toyon, scrub oak, sumac, black sage, sun-rose, deer brush, nightshade and goldenrod (Philbrick 1993). It supports the same animal population as the scrub oak chaparral. Roughly 1,550 acres are vegetated by chaparral.

Where chaparral borders on riparian woodland, an "edge" environment is created that is highly beneficial to birds and other animals (Tierney and Storrer 1990). Toro Canyon has several areas of "edge" communities where chaparral and oak forest or riparian forest meet, creating strong interdependence between the communities. Chaparral is an important source of refuge and forage for mammals which in turn attracts scavengers and predators to this habitat, including bobcat, gray fox, coyote and mule deer (Tierney and Storrer 1990). Typical bird species include wrentit, California quail, Bewick's wren, and California thrasher. Reptiles such as western fence lizard, southern alligator lizard, striped racer, rattlesnake, and kingsnake are also widely represented in chaparral due to its dense cover and abundant insect and rodent populations. Western pond turtle (California Species of Special Concern) and California newt could occur in the chaparral within 1,000 feet or more from one of the riparian systems.

### *Coastal Sage Scrub*

Coastal sage scrub is another Toro Canyon foothill community. This community, abundant in the County, is usually found on dry and rocky slopes below the chaparral. California sagebrush, several sage species, California buckwheat, coyote bush and California encelia dominate coastal sage scrub. Coastal prickly pear cactus (*Opuntia littoralis*) is an occasional member of this community (Smith 1998). Roughly 38 acres are mapped as being vegetated by coastal sage scrub. As many as 24 species of mammals are known to frequent this which provides protective cover for many small mammals that are important prey for resident carnivores and birds of prey (Little 1997).

### *Native Grassland*

Several patches of native grassland (*Nassella lepida*) have been documented in Toro Canyon, including several acres along upper Toro Canyon Road (800 and 900 blocks) and Arroyo Paredon Creek (Philbrick 1990), and approximately 0.25 acre along the dirt road leading down into Santa Monica Canyon. These are not shown on the Plan ESH Map. Other patches of native grassland are likely in Toro Canyon. Purple needlegrass (*Nassella pulchra*) has also been found in the Plan area along the Hidden Valley Lane area, and in lower Toro Canyon along East Valley Road. Native California grasslands, formerly widespread, have been displaced throughout California by annual European grasses, urbanization, agriculture and fire suppression. Grasslands provide important foraging and breeding habitat for a wide variety of passerine bird species and birds of prey, and often form transitional zones between scrub and woodland habitats. These edge habitats tend to be very high in species diversity.

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### *Creeks*

Four creeks and their tributaries in Toro Canyon provide important habitat for many species, transport nutrients and sediments, and allow replenishment of sand at downstream beaches. Riparian areas provide dense vegetation and often water to drink. Many species of wildlife that live in the chaparral, oak forests, and coastal sage scrub visit riparian habitats to drink or feed. The creeks in the Plan area also provide a movement corridor that allows larger mammals to travel within residential areas to and from more isolated sites. Specific characteristics of each of the four creeks in the Plan area are described below.

*Picay Creek.* Originating in northwestern Toro Canyon, Picay Creek continues southwest into the Montecito Planning area, feeding into Romero Creek. Coast live oaks, western sycamore, and arroyo willow dominate in this area. Native understory vegetation includes wood fern, snowberry, wild rose, giant rye and mountain mahogany. Where disturbance has occurred previously, weedy understory plants, particularly German ivy dominate. Yellow warbler has been observed in Picay Creek, is a California species of special concern and is a likely breeder along the creek. Other birds occurring in Picay Creek include red-shouldered hawk, black-chinned hummingbird, downy woodpecker, Pacific-slope flycatcher, Wilson's warbler and black-headed grosbeak, among others (Storrer and Philbrick 1998).

*Toro Creek.* Toro Creek is a major wildlife corridor that supports numerous birds, small mammals, and aquatic species. The overstory consists of mature large western sycamore, coast live oak, and occasional Eucalyptus trees, with many sycamore and oak trees exceeding 3 feet in diameter. The oak riparian forest understory is dominated by non-native weedy species, although native species are also present. In the lower portion of the watershed, there are numerous weedy species in the oak riparian forest understory include garden nasturtium, German ivy, greater periwinkle, and castor bean. Native species in the oak riparian forest understory include poison oak, wild blackberry, wild rose, hedge nettle, Douglas' mugwort, white nightshade, and scarlet monkeyflower. These native species are more common in the upper portion of the watershed, above Vista Linda Lane (Stevens, personal communication 2000). The sediments of the creekbed support horsetail, smartweed, and willow herb. The creek aquatic habitat supports green algae and water cress.

Birds that nest in Toro Creek include mallard, song sparrow, and lesser goldfinch. Several birds that are listed as Species of Special Concern, including yellow warbler, yellow breasted chat, Allen's hummingbird, and Pacific-slope flycatcher, are known to use Toro Creek during migration and/or nesting periods (Kisner 1998). Red-legged frog (Threatened) could occur in the creek, but they are not likely due to the lack of suitable habitat. Above Vista Linda Lane, Toro Creek has suitable habitat for southwestern pond turtle (State Species of Special Concern). Further south, the creek is probably too steeply incised for the turtle to get out of the channel. No recent records of steelhead trout are known from this stream (Spencer, personal communication 2000).

*Garrapata Creek.* A well-developed southern oakriparian forest habitat corridor occurs along Garrapata Creek. Vegetation here includes sycamore, live oak and eucalyptus trees with an understory of primarily non-native periwinkle. Existing vegetation provides roosting, foraging,

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and nesting habitat for several raptor and passerine species and foraging habitat for small animals, although certain segments of the oak riparian forest along Garrapata Creek have been disturbed. The eucalyptus trees along Garrapata Creek provide nesting habitat for red-tailed hawks (Storrier, 1989). The creek is drier than others in the Plan area, probably due to the small size of its watershed. Suitable habitat for red-legged frogs, southwestern pond turtles and steelhead trout is not known to exist in this creek (Spencer, personal communication 2000).

*Arroyo Paredon Creek.* Arroyo Paredon Creek drains the eastern section of the Plan area, from the chaparral covered hillsides, through Toro Canyon Park, just below the confluence with Oil Canyon Creek, and continues southwest to Highway 101. Arroyo Paredon Creek supports a healthy oak riparian forest including oaks and sycamores in the northern section of the Plan area (Storrier 1998). An endemic form of bitter gooseberry (*Ribes amarum* var. *hofmannii*) has occurred in this creek in the past but was removed by scouring during recent flooding (personal communication, Spencer 2000). South of East Valley Road, the channel has been modified considerably and does not support most animal species typical of riparian habitats. There are no recent records of steelhead trout from this stream. (Spencer, personal communication 2000).

### *Sandy Beach*

The marine interface in Toro Canyon consists of approximately 2 miles of sandy beach habitat on the shoreline of the Pacific Ocean. Shorebirds such as western snowy plover, western sandpiper, marbled godwit, long-billed curlew, and willet, use the local coastline for feeding, particularly during the winter months. Offshore species include the brown pelican and the California least tern; both species are federally-listed endangered species (Tierney 1990).

### *Wetlands*

A small wetland occurs around a spring on the steep south-facing slopes below Paredon Ridge, supporting willows, sycamore, giant chain fern (*Woodwardia fimbriata*) and other wetland species (Storrier 1998, Rindlaub 2000). Wetlands have also been documented on the southern portion of the Saint Denis property, located north of East Valley Road and westerly of Toro Canyon Road (FLx March 1999). Several similar small wetlands may also occur in Toro Canyon which are not detectable on P&D's aerial photographs or have not yet been observed during the field investigations.

### *Marine Habitat*

The marine interface in Toro Canyon consists of approximately two miles of sandy shoreline and rocky intertidal habitat along the Pacific Ocean. Numerous species of shorebirds use the local coastline for feeding, particularly during the winter months. Offshore species include the brown pelican and the California least tern, both listed as endangered (Tierney 1990).

***Environmentally Sensitive Habitats:*** Environmentally sensitive habitat (ESH) areas are defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Coastal Act, Section 30107.5). The following habitats found within the Plan area have been designated ESH in the Santa Barbara County Local Coastal Program (LCP):

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- Oak Riparian Forest along the westernmost tributary to Toro Creek;
- Oak Riparian Forest along the eastern branch of Toro Creek;
- Oak Forest connecting these creeks;
- Butterfly trees and riparian woodland at the mouth of Toro Creek
- Wetlands on the south-facing slopes below Paredon Ridge;
- Oak Riparian Forest along Arroyo Paredon Creek; and
- Coastal Sage Scrub south and southwest of Freehaven Road and located northeast of Paquita Drive.

The previously described wetland along the south-facing slopes below Paredon Ridge and the coastal sage scrub are ESH by definition, although not mapped as part of the 1981 LCP. The Plan expands the ESH designations established in the Coastal Zone into the inland portions of the Plan area with the addition of scrub oak chaparral identified as a new ESH designation in the Plan area.

*Sensitive Species* (status current as of December 2001): The federally threatened California Red-Legged Frog occurs in aquatic habitats along streams and rivers, preferring pools with dense emergent or overhanging vegetation. Red-legged frog could occur in Toro Creek, but they are not likely due to the lack of suitable habitat. The Southwestern Pond Turtle is a California Species of Special Concern that occurs throughout Santa Barbara County along rivers and streams with permanent ponds. Suitable habitat is present in and along well-wooded sections of Toro Creek. The Plan area, as part of the entire South Coast area of Santa Barbara County, is designated critical habitat for the Southern California steelhead trout, which has the potential to occur in any of the streams and creeks. Other sensitive aquatic species such as the California newt and two-striped garter snake are known to occur in the Toro Canyon region and are considered sensitive and declining (Jennings and Haynes, 1994). These species may be associated with Arroyo Paredon and Picay Creeks, which also have favorable characteristics for these sensitive species.

Other sensitive species which are either expected or have the potential to inhabit or use the project area include Least Bell's Vireo, Pacific Slope Flycatcher, Warbling Vireo, Willow Flycatcher, and others (Toro Canyon Elementary School Proposed Final EIR, 1998). Three sensitive plant species, Plummer's Baccharis, Chaparral Mallow, and White Flowered Sticky Phacelia, occur in the Summerland Community Plan area to the west. The Toro Canyon Plan includes two known Monarch Butterfly habitats that are mapped at locations on Padaro Lane. In addition, scrub oak chaparral is a rare plant community with a strong probability of being designated a sensitive species.

### *b. Regulatory Setting*

Several existing Federal, State and local procedures and regulations protect important biological communities and sensitive species in Santa Barbara County. "Sensitive species" is used as a broad term that may include Federal and State-listed threatened, endangered or candidate species,

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as well as "species of special concern" and species that are locally rare, uncommon or endemic to particular sites. The Coastal Land Use Plan and the Land Use, Conservation and Environmental Resource Management Elements of the County Comprehensive Plan include biological protection policies for new development.

### 2. PLANNING ISSUES

Substantial portions of the Plan area's oak forest, oak riparian forest and chaparral habitat have been lost or severely degraded from agricultural development for clearance and the invasion of exotic plant species such as German ivy (Tierney and Storrer 1990). Several rare and sensitive plant species are located within these communities (e.g., Nuttall's scrub oak) which could be lost due to new development and may require a designated state or federal listing in the future. The Plan addresses this planning issue by identifying scrub oak chaparral as ESH. The introduction of aggressive, weedy plant species such as sweet fennel and castor bean have also inhibited re-establishment of chaparral and coastal sage scrub communities. In addition, these communities have been deliberately eliminated to reduce fire hazards. Further development of vacant parcels within mountainous areas and along creeks would fragment and degrade remaining habitats and their ability to support wildlife.

Activities that release oil, grease, pesticides, fertilizers, sewage, animal waste and other toxic wastes threaten Toro Canyon creeks. Some agricultural activities can create chemical runoff, which flows into the creeks, marshes and ocean, with potential impacts to these fragile habitat areas. Hillside grading activities have caused erosion and accumulation of sediment, which has interfered with reproduction of these habitat areas.

### 3. BIOLOGICAL RESOURCES GOAL, POLICIES, ACTIONS, AND DEVELOPMENT STANDARDS

**GOAL BIO-TC: Recognize That The Biological Resources Of The Toro Canyon Plan area Are An Important Regional Asset Meriting Protection And Enhancement.**

#### *A. General Toro Canyon Plan area Environmentally Sensitive Habitat (ESH) Regulations*

**Policy BIO-TC-1: Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.**

**Action BIO-TC-1.1:** The following biological resources and habitats, as identified and generally described by the Plan (see *Description of Natural Habitats* section beginning on page 103), shall be presumed to be "environmentally sensitive," provided that the biological resource(s) or habitat(s) actually present on a project site meet the Coastal Act's definition of "environmentally sensitive habitat" (PRC §30107.5) within the Coastal Zone, or satisfy one or more of the criteria listed in Action BIO-TC-7.1 for inland areas. These resources and habitats shall be identified on the Toro Canyon Plan ESH Map to the extent that their

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general or specific locations are known, and resources and habitats that qualify as being "environmentally sensitive" shall be protected and preserved on development project sites through the Local Coastal Program's existing Environmentally Sensitive Habitat (ESH) Overlay within the Coastal Zone or through the new Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Overlay for inland areas:

- Southern Coast Live Oak Riparian forest corridors;
- Streams and creeks;
- Wetlands;
- Rocky intertidal (coastal zone only);
- Coastal Sage Scrub;
- Sensitive native flora;
- Coast Live Oak forests;
- Scrub oak chaparral;
- Native grassland;
- Critical wildlife habitat/corridors; and
- Monarch butterfly habitat.

The scale of the overlay maps precludes complete accuracy in the mapping of habitat areas. In some cases, the precise location of habitat areas is not known and is therefore not mapped. In addition, the migration of species or discovery of new habitats may result in the designation of new areas. In order to address these issues, the County shall periodically update the boundaries of the designations in order to incorporate new data through the County rezone process.

**Action BIO-TC-1.2:** The Rural Neighborhoods of Torito Road, Serena Park, La Paquita and Ocean Oaks shall be designated on the Toro Canyon Plan ESH Overlay Map as areas of potential biological merit requiring further biological study for ESH delineation during an application for development.

**DevStd BIO-TC-1.3:** The process for delineating the exact boundary of the ESH occurs during an application for development. In the inland areas, the ESH Overlay regulations identify the methodology used to delineate the ESH during the development application review process, and include procedures to review ESH determinations (see Inland zoning ordinance Article III – ESH-TCP Overlay, Section 35-250F). In the Coastal Zone, Local Coastal Program Policy 9-1 and the implementing Coastal zoning ordinance (Article II – ESH Overlay, Section 35-97) identify the process to delineate the ESH.

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**DevStd BIO-TC-1.4:** Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH):

- Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-rural areas, and Existing Developed Rural Neighborhoods (EDRN)/Rural Neighborhoods, as measured from the top of creek bank<sup>1</sup>. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-rural areas, and EDRN/Rural Neighborhoods from the outside edge of the Southern Coast Live Oak Riparian Forest canopy;
- Coast Live Oak Forests - 25 feet from edge of canopy;
- Monarch butterfly habitat- minimum 50 feet from any side of the habitat;
- Native grassland, a minimum ¼ acre in size - 25 feet;
- Coastal Sage – minimum 20 feet;
- Scrub oak chaparral – 25 feet from edge of canopy;
- Wetlands – minimum 100 feet; and
- Buffer areas from other types of ESH shall be determined on a case-by-case basis.

These buffer areas, except for Monarch butterfly habitat, wetlands and Southern Coast Live Oak Riparian Forests, may be adjusted upward or downward on a case-by-case basis given site specific conditions. Adjustment of the buffer shall be based upon site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by Planning and Development and other County agencies, such as Environmental Health Services and the Flood Control District.

Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish & Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands:

1. Existing vegetation, soil type and stability of the riparian corridors
2. How surface water filters into the ground;
3. Slope of the land on either side of the riparian waterway;

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<sup>1</sup> "Top of creek bank" is identified differently by the Flood Control District for flood control purposes and by Environmental Health Services for the location of septic systems. For the purposes of the habitat protection policies and development standards of this Plan, the "top of creek bank" shall be defined as the recognized geologic top of slope.

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4. Location of the 100 year flood plain boundary; and
5. Consistency with the adopted Local Coastal Plan or the Comprehensive Plan, particularly the Biological Resources policies.

In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law.

**DevStd BIO-TC-1.5:** Where documented zoning violations result in the degradation of an ESH the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption. However, in Coastal areas this development standard shall apply to ESH degraded in violation of the Local Coastal Program.

**Policy BIO-TC-2:** **Landscaping for development shall use appropriate plant species to ensure compatibility with and preservation of ESH.**

**DevStd BIO-TC-2.1:** Development requiring habitat enhancement in ESH and habitat protection in ESH buffer areas, shall include preparation and implementation of a Restoration Plan limited to native plants. Local seed stock or cuttings propagated from the Toro Canyon region shall be used if available.

**DevStd BIO-TC-2.2:** Development otherwise requiring a Landscape Plan outside ESH and ESH buffer areas, shall be limited to non-invasive plants within 500' from the ESH resource (see Appendix H, *List of Invasive Plants to Avoid Using in Landscape Plans Near ESH Areas*).

**Policy BIO-TC-3:** **The County shall encourage the dedication of conservation or open space easements to preserve important biological habitats. Where appropriate and legally feasible, the County shall require such easements.**

*B. Coastal Zone Environmental Sensitive Habitat Regulations. In addition to Policy BIO-TC-1 through Policy BIO-TC-3 regulations, the following ESH regulations Policy BIO-TC-4 through Policy BIO-TC-6 shall apply to the coastal zone area of Toro Canyon.*

**Policy BIO-TC-4:** **Development within the Coastal Zone boundary shall be consistent with the Resource Protection and Development Policies of the County Local Coastal Program.**

**DevStd BIO-TC-4.1:** Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid

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or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development applications for properties that contain or are adjacent to ESH shall use development envelopes and/or other mapping tools and site delineation to protect the resource.

- DevStd BIO-TC-4.2:** Vegetation fuel management involving less than a cumulative total of one-half acre of land area is exempt from a coastal development permit unless otherwise required by the Coastal Zoning Ordinance - *ESH Overlay District* regulations (Article II, Sec. 35-97), general regulations for *Tree Removal* (Article II, Sec. 35-140), or general regulations for guidelines on repair and maintenance (Article II, Sec. 35-169.10 & Appendix C).
- DevStd BIO-TC-4.3:** Significant vegetation fuel management<sup>2</sup> within ESH and ESH buffer areas may be permitted where, subject to a coastal development permit, findings are made consistent with Coastal Act Sections 30001.5(b), 30007.5, 30010, 30200(b), 30240, and 30253(1). The coastal development permit shall include a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&D may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the impacts to ESH.
- DevStd BIO-TC-4.4:** In resolving conflicts between Coastal Act policies pursuant to Coastal Act Section 30007.5, the County should ensure that essential infrastructure for existing agricultural production is protected and maintained.
- Policy BIO-TC-5:** Due to the existing land subdivision and built environment in the Rural Neighborhoods of Torito Road, Serena Park, La Mirada Drive and Ocean Oaks Road, where existing structures and related landscaped areas are within the ESH buffer and not part of the ESH itself, structural additions to existing main and secondary dwelling units shall be allowed limited encroachment into ESH buffer areas subject to DevStd BIO-TC-5.1 through DevStd BIO-TC-5.3.
- DevStd BIO-TC-5.1:** For existing residential structures in any zone district and existing agricultural support structures on agriculturally-zoned property (as defined in the TCP Overlay District) located within designated ESH buffer areas, structural additions shall be designed to avoid ground

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<sup>2</sup> Significant vegetation fuel management shall be defined as removal and/or thinning involving a cumulative total of one-half acre (21,780 square feet) or more of land area.

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disturbance to protect the ESH resource to the maximum extent feasible. Site design and appropriate scale of the addition shall conform to the following guidelines:

- a. Second-story additions shall be considered the preferred design alternative to avoid ground disturbance with limited canopy reduction, including limbing of oaks and sycamores; and habitat trees for Monarch Butterflies and nesting raptors (subject to restricted pruning during nesting season).
- b. Where the existing structure is located only partially inside an ESH or ESH buffer area, additions shall be located on those portions of the structure located outside or away from the ESH or ESH buffer area.

**DevStd BIO-TC-5.2:** In Rural Neighborhoods, development on vacant parcels containing ESH shall be subject to Policy BIO-TC-4 and the applicable General Planning Area ESH regulations.

**DevStd BIO-TC-5.3:** All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall be prohibited in ESH areas and to the maximum extent feasible shall be avoided in ESH buffer areas.

**Policy BIO-TC-6:** All residential structures deemed nonconforming shall be allowed to be reconstructed pursuant to the nonconforming regulations contained in the zoning ordinance, Article II (Section 35-162) and the TCP Overlay District (Sec. 35-194).

*C. Inland Area Environmental Sensitive Habitat Regulations. In addition to Policy BIO-TC-1 through Policy BIO-TC-3 regulations, Policy BIO-TC-7 through Policy BIO-TC-10 regulations shall apply to the inland area of Toro Canyon.*

**Policy BIO-TC-7:** Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.

**Action BIO-TC-7.1:** The Article III Zoning Ordinance shall be amended to include an Environmentally Sensitive Habitat Area overlay district for the Toro Canyon area (ESH-TCP). Locations of biological resources/habitat areas shall be depicted on ESH Overlay Maps. The following general criteria are used to determine which resources and habitats in the inland Toro Canyon Planning Area are identified as environmentally sensitive.

- Unique, rare, or fragile communities which should be preserved to ensure their survival in the future;

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- Habitats of rare and endangered species as protected by State and/or Federal law;
- Outstanding representative natural communities that have values ranging from particularly rich flora and fauna to an unusual diversity of species;
- Specialized wildlife habitats which are vital to species survival;
- Areas structurally important in protecting natural landforms that physically support species (e.g., riparian corridors protecting stream banks from erosion, shading effects of tree canopies);
- Critical connections between separate ESH areas and/or migratory species' routes; and
- Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, the continued existence of which is demonstrated to be unlikely unless designated and protected.

**DevStd BIO-TC-7.2:** Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that provides protection to the sensitive habitat areas to the maximum extent feasible.

**DevStd BIO-TC-7.3:** Development proposed within areas zoned with the ESH-TCP Overlay, shall be subject to the applicable regulations and permit requirements contained in the County Zoning Ordinance ESH-TCP Overlay regulations (Sec. 35-250F).

**DevStd BIO-TC-7.4:** Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.

**DevStd BIO-TC-7.5:** For existing residential structures in any zone district and existing agricultural support structures on agriculturally-zoned property (as defined in the TCP Overlay District) located within designated ESH or ESH buffer areas, structural additions shall be designed to minimize ground disturbance to protect the ESH resource to the maximum extent

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## Toro Canyon Plan

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feasible. Site design and appropriate scale of the addition shall conform to the following guidelines:

- a. Second-story additions shall be encouraged as a design alternative to avoid ground disturbance, subject to this Plan's Visual and Aesthetic Resource policies and development standards (Section IV.E).
- b. Where an existing structure is located only partially inside an ESH or ESH buffer areas, dwelling unit additions should be located on those portions of the structure located outside or away from the ESH or ESH buffer area.
- c. Where the structural addition cannot avoid significant ESH, a biological assessment may be required to determine the location of the addition that will result in the least disruption to the ESH.
- d. Where the structural addition cannot avoid the ESH or ESH buffer areas, enhancement of the ESH resource may be required to offset the increased area of disturbance.

**DevStd BIO TC-7.6:** New development on parcels entirely covered with ESH shall be subject to the following development standards to allow reasonable use of the property while protecting the habitat resource to the maximum extent feasible:

- a. The area of permitted ground disturbance for development shall be proportional to the size of the parcel. No more than twenty percent (20%) of a parcel's total area should be disturbed by development, and at least eighty percent (80%) of the ESH on the property should be preserved (for example, on a five acre parcel entirely covered with ESH, no more than one acre should be disturbed by development including vegetation clearance for fire protection, and no less than four acres of ESH should be preserved), in a manner consistent with all other policies and development standards of the Toro Canyon Plan and the County Comprehensive Plan.
- b. Main structure and accessory structures & uses, including roadways, landscaping and agricultural uses, shall be clustered in one contiguous area to avoid fragmenting the habitat.
- c. Development shall be located adjacent to existing access roads and infrastructure to avoid fragmenting the habitat, subject to the requirements of "a" and "b" listed above, and a balancing of the policies of the Plan.

**DevStd BIO-TC-7.7:** Vegetation fuel management as required by the local fire protection agency shall be allowed within 100 feet from all structures on the property. Beyond 100 feet, vegetation fuel management within ESH and the ESH buffer areas to reduce fire hazards shall require a Fuel

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## Toro Canyon Plan

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Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&D may require that the plan be prepared by a qualified biologist to ensure that vegetation clearance/trimming minimizes the impacts to ESH.

**DevStd BIO-TC-7.8:** All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the ESH and ESH buffer areas to the maximum extent feasible.

**Policy BIO TC-8:** New or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.

**Policy BIO-TC-9:** On agriculturally zoned parcels containing Southern Coast Live Oak Riparian Forest ESH, new or expanded cultivated agriculture may encroach up to 25 feet from the ESH as measured from the top of bank or, if the habitat extends beyond the top of bank, as measured from the edge of riparian vegetation. Agricultural uses in the ESH buffer shall be designed to reduce and direct runoff away from the ESH habitat and minimize the use of pesticides and herbicides to the maximum extent feasible.

**Policy BIO-TC-10:** All residential structures deemed nonconforming shall be allowed to be reconstructed pursuant to the nonconforming regulations contained in the zoning ordinance, Article III (Section 35-307) and the TCP Overlay District (Sec. 35-355).

**D. General Planning Area Resource Protection Policies.** *These general resource policies and development standards apply to both coastal and inland Plan areas not designated ESH.*

**Policy BIO-TC-11:** Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts. "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.

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## Toro Canyon Plan

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**DevStd BIO-TC-11.1:** Development shall include the buffer for Southern Coast Live Oak Riparian Forest set forth in DevStd TC-BIO-1.4. The buffer shall be indicated on all grading and building plans. Lighting associated with development adjacent to riparian habitat shall be directed away from the creek and shall be hooded. Drainage plans shall direct polluting drainage away from the creek or include appropriate filters, and erosion and sedimentation control plans shall be implemented during construction. All ground disturbance and native vegetation removal shall be minimized.

**DevStd BIO-TC-11.2:** New permit applications that depend on alluvial well extractions or stream diversion shall be required to monitor the long-term effects on surface streamflow and riparian vegetation. Contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge, etc.) shall be identified and implemented as such measures may be needed to mitigate significant adverse impacts to an ESH area.

**Policy BIO-TC-12:** **Significant biological communities not designated ESH should not be fragmented by development into small, non-viable areas.**

**DevStd BIO-TC-12.1:** Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities.

**DevStd BIO-TC-12.2:** Public trails shall be sited and designed to avoid or minimize impacts to native habitat, areas of steep slopes, and/or highly erosive/sandy soils. Trails should follow existing dirt road and trail alignments and use existing bridges. Where this is not possible, prior to final trail alignment, proposed trail routes should be surveyed and re-routed where necessary to avoid sensitive species, subject to final approval by Planning and Development and the Parks Department.

**Action BIO-TC-12.3:** The County shall pursue funding for protection and restoration of significant biological resources in the Toro Canyon Planning Area.

**Policy BIO-TC-13:** **Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.**

**DevStd BIO-TC-13.1:** A "native protected tree" is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a "non-native protected tree" is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines.

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## Toro Canyon Plan

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**DevStd BIO-TC-13.2:** Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and non-native protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans.

**Policy BIO-TC-14:** **Non-native trees and forests (e.g., eucalyptus groves and windrows) that provide known raptor nesting or major and recurrent roosting sites shall be protected.**

**Policy BIO-TC-15:** **Southern California steelhead trout is a federally listed endangered species which, if identified in the Plan area, shall be protected.**

**DevStd BIO-TC-15.1:** Development activity which requires ground disturbance which is proposed on parcels containing ephemeral (dry except during and immediately after rainfall) or intermittent (seasonal) streams and creeks, and associated riparian corridors, shall be subject to any permit requirements of the California Department of Fish and Game and the U.S. Army Corps of Engineers.

**DevStd BIO-TC-15.2:** Development activity in streams and riparian corridors shall be subject to the "Guidelines for Salmonid Passage at Stream Crossings" prepared by the National Marine Fisheries Service (see Appendix G).



### B. FLOODING AND DRAINAGE

#### 1. EXISTING SETTING

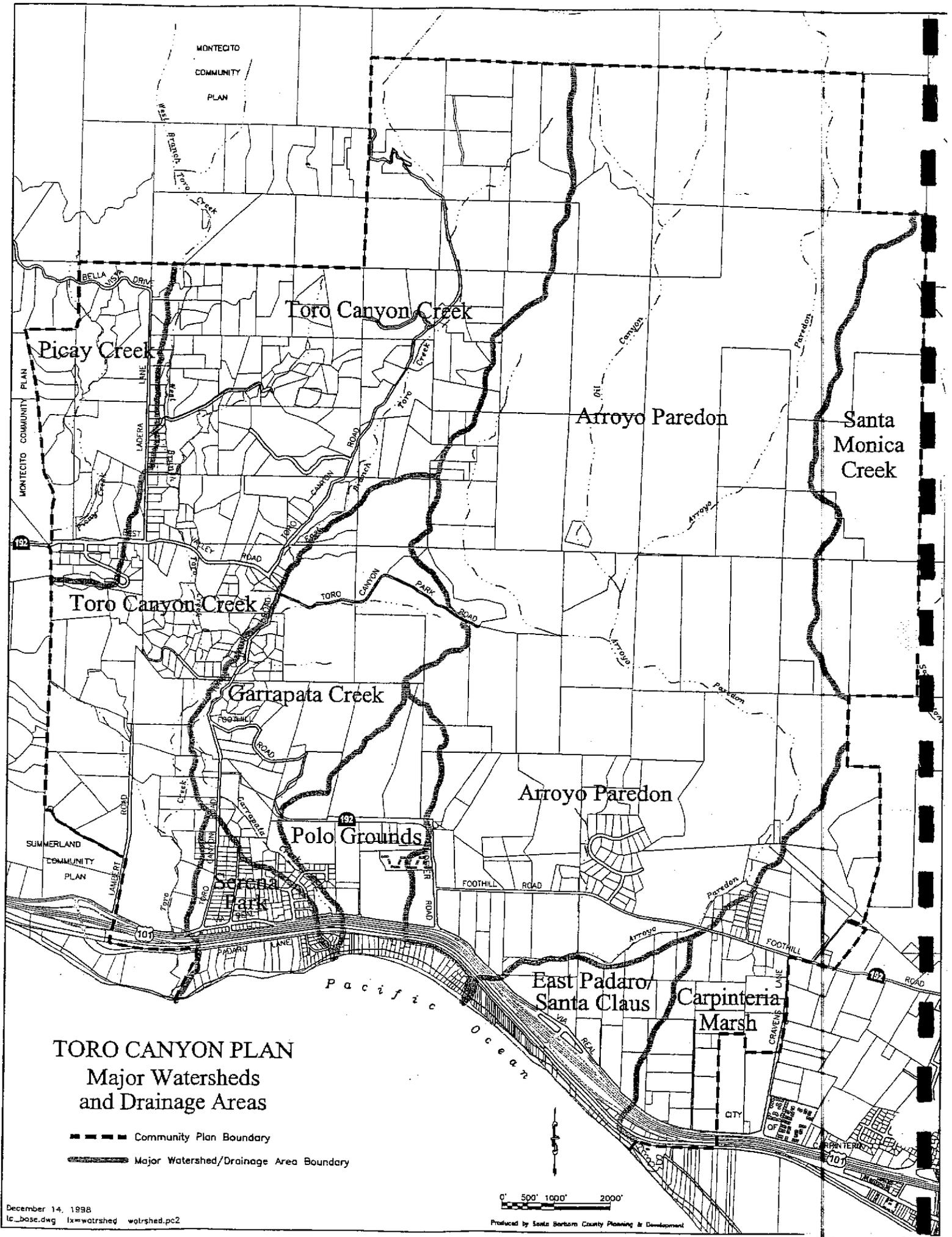
##### a. *Local Setting:*

Two major characteristics of potential flooding are the presence of a floodplain as defined by the Federal Emergency Management Agency (FEMA), and a Flood Hazard Area as defined in the Environmental Resources Management Element (ERME) of the Santa Barbara County Comprehensive Plan. A floodplain is defined by FEMA as the area of land adjacent to the water course that may be submerged by flood water during a 100-year storm. These areas are defined on FEMA Flood Insurance Rate Maps (FIRM). Flood Hazard Areas are defined in ERME adjacent to water courses where the potential for flooding may adversely affect urban development, and are coincident with the 100-year flood plain areas as defined by FEMA.

Four major creeks originate in the Santa Ynez Mountains and flow southward through the Toro Canyon Plan area. They are described below from west to east across the Plan area, and their watershed areas are shown on Figure 18.

*Picay Creek* originates in the Santa Ynez Mountains just west of Ladera Lane and flows southwest to East Valley Road where it continues west outside of the Plan area into Montecito. Picay Creek drains an approximate 626-acre watershed and is capable of producing a peak flow of approximately 1,400 cubic feet per second (cfs) during a 100 year storm. The stretch of creek does not contain any extensive hardbank protection (e.g., concrete, rip-rap boulders, or gabions). Although two small 100-year floodplain areas exist adjacent to the creek north of East Valley Road, no floodplains or Flood Hazard Areas are associated with the creek within the existing Toro Canyon Plan area.

*Toro Creek's* East and West Branches drain watersheds of approximately 869 and 1,454 acres, respectively, and are capable of producing peak flows of 1,800 and 1,900 cfs during a 100-year storm event. The two creek branches merge near Toro Canyon Road and Foothill Road, eventually discharging into the Pacific Ocean just east of Loon Point. The Santa Barbara County Flood Control and Water Conservation District (Flood Control) maintains two debris/catchment basins on the West Branch of Toro Creek near Hidden Valley Lane and just north of Torito Lane off Toro Canyon Road, and another basin on the East Branch. The creek channel has largely not been modified except in the vicinity of Via Real and U.S. 101 where concrete channelization of the creek banks has occurred. Flood Control conducts routine maintenance activities along Toro Creek that typically include brush clearing, weed and sediment removal, and may include channel shaping. A 100-year floodplain and Flood Hazard Area is associated with the creek below East Valley Road. The floodplain and hazard area is particularly extensive adjacent to the Via Real/Toro Canyon Road intersection, and eastward between Via Real and U.S. 101. The peak discharge south of Highway 101 is approximately 2,500 cfs during a 100 year storm.



**TORO CANYON PLAN**  
**Major Watersheds**  
**and Drainage Areas**

- Community Plan Boundary
- ▬ Major Watershed/Drainage Area Boundary

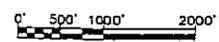


Figure 18

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## Toro Canyon Plan

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*Garrapata Creek* has a small watershed that begins north of Foothill Road. The creek flows southwest, crosses Toro Canyon Road twice, continues southeast bisecting Serena Park to the west and agricultural fields to the north, and eventually discharges into the ocean near Beach Club Road. In recent years, increased surface runoff from the temporary installation of plastic berry-hoops south of Foothill Road has contributed to localized flooding and sedimentation of Garrapata Creek near Serena Park and Padaro Lane. The creek does not contain any extensive hardbank protection. Nearly the entire length of the creek has an associated 100-year floodplain and Flood Hazard Area. The floodplain/hazard area is particularly extensive at the terminus of Serena Avenue and Serpolla Drive.

*Arroyo Paredon Creek* originates in the foothills of the Santa Ynez Mountains and drains an approximate 2,995-acre watershed capable of producing approximately 3,500 cfs during a 100-year storm. Flood Control District debris basins are located on Oil Canyon Creek and on the main branch of Arroyo Paredon. The entire length of the creek within the Plan area has an associated 100-year floodplain and Flood Hazard Area. Areas subject to flooding are particularly extensive in the southeastern portion of the Plan area south of Foothill Road and where the creek traverses under U.S. 101 and discharges to the ocean in the 3400 block of Padaro Lane.

These creeks generally only experience flooding during heavy storms, especially those that follow in close succession once the ground has been saturated. These flood waters over time, however, have shaped and influenced the topography of the Plan area.

Santa Barbara County Flood Control and Water Conservation District Capital Improvement Projects (CIP) address long-range flood control planning. There are currently no CIPs planned within the next 5 years in the Plan area (personal communication John Frye, 1999).

*b. Regulatory Setting:*

The Flood Control District operates under the regulatory authority of County Ordinance #3095, which requires mitigation for any development within 50 feet of the top of bank of any watercourse, and Ordinance #3898, which requires the finished floor elevation of all habitable structures to be a minimum of two feet above the 100-year flood elevation. A **floodplain** is the area of land defined by the Federal Emergency Management Agency (FEMA) that may be submerged by flood water during a 100-year storm. A **floodway** is the area of a channel or river which must be reserved in an unobstructed condition in order to convey a 100-year flow without increasing flood elevations more than one foot. These areas are defined on FEMA Flood Insurance Rate Maps (FIRM).

Flood Control District maintenance activities are implemented according to the Santa Barbara County Flood Control and Water Conservation District Annual Maintenance Plan (Annual Maintenance Plan). District maintenance activities are typically designed to remove obstructive vegetation and/or sediment deposits that could either cause flooding, significant erosion, or plugging of downstream culverts and bridges.

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## Toro Canyon Plan

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### 2. PLANNING ISSUES

- Land use intensification can have serious adverse impacts on watersheds, creeks, and down-stream properties. Removal of native vegetation for orchard development on steep slopes, and associated grading for building pad and access road construction, can increase the amount and timing of surface runoff, soil erosion, and flood hazards affecting down-stream properties.
- Streams and creeks, which are susceptible to erosion hazards from high flow, may require installation of bank protection improvements (e.g., pipe and wire revetment, gabions, etc.). While these improvements could provide increased protection from flooding, they could also create potentially significant impacts to biological resources.
- The construction of millions of square feet of greenhouse structures, associated buildings and paved surfaces, where open fields previously existed, may be exacerbating drainage problems in the Carpinteria Valley and creating new problem areas. The frequency and degree of flooding and drainage problems has increased in the last several years, and the contributions of greenhouse development (including berry hoops), open field agriculture and urban development to this problem are addressed both by the Toro Canyon Plan and the Carpinteria Greenhouse Study.
- Existing County policies, as well as the following policies and development standards, are intended to avoid exposing new development to flood hazards, reduce the need for future flood control protective improvements, and avoid alteration of stream and wetland environments.
- Some structures within the Plan area are prone to a high probability of flooding due to their proximity to sea waves. When more than one flood insurance claim has been paid, these structures are classified as "repetitive loss structures." Chapter 15A of the County Code, Sec. 15A-22 (Coastal High Hazard Areas) specifies that new development within coastal high hazard areas shall be elevated on pilings or columns and located landward of the mean high tide line, and that the lowest floor shall be elevated to or above the base flood level.
- Local drainage problems exist in some areas, notably along the southeastern end of Padaro Lane where runoff has exceeded the capacity of local drainage channels and flowed across the roadway to flood residences and residential improvements. Since this area is substantially built out, the opportunity generally does not exist to address such problems through new development. Feasible engineering and maintenance solutions need to be sought with the involvement of all affected parties, including but not necessarily limited to residents and upstream property owners, the county, Caltrans, and the Union Pacific Railroad.

**3. FLOODING AND DRAINAGE POLICIES, ACTIONS AND DEVELOPMENT STANDARDS**

**Policy FLD-TC-1:** Flood risks shall be minimized through appropriate design and land use controls, as well as through feasible engineering solutions that address existing problems.

**DevStd FLD-TC-1.1:** Development shall not be allowed within floodways except in conformance with Chapters 15A and 15B of the County Code, any other applicable statutes or ordinances, and all applicable policies of the Comprehensive Plan and Local Coastal Program including but not limited to policies regarding biological resources.

**DevStd FLD-TC-1.2:** No development shall be permitted within the floodplains of Toro, Picay, Garrapata, or Arroyo Paredon Creeks unless such development would be necessary to:

- Permit reasonable use of property while mitigating to the maximum extent feasible the disturbance or removal of significant riparian/wetland vegetation; or
- Accomplish a major public policy goal of the Toro Canyon Plan or other beneficial projects approved by the Board of Supervisors.

In the Coastal Zone, floodplain development also must be consistent with the state Coastal Act and the county's Local Coastal Program.

**DevStd FLD-TC-1.3:** Development requiring raised finished floor elevations in areas prone to flooding shall be constructed on raised foundations rather than fill material, where feasible.

**DevStd FLD-TC-1.4:** Development within floodplain areas or with potential drainage issues shall be subject to Flood Control District review and approval.

**Action FLD-TC-1.5:** In order to address drainage issues along the southeastern portion of Padaro Lane, the county shall initiate an investigation of feasible engineering and maintenance solutions involving all affected parties, including but not necessarily limited to residents and upstream property owners, the County Public Works Department including the Flood Control District, Caltrans, and the Union Pacific Railroad. This investigation shall consider the preliminary engineering study commissioned by the Padaro Lane Association in the 1990s. Local drainageways and culverts should be cleared annually or as necessary.

**Policy FLD-TC-2:** Short-term and long-term erosion associated with development shall be minimized.

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## Toro Canyon Plan

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**DevStd FLD-TC-2.1:** Development shall incorporate sedimentation traps or other effective measures to minimize the erosion of soils into natural and manmade drainages, where feasible. Development adjacent to stream channels shall be required to install check dams or other erosion control measures deemed appropriate by Flood Control and Planning and Development to minimize channel down-cutting and erosion. To the maximum extent feasible, all such structures shall be designed to avoid impacts to riparian vegetation.

**DevStd FLD-TC-2.2:** Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter drainage patterns on the site or in its vicinity. The purpose of such plan(s) shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. Such plan(s) shall be reviewed and approved by both County Flood Control and Planning & Development.

**DevStd FLD-TC-2.3:** Drainage outlets into creek channels shall be constructed in a manner that causes outlet flow to approximate the general direction of natural stream flow. Energy dissipaters beneath outlet points shall be incorporated where appropriate, and shall be designed to minimize erosion and habitat impacts.

**Action FLD-TC-2.4:** As part of any Master Drainage Plan that may be developed for all or part of the Toro Canyon area, the Flood Control District should review the Master Drainage Plan to ensure that:

1. Drainage on shoreline and bluff-top properties shall be conveyed to the nearest acceptable drainage facility;
2. Diversion of natural flow is avoided, unless adequate drainage facilities exist downstream to the point where the diversion ceases;
3. The plan does not propose improvements that are inconsistent with modern flood plain management goals and environmental protection goals.

**DevStd FLD-TC-2.5:** Excavation and grading for development shall be limited to the dry season of the year (i.e., April 15<sup>th</sup> to November 1<sup>st</sup>) unless an approved erosion control plan is in place and all measures therein are in effect.

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## Toro Canyon Plan

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- Policy FLD-TC-3:** Flood control maintenance activities shall seek to minimize disturbance to riparian/wetland habitats, consistent with the primary need to protect public safety. Additional guidance for public maintenance work is provided by the Flood Control District's current certified Maintenance Program EIR and current approved Standard Maintenance Practices. Work should be conducted in a manner that attempts to maintain coastal sand supply where feasible.
- Policy FLD-TC-4:** Proposed development, other than Flood Control District activities, shall be designed to maintain creek banks, channel inverts, and channel bottoms in their natural state. Revegetation to restore a riparian habitat is encouraged and may be permitted, subject to the provisions of DevStd FLD-TC-4.1 and any other applicable policies or standards.
- DevStd FLD-TC-4.1:** To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance #3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals.

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## Toro Canyon Plan

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## Toro Canyon Plan

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### C. GEOLOGY, HILLSIDES AND TOPOGRAPHY

#### 1. EXISTING SETTING

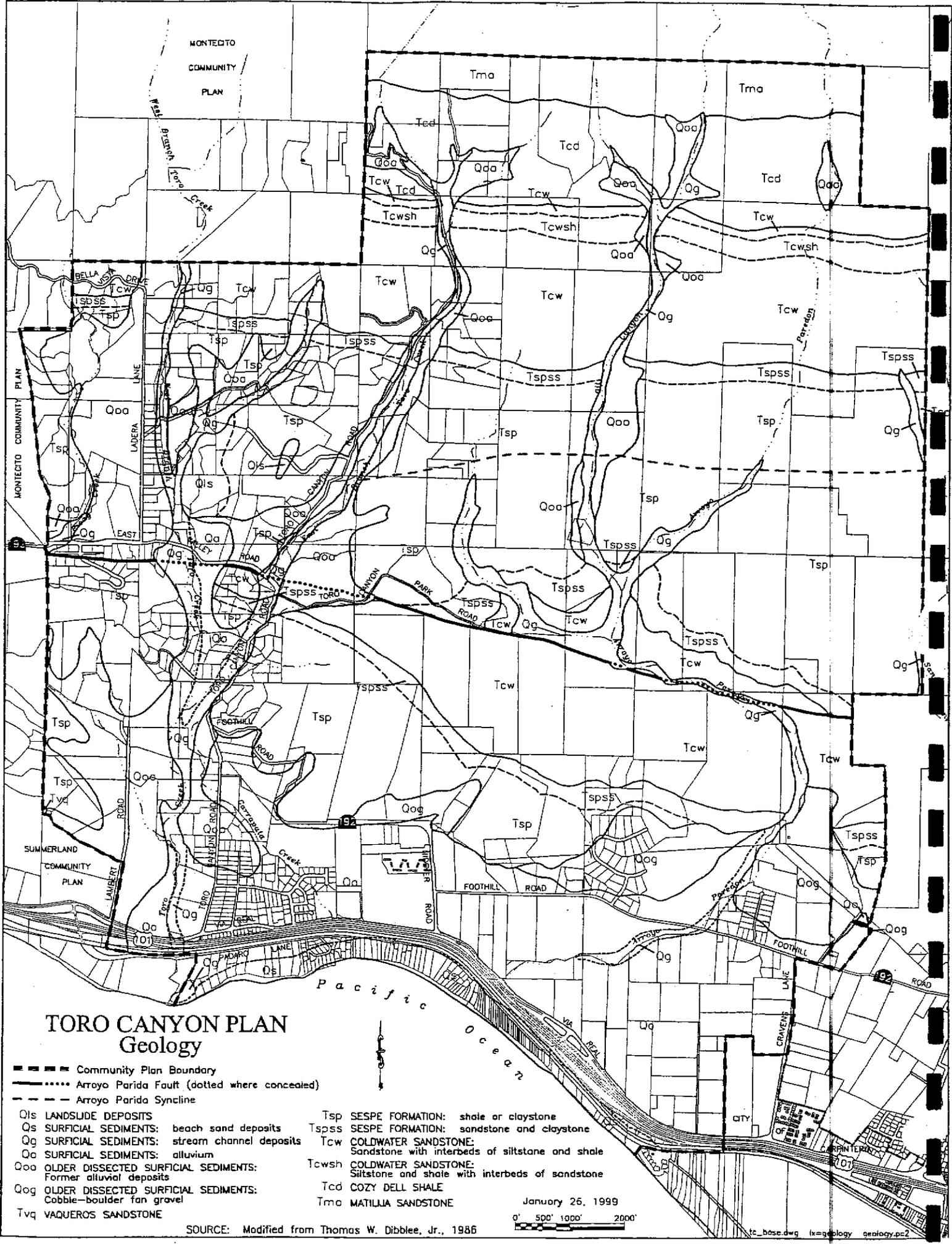
The Toro Canyon Plan area extends from the gently sloping coastal plain to the foothills of the Santa Ynez Mountains. Figure 19 illustrates the geology of the Plan area. The area is underlain by folded and faulted Tertiary bedrock of the Sespe, Coldwater, Cozy Dell and Matilija formations. In the coastal plain and along major drainages, these older rocks are overlain by Quaternary Alluvium.

The Arroyo Parida Fault crosses the Plan area and separates this area into two distinct structural blocks. South of the fault, a homocline of generally south-dipping beds of the Sespe and Coldwater formations is present. The Coldwater is exposed on the linear ridge located just south of the Arroyo Parida Fault. North of the fault, the bedrock is folded into a large overturned syncline. The Sespe Formation is exposed along the axis of this fold with the older Coldwater, Cozy Dell, and Matilija units exposed along the flanks. In the northernmost portion of the Plan area, steeply dipping, overturned beds of these older units are exposed on the very steep flanks of the Santa Ynez Mountains.

The Coldwater and Sespe formations are of interest because of the potential for development on these units in steep hillside areas. The Coldwater Formation is marine in origin and composed of well-indurated tan sandstone beds interbedded with green and brown shale. This unit is generally stable where bedding is supported (i.e., bedding planes dip at an angle steeper than the slope of the ground surface). The Sespe Formation is composed of reddish-brown non-marine sandstone, mudstone, shale and conglomerate. Landslides have occurred in the Toro Canyon area in cases where bedding is supported and slope stability would not generally be a suspected problem. Thus, proposed development in areas underlain by the Sespe Formation must be carefully evaluated for slope stability.

Geologic hazards that may affect, and may be caused by, new development include landslides, soil creep, accelerated erosion, and increased sedimentation. These problems are generally related to development in steeply sloping foothill areas. Approximately ninety percent of the land north of Foothill and East Valley Roads and east of Ladera Lane is on slopes exceeding twenty percent. Other areas of steep slopes are located south of East Valley Road and west of Toro Canyon Road. Figure 20 illustrates the distribution of steep slopes within the planning area.

Given the relatively low density of development in the steep foothill areas, existing structures have largely avoided severe geologic problems. There are foothill areas, particularly between Toro Canyon Road and Ladera Lane, where severe slope stability (landslide) problems have occurred. Very large grading projects intended to stabilize slope failures have been conducted in this area. Existing County regulations address the impacts of development in steep hillside areas. The policies proposed in this plan serve to augment those existing policies to assure that geologic impacts are adequately mitigated.



# TORO CANYON PLAN Geology

- Community Plan Boundary
- ..... Arroyo Parida Fault (dotted where concealed)
- - - Arroyo Parida Syncline

- Qls LANDSLIDE DEPOSITS
- Qs SURFICIAL SEDIMENTS: beach sand deposits
- Qg SURFICIAL SEDIMENTS: stream channel deposits
- Qo SURFICIAL SEDIMENTS: alluvium
- Qoo OLDER DISSECTED SURFICIAL SEDIMENTS: Former alluvial deposits
- Qog OLDER DISSECTED SURFICIAL SEDIMENTS: Cobble-boulder fan gravel
- Tvq VAQUEROS SANDSTONE

- Tsp SESPE FORMATION: shale or claystone
- Tspss SESPE FORMATION: sandstone and claystone
- Tcw COLDWATER SANDSTONE: Sandstone with interbeds of siltstone and shale
- Tcwsh COLDWATER SANDSTONE: Siltstone and shale with interbeds of sandstone
- Tcd COZY DELL SHALE
- Tmo MATILUJA SANDSTONE

SOURCE: Modified from Thomas W. Dibblee, Jr., 1986

January 26, 1999  
0' 500' 1000' 2000'

tc\_base.dwg tx=geology geology.pc2

Figure 19

MONTECITO  
COMMUNITY  
PLAN

MONTECITO COMMUNITY PLAN

SUMMERLAND  
COMMUNITY  
PLAN

# TORO CANYON PLAN

## Step Slopes

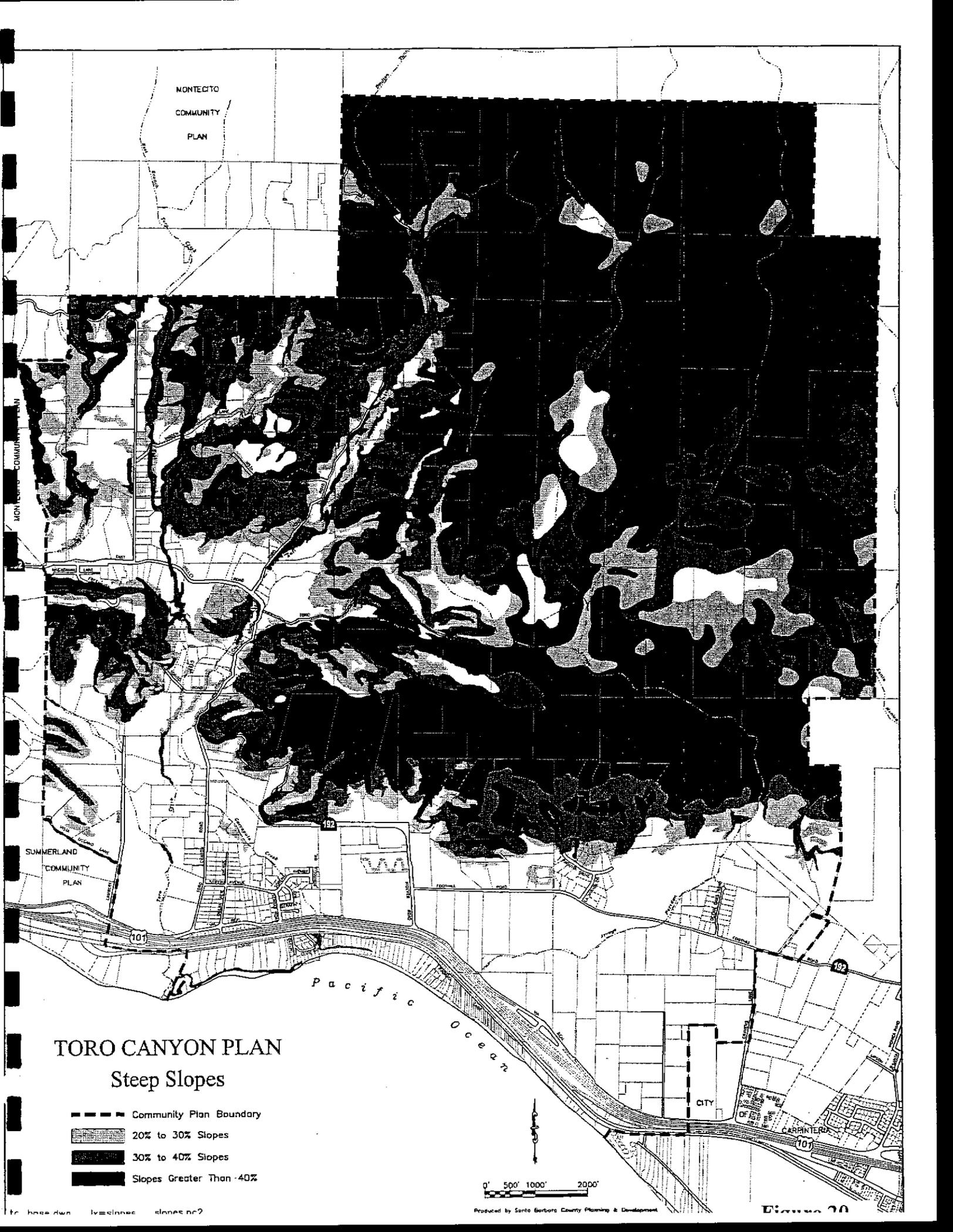
- Community Plan Boundary
- ▨ 20% to 30% Slopes
- ▩ 30% to 40% Slopes
- Slopes Greater Than 40%

0' 500' 1000' 2000'

Produced by Santa Barbara County Planning & Development

Figure 20

to base plan. In slopes. slopes no?



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## Toro Canyon Plan

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Pre-permitting investigations for residential development have contributed to geologic scarring and increased erosion in the Plan area. Creation of access roads for truck-mounted mechanical augers and/or backhoes used to conduct work for geologic hazards, soils, septic systems, or other investigations related to prospective development has altered topography and resulted in geologic scarring. These investigations include earthmoving activities that have resulted in clearing of vegetation and increased soil exposure to wind and water erosion. Since these investigations occur prior to permit approval, there are currently no enforceable restrictions on these activities.

The Toro Canyon area lies in a zone of high seismic activity and potentially serious earthquakes, similar to most of California. The area could be subject to shaking from earthquakes on numerous faults, ranging from the San Andreas to local potentially active faults such as the Leon Point and Arroyo Parida faults. Other onshore and offshore faults also have been associated with historic quakes. Existing regulations require development to be set back from known fault lines and require all structures to be designed to earthquake standards of the Uniform Building Code Seismic Zone IV (UBC 1994). Seismic Zone IV encompasses almost all of coastal California and approximately forty percent of the entire state. The UBC dictates structural, seismic, grading, and drainage standards for construction in California. The County's Building & Safety Division normally requires full compliance with all seismic safety requirements of the UBC as a condition of project approval. The low-rise, low-density development typical throughout Toro Canyon, coupled with sound engineering practices, address many of the dangers of living in "earthquake country."

Coastal erosion has affected this part of the coast and has prompted the private construction of protective structures along much of the shoreline. County policy requires coastal bluff structure setbacks to accommodate 75 years of blufftop retreat. Existing seawalls (rock revetments) have had adverse visual consequences, may cause scouring of beach sand, and have restricted lateral beach access to varying degrees. Please also refer to Parks, Recreation, and Trails, Section III.B, regarding coastal access issues.

## 2. PLANNING ISSUES

- Erosion and sedimentation that result from development can have adverse impacts on watersheds, creeks, and other properties. Activities which can cause such impacts include but are not limited to agricultural use, site preparation for various uses including agriculture, and vegetation removal for fire protection around structures.
- Landslide hazards can be created or exacerbated by activities such as: road and driveway building and other grading; overall development, including slope loading from structures and landscaping; irrigation; and on-site liquid waste disposal (septic systems).
- Coastal erosion of both beaches and bluffs results in the demand to construct seawalls or other coastal protection structures. Such structures may have adverse impacts on lateral and vertical beach access, the width of beach available for recreation, and the rate of erosion on adjacent unprotected properties.

### 3. GEOLOGY, HILLSIDES AND TOPOGRAPHY GOAL, POLICIES, ACTION, AND DEVELOPMENT STANDARDS

**GOAL GEO-TC:** Protect The Public Health, Safety And Welfare By Preserving Hillside And Watershed Areas In The Most Natural State Feasible; Protect Coastal Resources From The Adverse Effects Of Shoreline Protection Structures.

**Policy GEO-TC-1:** Hillside and watershed areas shall be protected to the maximum extent feasible to avoid adverse geologic impacts and preserve watershed function.

**DevStd GEO-TC-1.1:** Development shall be prohibited on slopes greater than 30% unless this would prevent reasonable use of property. In areas of unstable soils, highly erosive soils, or on slopes between 20% and 30%, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion, or unless this would prevent reasonable use of property. Grading and other site preparation shall be minimized to the maximum extent feasible.

**DevStd GEO-TC-1.2:** In order to minimize erosion, landscape plans shall be required for development on slopes greater than twenty percent. Such plans shall include revegetation of graded areas with appropriate native plantings. Landscape plans may be subject to review and approval by the County BAR.

**Policy GEO-TC-2:** Grading shall be designed to minimize scars in topography and avoid the potential for earth slippage, erosion, and other safety risks.

**DevStd GEO-TC-2.1:** Temporary erosion control measures such as berms and appropriate location and coverage of stockpiled soils shall be used to minimize on- and offsite erosion related to construction occurring during the rainy season (November 1 to April 15).

**DevStd GEO-TC-2.2:** Where feasible, development on previously cleared slopes that show scarring or significant disturbance shall include plans for appropriate revegetation of the affected areas.

**DevStd GEO-TC-2.3:** Revegetation and/or landscaping of project sites shall be accomplished as soon as is feasible following grading/vegetation clearing in order to hold soils in place.

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## Toro Canyon Plan

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**Policy GEO-TC-3:** Development shall be sited and designed to minimize the potential for geologic hazards, including but not limited to seismic, soil, or slope hazards.

**DevStd GEO-TC-3.1:** The County shall require site-specific geologic and/or geotechnical investigation(s), prepared as appropriate by a Registered Geologist, Certified Engineering Geologist, and/or licensed Geotechnical Engineer, on sites that are on or adjacent to faults, landslides, or other geologic hazards or in any case where development is proposed in areas where natural grade is 20% or greater. Sites underlain by the potentially unstable Sespe Formation are of particular concern. Where applicable, the measures recommended to avoid or mitigate geologic hazards shall be incorporated into the proposed development in a manner that avoids or minimizes any potential adverse effects of such measures (for example, hillside scarring).

**DevStd GEO-TC-3.2:** Structures shall be prohibited within fifty feet of an Active or Potentially Active fault. All structures shall be built according to Seismic Zone IV standards or such other standards as may be in effect at the time of development. The County may require additional special engineering features to minimize potential structural damage from fault rupture for any structure that may be exposed to seismic hazards.

**DevStd GEO-TC-3.3:** All roads and driveways proposed on areas where natural grade is 20% or greater shall be reviewed for adequacy of engineering and drainage design, including but not limited to failure avoidance and erosion control.

**Action GEO-TC-3.4:** County Grading Ordinance Standard 14-6.(b)(5) does not apply to roadways constructed to provide access for geologic, geotechnical, and septic system testing. The County shall consider amending the grading ordinance so that if construction of such a roadway involves more than fifty cubic yards of grading and/or is located on any area where natural grade is twenty percent or greater, then a grading permit shall be required.

**Policy GEO-TC-4:** All development on shoreline properties shall be designed to avoid or minimize hazards from coastal processes, to minimize erosion both on- and off-site, and to avoid the need for shoreline protection devices at any time during the life of the development.

**DevStd GEO-TC-4.1:** All development proposed for shoreline properties shall avoid or minimize erosion by minimizing irrigation, using culverts and drainage

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## Toro Canyon Plan

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pipes to convey runoff, using sewers if available rather than septic systems, and other appropriate means.

**DevStd GEO-TC-4.2:** Where possible, all drainage from shoreline bluff-top properties shall be conveyed to the nearest roadway or drainage course. Where drainage must be conveyed over the bluff face, drainage lines shall be combined with those of neighboring parcels where possible, and shall be sited and designed to minimize the physical and visual disruption of the bluff and beach area.

**DevStd GEO-TC-4.3:** New shoreline protection devices may be permitted where consistent with the state Coastal Act and Coastal Plan Policy 3-1, and where (i) the device is necessary to protect development that legally existed prior to the effective date of the coastal portion of this Plan, or (ii) the device is proposed to fill a gap between existing shoreline protection devices and the proposed device is consistent with the height and seaward extent of the nearest existing devices on upcoast and downcoast properties. Repair and maintenance, including replacement, of legal shoreline protection devices may be permitted, provided that such repair and maintenance shall not increase either the previously permitted<sup>1</sup> height or previously permitted<sup>1</sup> seaward extent of such devices, and shall not increase any interference with legal public coastal access.

**Policy GEO-TC-5:** **Grading shall be carried out in a manner that minimizes air pollution.**

**DevStd GEO-TC-5.1:** For any construction project that includes earth moving activities, the construction contractor shall implement Air Pollution Control District (APCD) dust control measures.

**DevStd GEO-TC-5.2:** Prior to land use clearance, the applicant shall agree to comply with any conditions recommended by the APCD to reduce emissions of reactive organic compounds (ROC) and oxides of nitrogen (NO<sub>x</sub>) from construction equipment during project grading and construction.

**Policy GEO-TC-6:** **Excessive grading for the sole purpose of creating or enhancing views shall not be permitted. Typically, grading should not place more than five (5) feet of fill above natural grade.**

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<sup>1</sup> For devices that pre-date permit requirements, this would be the as-built height and seaward extent of the structure.

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### D. HISTORY AND ARCHAEOLOGY

#### 1. EXISTING SETTING

##### a. Prehistoric Setting

**Regional:** Chumash culture encompassed a large portion of southern California, from Estero Bay in the north to Malibu Canyon in the south, and from the offshore Channel Islands to the inland Carrizo Plain. The South Coast, including the entire tri-counties area, is one of the richest and most valuable archaeological regions in California. Research indicates that Native Americans have used this area for 7,000 to 9,000 years.

Summerland and Carpinteria were densely populated by the Chumash as these areas were particularly desirable due to the resources available (i.e., creeks, marshes, woodlands, and the ocean). Archaeological sites have been primarily located along creek corridors, along the bluffs near the ocean, and on prominent ridgelines and knolls.

**Toro Canyon Plan Area:** The land in Toro Canyon was originally inhabited by the Chumash Indians, with their coastal village of Mishopshnow in Carpinteria along Carpinteria Creek. There are seven known and recorded archaeological sites within Toro Canyon, most of which are clustered along Toro Creek. Several sites exist just outside of Toro Canyon along the coast. While the location of sites in some areas is known, other areas have been less studied, and the presence or absence of archaeological resources is not known.

##### b. Historic Setting

**Historic Context<sup>1</sup>:** The history of Toro Canyon is associated with agriculture, great estates, recreation, and tourism. The land in Toro Canyon, originally inhabited by the Chumash Indians, was later claimed by King Carlos of Spain and then granted to the Franciscan fathers when the Presidio and Mission were founded in Santa Barbara in 1782-86. The property was used as grazing land to support the needs of the Mission for livestock and food.

When Mexico became independent from Spain in 1822, it secularized the missions and sold off the land in an attempt to break the Spanish hold in California. The Toro Canyon area was granted to the pueblo of Santa Barbara, which then granted the land to former Presidio soldiers in lieu of pay. In 1848, with the Treaty of Guadalupe Hidalgo, this former Mexican land became United States territory. When California became a state in 1850, the land was given to the City of Santa Barbara, which sold it through patents. Numerous farmers from the East and Midwest moved to this area and bought small farms where they produced honey, hay, wheat, and barley. Commercial crops for which Carpinteria and the Toro Canyon area became well known were lima beans, walnuts, lemons, and avocados.

The land on either side of the Toro Canyon area was developed into the communities of Summerland and Carpinteria in the mid-19th century. The first Americans to settle in Carpinteria came in the 1850s, and established the town by 1863 near Santa Monica Creek. Summerland was

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<sup>1</sup> The following text was summarized from the *Historical Resources Report for the Toro Canyon Planning Area* prepared by Science Applications International Corporation for the County in October 1998.

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## Toro Canyon Plan

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platted in 1888 by H. L. Williams on a 160-acre parcel of the old Ortega Rancho. Additionally, the small town of Serena was platted below Nidever Road.

Between these two small communities lay the Toro Canyon area with its small farms. The name apparently was given to the area because the canyon provided a natural corral where bulls were confined. Natural petroleum or asphaltum deposits that compromised their good farmland plagued farmers in this area. In response to these tar deposits, Charles Swift, a Montecito farmer, set up the Occidental Mining and Petroleum Company in 1881 along upper Toro Canyon. Swift abandoned oil production for water distribution to Montecito and Summerland.

Several agriculturally prominent farmers in the Carpinteria Valley included Russell Heath, O. N. Caldwell, the Bailards, John Shepard, and C. T. Hubbard. Crops grown included walnuts, avocados, grapes, apricots, citrus fruit, lima beans, hay, wheat, barley, corn, apples, apricots, blackberries, figs, nectarines, olives, pears, peaches, plums, strawberries, peanuts, and almonds.

In the 1920s several of the small farms were subdivided into tracts. Within Toro Canyon, the 34-acre parcel immediately east of Toro Canyon Road on Via Real was platted as the Serena Park Subdivision. The town of Serena, laid out in long thin lots running from Padaro Lane to the ocean, was not developed until the 1920s. Several large estates were also constructed during the 1920s and 1930s. In 1922 Max C. Fleischmann built a winter home and conservatory, named Edgewood, in the Spanish Colonial Revival style. Fleischmann developed a polo field on the old Villalba Ranch between 1923 and 1926 that encompassed 48 acres and stabled up to 400 ponies.

As the Carpinteria Valley developed, the road connecting it to the wharves at Serena and Carpinteria and later to the Southern Pacific Depot grew from a two-lane dirt road to a three-lane highway, State Route 2, in the early 20th century. With the growth of the automobile, an increasing number of travelers passed through the area. Services catering to these travelers, such as motels, service stations, trailer parks, and cafes sprang up along the Coast Highway.

Two motels and cafes were built near Sandyland. Next to them the McKeon family developed an orange juice stand known as Santa Claus in 1948. This popular roadside attraction soon developed into a cluster of amenities including a gift shop, several service stations, and a restaurant, and became well-known for its prominent oversize Santa Claus and Frosty the Snowman images (Figure 21). The Coast Highway was landscaped and enhanced in 1928 between Toro Canyon Road and Nidever Road with the addition of 71 oak trees planted by members of American Legion Post 49, in memory of soldiers who died in World War I. Wooden plaques with individual names were attached to the trees, which became known as the Memorial Oaks.

Traffic grew heavier along the Coast Highway, and in 1953-54 a new four-lane divided highway (Highway 101) was built through Toro Canyon. The old Coast Highway became the southbound lanes of the freeway and a new two-lane northbound route was built. This realignment caused the former roadside attractions to be bypassed on frontage roads or to move to new locations.

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**Figure 21: Santa Claus Lane, 1950s.**  
*Courtesy Dr. C. Seybert Kinsell.*

Today the Toro Canyon area is a mixture of citrus and avocado groves, industrial parks, residential developments, large nurseries, and horse ranches. Its agricultural heritage is still very much in evidence, in spite of the suburban development along Highway 101. The acreage along Via Real from Nidever Road to Cravens Lane is covered with greenhouses and growing fields for such companies as Gallup & Stribling Orchids and Colorama. The land east of the Polo Fields is also the site of a number of greenhouses.

***Summary of Findings in the Toro Canyon Plan Area:*** Toro Canyon's rich and varied history has left behind numerous historical sites and structures. A 19th-century farmhouse and the Max C. Fleischmann Polo Field were determined eligible for the National Register of Historic Places. Three estates from the 1920s and 1930s and the Carpinteria Cemetery were considered eligible as County Landmarks or Places of Historic Merit. See Table 13 for a list of historic resources.

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**TABLE 13: HISTORIC RESOURCES WITHIN TORO CANYON PLANNING AREA**

APN	Address	Construction Date	Building Style	Significance
005-210-032	2950 Via Real	1850s-1870s	Vernacular	Eligible as a County Landmark; National-Register-eligible
005-270-042	3375 Foothill Road	1923-26	Rustic	Eligible as a County Landmark; National-Register-eligible
005-100-023	405 Toro Canyon Road	1935	Tuscan Country Villa <sup>†</sup>	Eligible as a County Landmark or Place of Historic Merit
005-210-054	249 Lambert Road	1920-1929	Spanish Colonial Revival	Eligible as a County Landmark or Place of Historic Merit
155-030-004 155-070-019	2710 East Valley Road	1925	Spanish Colonial Revival	Eligible as a County Landmark or Place of Historic Merit
N/A	Highway 101 Between Nidever Road and Toro Canyon Road	1928	N/A	Eligible as a County Place of Historic Merit
005-430-050	1500 Cravens Lane	1870s -	N/A	Eligible as a County Landmark or Place of Historic Merit

<sup>†</sup> Revised from "Spanish Colonial Revival" in response to additional information provided by the property owner subsequent to the Historical Resources Report prepared for this Plan in October 1998.

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## Toro Canyon Plan

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### 2. HISTORY & ARCHAEOLOGY GOAL, POLICIES, ACTIONS, AND DEVELOPMENT STANDARDS

Several existing historic structures are worthy of preservation. In addition, archaeological resources in Toro Canyon provide important cultural value and scientific information and should also be protected.

**GOAL HA-TC: Preserve and Protect Significant Cultural, Archaeological and Historical Resources in the Toro Canyon Plan Area to the Maximum Extent Feasible.**

**Policy HA-TC-1: Archaeological resources shall be protected and preserved to the maximum extent feasible.**

**DevStd HA-TC-1.1:** A Phase 1 archaeological survey shall be performed when identified as necessary by a county archaeologist or contract archaeologist or if a county archaeological sensitivity map identifies the need for a study. The survey shall include areas of projects that would result in ground disturbances, except where legal ground disturbance has previously occurred. If the archaeologist performing the Phase 1 report, after conducting a site visit, determines that the likelihood of an archaeology site presence is extremely low, a short-form Phase I report may be submitted.

**DevStd HA-TC-1.2:** All feasible recommendations of an archaeological report analysis including completion of additional archaeological analysis (Phase 2, Phase 3) and/or project redesign shall be incorporated into any permit issued for development.

**Action HA-TC-1.3:** The Board should consider either funding creation of a sensitive archaeological resources map for the Toro Canyon Area or allocating funds for a full-time County archaeologist.

**Policy HA-TC-2: Historic resources shall be protected and preserved to the maximum extent feasible.**

**Action HA-TC-2.1:** The County Historic Landmarks Advisory Commission shall evaluate structures of historical significance in Toro Canyon.

**Action HA-TC-2.2:** To encourage the preservation of historic resources, the County shall pursue potential funding from federal, state and local sources to provide monetary assistance for applicants undertaking preservation and renovation projects for historic structures.

**DevStd HA-TC-2.3:** No permits shall be issued for any development or activity that would adversely affect the historic value of the properties listed in Table 13, unless a professional evaluation of the proposal has been performed

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## Toro Canyon Plan

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pursuant to the County's most current Regulations Governing Archaeological and Historical Projects, reviewed and approved by Planning and Development and all feasible mitigation measures have been incorporated into the proposal.

**Action HA-TC-2.4:** The County shall work with Caltrans to place a sign along Highway 101 which recognizes the commemorative value of the historic memorial oak trees. The sign could be located near a cluster of the oaks in the median strip and could read, "Oaks planted in memory of WWI soldiers, 1928."



### E. VISUAL & AESTHETIC RESOURCES

#### 1. SETTING

The foothills, Paredon Ridge, and sheer upper face of the Santa Ynez Mountains and the Pacific coastline of Toro Canyon provide vistas of great natural beauty, visible from major travel corridors as well as from public trails, public streets and parks in the Santa Ynez foothills and Paredon Ridge. Due to its topography, the area is also highly visible from the surrounding communities. Major view corridors into Toro Canyon include U.S. Highway 101, Via Real, State Route 192 (East Valley Road/Foothill Road), and Toro Canyon Road and Ladera Lane. Many public roads in Toro Canyon have a scenic, semi-rural ambience due to existing land uses and native vegetation such as oak woodlands. Major view corridors in Toro Canyon include:

*U.S. 101:* The Toro Canyon section of U.S. Highway 101 offers views of Paredon Ridge and the Santa Ynez Mountains and glimpses of beaches and coastal agricultural land. The landscaped freeway corridor includes oak trees planted in 1928 in memory of World War I soldiers. The historic Santa Claus adds additional visual interest.

*Via Real:* This road provides views of greenhouses and agricultural fields in the foreground, with the Santa Ynez Mountains as a backdrop. Along the western end of the road, residences replace greenhouses as the dominant feature in the foreground view. U.S. 101 and landscaping along the freeway line Via Real to the south.

*State Route 192 (East Valley Road/Foothill Road):* Landscaped and native vegetation along East Valley Road dominate this view corridor. The Polo Fields, greenhouses, and agricultural areas (row crops and orchards) and scattered residential uses are visible from Foothill Road to the south, with views of the Pacific Ocean in the background.

*Toro Canyon Road:* Includes views of scenic native and landscaped vegetation and scattered ranchettes against a backdrop of the Santa Ynez Mountains looking north. The Pacific Ocean dominates views for southbound vehicles along the southern section of the road.

*Toro Canyon Park Road:* Provides panoramic views of mountainous terrain, low density residential development, and the Pacific Ocean.

The Coastal Plan identifies U.S. 101 as a scenic corridor. Also, portions of Via Real and eastern Padaro Lane, and Santa Claus Lane are in a view corridor overlay district in the Coastal Plan. The Open Space, Scenic Highways, and Environmental Resource Management Elements recognize the County's scenic beauty, the quality of natural resources and the importance of travel corridors such as U.S. 101. The Land Use Element, Open Space Element, and Local Coastal Plan all discourage development on slopes of twenty percent or greater.

Toro Canyon's rolling foothills, ridgelines, creeks, rock outcroppings, and woodlands contribute to the area's high scenic value. Open space areas of chaparral, oak woodlands, and riparian

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## Toro Canyon Plan

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vegetation are visible from much of the area. Paredon Ridge forms a dominant backdrop to the coastal plain with its natural landforms, native vegetation, and scattered orchards contributing greatly to Toro Canyon's rural and semi-rural character.

Toro Canyon's visual character is also shaped by its mostly rural and semi-rural low-density residential development and agricultural land uses. Residential development is primarily large single-family custom houses on larger lots, located in upper Toro Canyon and the coastal areas. Generally, avocado and citrus orchards cover portions of the lower foothills, with greenhouses, orchards, and open field crops in the coastal area. Due to the Plan area's variable topography, some of these land uses are highly visible in Toro Canyon and from U.S. 101, Foothill Road, and/or other public viewing places.

### 2. PLANNING ISSUES

Recent and proposed residential and agricultural developments threaten to degrade the aesthetic character of Toro Canyon. As flatter lots have become scarce, residential and agricultural development has been pushed into the foothills. Such foothill development often includes extensive grading and native vegetation removal for homes, roads and orchards, producing unattractive scarring in the highly visible foothills.

Greenhouses and some residential development have also created glare and night-lighting in Toro Canyon. Greenhouses are often highly visible, especially from Highway 101, Foothill Road, upper Toro Canyon and the Romero Trail. Many of the greenhouses and some of the residential development in Toro Canyon, especially white structures and those with reflective roofs, have created glare that degrades public views. Some greenhouses feature lights used during the night. Significant additional greenhouse and residential night-lighting in the Plan area could alter the rural and semi-rural nature of Toro Canyon. The County Board of Supervisors is currently (January 2001) considering a separate study on the intensification of greenhouse development in the Carpinteria Valley.

The proliferation of large dwellings, often from 5,000, to 20,000 square feet in size, also is altering the area's rural character. Dwellings of this size often pose neighborhood compatibility issues if the size of the homes is larger than those in the existing neighborhood. Residents have expressed concern over building heights and the scale of new homes, which often obstruct or degrade ocean and mountain views from public roads, trails, and private homes. New development also alters natural visual resources of the area, such as land formations (e.g. rock outcroppings and ridgelines), creeks, and existing vegetation. New roads and driveways also produce adverse visual impacts if not carefully sited and designed. Inappropriate grading, landscaping or structural design for new or expanded roads can create adverse changes in the area's rural and semi-rural character.

### 3. VISUAL AND AESTHETIC RESOURCES GOAL, POLICIES, ACTION, AND DEVELOPMENT STANDARDS

**GOAL VIS-TC: Protect The Rural and Semi-Rural Character And Natural Features Of The Area, Particularly Public Views Of The Foothills, Santa Ynez Mountains And Pacific Ocean.**

**Policy VIS-TC-1: Development shall be sited and designed to protect public views.**

**DevStd VIS-TC-1.1:** Development shall be sited and designed to minimize the obstruction or degradation of public views.

**DevStd VIS-TC-1.2:** Development and grading shall be sited and designed to avoid or minimize hillside and mountain scarring and minimize the bulk of structures visible from public viewing areas. Mitigation measures may be required to achieve this, including but not limited to increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways, unless those measures would preclude reasonable use of property or pose adverse public safety issues.

**DevStd VIS-TC-1.3:** In urban areas, development shall not occur on ridgelines if suitable alternative locations are available on the property. When there is no other suitable alternative location, structures shall not intrude into the skyline or be conspicuously visible from public viewing places. Additional measures such as an appropriate landscape plan and limiting the height of the building may be required in these cases.

**Policy VIS-TC-2: Development shall be sited and designed to be compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.**

**DevStd VIS-TC-2.1:** Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features such as major rock outcroppings, mature trees and woodlands, drainage courses, visually prominent slopes and hilltops, ridgelines, and coastal bluff areas.

**DevStd VIS-TC-2.2:** Grading for development, including primary and accessory structures, access roads (public and private) and driveways, shall be kept to a minimum and shall be performed in a way that:

- minimizes scarring,
- maintains to the maximum extent feasible the natural appearance of ridgelines and hillsides.

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**DevStd VIS-TC-2.3:** Consistent with applicable ordinances, policies, development standards, and the Constrained Site Guidelines, structures shall be sited and designed to minimize the need for vegetation clearance for fuel management zone buffers. Where feasible, necessary roads and driveways shall be used as or incorporated into fuel management zones.

**Action VIS-TC-2.4:** In carrying out the Visual & Aesthetic Resources policies and development standards of this Plan and the TCP Overlay District, the County shall work with project applicants and designers, the Carpinteria-Summerland Fire Protection District, and the Montecito Fire Protection District to minimize excessive road/driveway construction and reduce or redesign fire buffers to minimize the removal of natural vegetation and related visual effects.

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# **Appendix A**

## **Community Survey Results Summary**

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# INTRODUCTION

## **Survey Distribution Method**

One-hundred and fifty-two responses were received in response to a June 1998 community-wide survey mailed to all property owners in the Plan Area, approximately one-thousand people. The survey's questions focused on issues of land use, quality of life, and existing and future community needs. Questions covered topics including residential and commercial development, agriculture, traffic, roads, fire and flooding hazards, visual and aesthetic aspects of the area, and recreational facilities.

## **Analysis of Survey Results**

Overall, the survey indicates that Toro Canyon residents are happy with the state of the area in which they live. Many residents commented about how pleasant Toro Canyon is because of the "rural" atmosphere. Open spaces, many trees, quietness, beautiful views, and an abundance of wildlife living within the area make Toro Canyon a very special place for many of its residents. However, there are a few areas of concern which residents have in regards to existing conditions of the area. Traffic safety problems, incompatible agricultural uses, residential development in manners which involve excessive damaging grading and obstruct neighbors' views, and some problem flooding areas were cited in the survey. The six most important issues as ranked by respondents were loss of open space/rural character, loss of agricultural land, loss of scenic views, fire safety, traffic volumes (number of vehicles), and traffic safety (speeding, roadway hazards).

## ***Future Development Preferences***

For the future, residents overwhelmingly expressed a strong desire for little or no new development. Because the area is so wonderful as it is, residents feel that any changes to the area might "spoil" it. The type of development cited as most needed in Toro Canyon in the next 10 years was "Little or No New Development" (73%), followed by "Residential" (13%). The way in which residential development should occur was largely addressed by question number twelve. Residents seem to prefer single family dwellings with height restrictions in order to protect neighbors' views (31 comments), not too large in scale in comparison to the lot size (13 comments), and on large lots (15 comments). Vegetation was generally viewed positively, especially in regard to preserving oak trees. Issues with walls, lighting, and parking were also commented on (11 combined comments).

### *Agriculture*

Survey results indicate that the residents of Toro Canyon are very supportive of agriculture. When asked in question number ten if agricultural lands should be preserved or rezoned for other uses, 113 comments for preservation were made, whereas only 37 comments for rezoning possibilities were made. However, many residents are discerning about which types of agricultural uses should be preserved (32 comments). Throughout the survey, comments about the unattractiveness of berry hoops and greenhouses were made. In addition, pesticide run-off, flooding, and erosion due to these agricultural operations were cited as incompatible with existing residential neighborhoods. Residents often cited open field agriculture or orchards, and organic farming as preferable types of agriculture for the area. Of the thirty-seven comments suggesting rezoning, over one-fourth were for home purposes, and a similar proportion of the comments pertained to rezoning for school purposes.

### *Road and Traffic Conditions*

Problems cited with roadways include speeding on lower Toro Canyon Road, blind intersections in many places and frequent flooding of certain areas. Concern that new development might increase traffic congestion was also expressed. Many residents also noted that there is a need for new bicycle paths or pedestrian paths if Toro Canyon Road is to be safe for recreational users and non-motorists. Areas of flooding affecting roadways listed in response to question number seven were creek areas, upper Toro Canyon area, lower Toro Canyon Road and Foothill Road, areas adjacent to farming operations, and areas adjacent to Highway I01.

### *Fire Safety*

Road conditions were also linked with fire safety in the comments made by residents in response to question number six. Fourteen residents suggested road improvements or creation of new roads to enable safe evacuation. Preservation of the rural character of the area by limiting development (22 comments) was the most commonly listed solution to fire hazards. Limiting development was suggested in order to reduce traffic problems and keep residents out of the upper reaches of the Toro Canyon Area where access was most limited. Many residents felt that brush should be cleared voluntarily (16 comments), others through enforcement of ordinances (11 comments). Still other residents felt that the aesthetic value of brush and trees creating a canopy over narrow roadways is so great, that residents would rather accept increased fire hazards than risk changing the Canyon's beautiful atmosphere (about fourteen comments).

### *Commercial Development*

In the category of new business development, once again, little or no new development was also the most popular response for both Santa Claus Lane (90 marks) and elsewhere in the area (101 marks). However, there was much more support for tourist-serving and entertainment businesses on Santa Claus Lane (40 and 34 marks) than elsewhere in the area (9 and 11). Other types of businesses, such as neighborhood services, were marked

at a moderate rate for both Santa Claus Lane (8-23) and elsewhere in the area (11-19). More comments indicated that residents patronize Santa Claus Lane (79), than do not (45). However, many of those who patronize Santa Claus Lane only patronize Padaro Grill (a favorite restaurant) Western Farm Supply, or Toyland. The three most common reasons residents cited for not patronizing Santa Claus Lane were because they feel the Lane is aesthetically unattractive, is geared for tourists, or is too far away to be convenient to visit. The four most common uses residents cited that they'd like to see on Santa Claus Lane were good restaurants, tasteful retail shops, a market, and entertainment, educational, or cultural facilities. However, some residents did express concern about parking problems which would ensue for any facilities, such as entertainment facilities, which draw large numbers of people. Clearly, the survey results suggest that although many residents do not patronize Santa Claus Lane because it is geared for tourists (eighteen comments), many residents are comfortable with Santa Claus Lane continuing to cater to tourists' day-time or evening activities, combined with some uses which cater to local residents, as long as development occurs in a manner which is architecturally and aesthetically tasteful. Another suggestion made for Santa Claus Lane in various places throughout the survey was for provision of trash service to Santa Claus Beach.

### ***Public Improvements***

The seven most important public improvements as ranked by residents were underground utility lines, road improvements/new roads, bicycle lanes/paths, multi-use trail system, sidewalks/pedestrian paths, tree planting, and building of a fire station. Some residents also indicated a desire for conversion of existing septic systems into sewer systems. New park facilities, street lighting, a sheriff's station, public transit, a community/recreation center, and park and ride facilities clearly ranked as low priorities for Toro Canyon's residents. Furthermore, some of these improvements were actually opposed by Toro Canyon's residents. For example, out of eighty-three comments received regarding types of recreational facilities residents would like to see developed, about fifty of those comments stated that "No additional recreational facilities are needed, Toro Canyon Park is all that is needed." Also, some comments stated that street lighting would negatively alter the rural atmosphere.

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# **Appendix B**

## **Approved and Pending Projects**

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**TABLE B-1: RECENTLY APPROVED PROJECTS IN THE TORO CANYON AREA**

Project Name/ Case Number	APN	Site Address	Type Of Project	Map #
Bowles TPM 14,384	155-030-038	1090 Ladera Lane	2 Lots Buildable	1
Carrillo TPM 14,314	005-670-009	270 Toro Canyon Road	4 Lots (2 Existing Units)	2
Caset/Landrum Lot Split TPM 14,439	005-340-018	3136 Serena	2 Lots Buildable (1 SFD)	3
Clark 1 95-CDP-037	005-340-019	3162 Serena, Carp.	1 Unit New SFD	4
Clark Lot Split 95-PA-017	005-050-010	2942 Torito	2 Lots Buildable	5
Collins 94-LA-20/TPM 14,436	155-230-001	818 Toro Canyon Road	3 Lots Buildable	6
(Franz) 96-PA-005 Baker Franz 97-CDP-108h (Cf. Baker)	005-450-006  005-450-006	3749 Santa Claus Lane, Carp.  3749 Santa Claus Lane	20 Unit Motel (Closed)  7963 Sf Retail & Storage, 1 Unit (Mgr); Demo Exist. Gas Station (2315 Sf)	8
Hubbard 96-Cp-005	155-240-001	877 Toro Canyon Road	2nd Unit Detached	9
Irvine Residence 98-CDP-215	005-050-020	2825 Torito Road	Guest House	10
Marsch TPM 14,332	155-080-050	2900 Hidden Valley	2 Lots 1 SFD 1 Net New Lot	11
Miller 98-CDP-031	005-340-003	3182 Serena Ave.	Change Of Use? Detached 2nd Unit	12
Morehart Addition 97-CDP-16h	005-050-50	495 Toro Canyon Road	Shop Conversion To Office; & Legalize Guest House	13
Myers 97-Cp-013	155-020-004	949 Toro Canyon Road	2nd Unit Detached	14
Riley SFD/Garage 96-CDP-111	005-050-044	521 Toro Canyon Road	1 Unit New SFD	15
Sera Baba TPM 14,440	005-310-019 005-310-020	3883 And 3889 Foothill Road	2 Lots 1 Existing SFD-1 Lot Split Into 2	16
Toms 97-Cp-004	155-240-005	925 Toro Canyon Road	2nd Unit Detached	19
Wells 97-CDP-062	005-100-016	476 Lambert	1 (New SFD) & New Barn	20
Young Storage Building 97-CDP-063	005-100-024	450 Lambert, Carpinteria	Ag Storage Bldg.	21

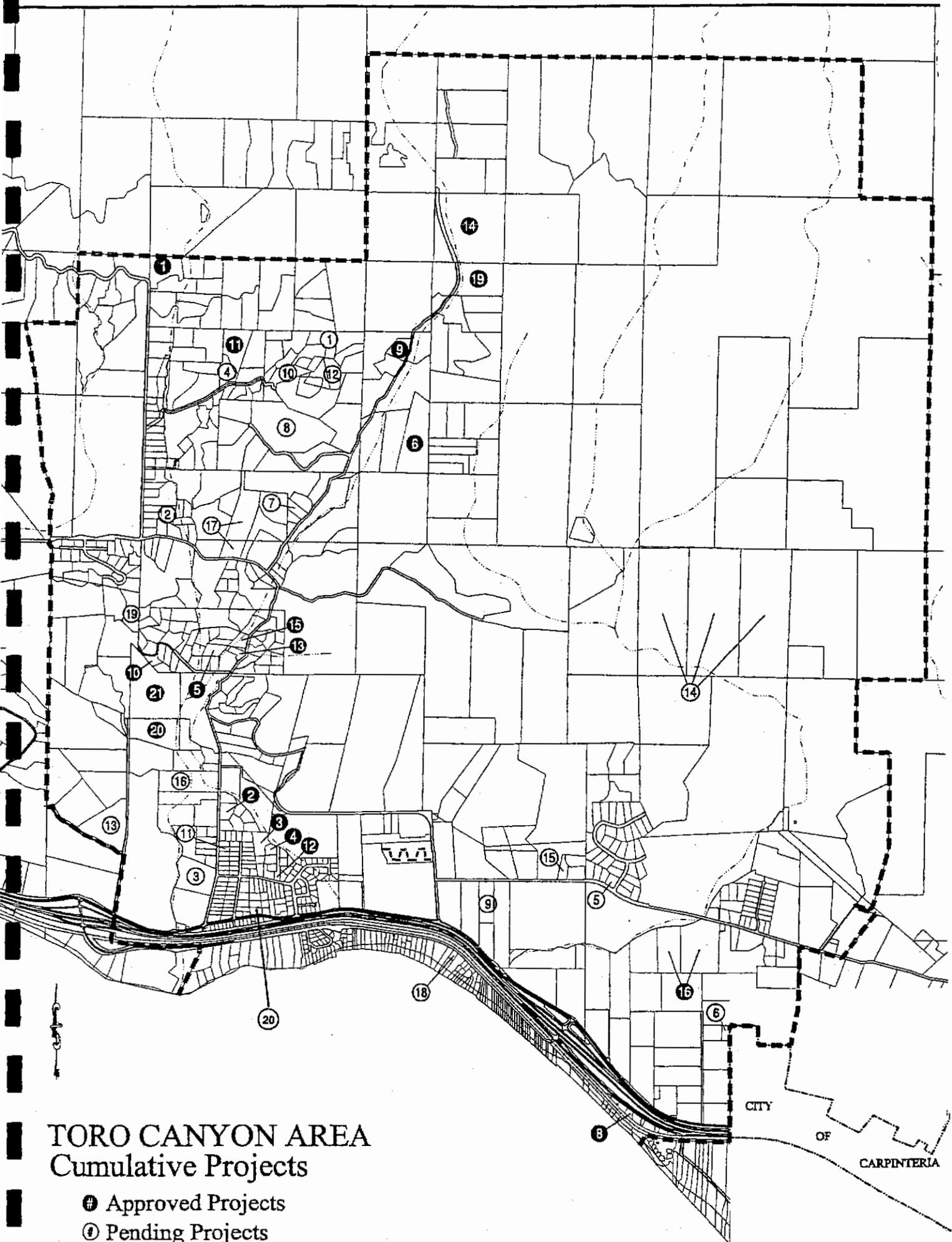
**TABLE B-2: PENDING PROJECTS IN THE TORO CANYON AREA (AS OF 1/99)**

Project Name/ Case Number	APN	Site Address	Type of Project	Map #
Ablitt 98-LUS-029	155-090-013	3040 Hidden Valley Road	1 Detached 2nd Unit	1
Briggs 97-LUS-432	155-120-050	2838 East Valley Road	1 New SFD	2
Clayton 98-CDP-273	005-430-041	3894 Via Real	SFD	6
CUSDd 98-Cp-024 98-Cp-009	005-210-009	225 Toro Canyon Road	School	3
Diamond 97-LUS-410	155-080-049	2896 Hidden Valley	1 New SFD	4
Estes 98-La-9	005-290-004	1947 Paquita Drive	1 Buildable Lot	5
Genis SFD 97-LUS-135	155-130-010	695 Toro Canyon Road	1 Unit (New SFD)	7
Glenn/Brown TPM 14,469	155-110-013	3030 Vista Linda Lane	4 Lots 1+3	8
Handler 97-CDP-188	005-330-004	236 Toro Canyon Road	2 Units (1 New SFD & 1 Detached 2nd Unit)	11
Jones 98-CDP-195/98-CDP-153	005-280-014	3495 Foothill Road	2 Units (One New SFD & Employee Dw )	9
MWD TPM 14,466/98-La-007	155-090-024	2969 Hidden Valley Lane App. Incomp.	1 Net New Lot	10
Mwd/Blitz 98-LUS-247	155-090-028	3075 Hidden Valley Lane	1 New SFD	12
Pacifica Graduate Institute 88-Cp-005 Rv01	005-210-054	249 Lambert	9,600 sq.f.t. School Expansion	13
Paredon Ridge TPM 14,443	155-170-033 155-170-034 155-170-035	574, 578, 580 Toro Canyon Park Road	5 Lots (3 Exist. Legal Lots, 2 New Lots) Not All Buildable	14
Roulet 98-CP-039	005-363-017	3134 Via Real	2nd Unit Detached	20
Rye Residence 97-CDP-066	005-280-011	3540 Foothill Rd	1 Unit (New SFD)	15
Smith 98-CDP-016 H	005-210-015	321 Toro Canyon Road	1 Unit New SFD	16
St. Denis Lot Split TPM 14,431	155-120-045 155-120-046	E. Valley Road No Assigned Address	4 Lots Requested Buildable (Not Likely All Of Them)	17
Tuttle 98-CDP-207 H	005-400-049	3439 PAdaro Lane App. Incompl.	Merging 2 Lots Into One 1 Unit New SFD & Gsthse	18
Wilson 97-CDP-211	005-100-031	439 Lambert Road	1 Unit New SFD	19

**LEGEND**

Sq.ft.: Square Footage  
SFD: Single Family Dwelling

Emp Dw: Employee Dwelling  
Com: Commercial



# TORO CANYON AREA Cumulative Projects

- Approved Projects
- ⊙ Pending Projects

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# **Appendix C**

## **Business Survey Results Summary**

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**TABLE C-1: TORO CANYON BUSINESS SURVEY SUMMARY RESULTS**

Questions	Response Highlights
1. Vision	<ul style="list-style-type: none"> <li>• Seacoast village theme with cohesive architecture</li> <li>• Enhanced retail, restaurant and varied businesses</li> </ul>
2. Business enhancements	<ul style="list-style-type: none"> <li>• Improve aesthetics, i.e., sidewalks, landscaping, bikepaths, underground utilities</li> <li>• Promoting public access</li> <li>• Renaming street to remove Santa Claus name</li> <li>• Rezoning</li> </ul>
3. Obstacles	<ul style="list-style-type: none"> <li>• Parking</li> <li>• Zoning</li> <li>• Santa Claus name</li> </ul>
4. Santa Claus theme	<ul style="list-style-type: none"> <li>• Change theme</li> <li>• Suggested name changes-Padaro Beach Rd., East Padaro Lane, Seaport Village Rd.</li> </ul>
5. Local Business Suggestions	<ul style="list-style-type: none"> <li>• Antique, exercise, medical drop-off laundry, mixed use residential (not condos), beach visitor oriented businesses, retail activity, florist, fruit/vegetable market</li> </ul>
6. Tourist Business Suggestions	<ul style="list-style-type: none"> <li>• Bakery, offices (vacation rental), retail, farmers market, art, antique (no auto repair)</li> </ul>
7. Tourist needs met	<ul style="list-style-type: none"> <li>• No</li> </ul>
8. Local business detract from tourist needs	<ul style="list-style-type: none"> <li>• No</li> </ul>
9. % of business catering to locals	<ul style="list-style-type: none"> <li>• 80% average</li> </ul>
10. Market survey	<ul style="list-style-type: none"> <li>• Yes-B&amp;B, motel, art, office (real estate-vacation rental, architect), medical center, antique, exercise</li> </ul>
11. Design Guidelines or Area Improvements	<ul style="list-style-type: none"> <li>• Parking—curb and gutter, perpendicular on both sides of road, designated beach access and parking for beach visitors</li> <li>• Architectural standards-utilities underground, improve drainage, low key landscaping, height and size of signs increased, change name of street</li> </ul>

Use	Current Regulation	Your Regulatory Preference	
		Not Permitted	Permitted
<b>Residences</b>			
Dwelling, essential secondary.	<i>Permitted</i>		100%
Dwellings occupied by the owner or his employees as a secondary use to a commercial use.	<i>Minor Conditional Use Permit</i>		100%
One Single Family Residence on lot without commercial use.	<i>Not Permitted</i>	84%	16%
<b>Restaurants</b>			
Fast food restaurants	<i>Permitted</i>	16%	84%
<b>Overnight Visitor Accommodations</b>			
Bed-and-breakfasts, lodges, and hostels	<i>Permitted</i>		100%
Overnight recreation-vehicle facilities	<i>Major Conditional Use Permit</i>	100%	
<b>Grocery Stores</b>			
Retail grocery stores of less than 5000 square feet.	<i>Major Conditional Use Permit</i>	29%	71%
Grocery Store of more than 5000 sq. ft.	<i>Not Permitted</i>	100%	
<b>Entertainment/Gathering Places/Events</b>			
Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.	<i>Not Permitted</i>	33%	67%
Certified Farmer's Market	<i>Major Conditional Use Permit</i>	14%	86%
<b>Retail</b>			
<b>Retail Such As:</b>	<i>Not Permitted</i>	50%	50%
Appliance Store			
Auto accessory stores		50%	50%
Bakeries			100%
Clothing Store			100%
Florists			100%
Garden Supply/ Plant Nursery		14%	86%
Grocery Stores		33%	67%
Hardware Store		17%	83%
Ice Cream Shops			100%
Liquor Stores		33%	67%
Pet Shops		17%	83%
Prc.Pharmacies		16%	84%
Shoe Store		16%	84%
Sporting Good Store		16%	84%
<b>Animal Hospitals</b>			
Small animal hospital, inside	<i>Not Permitted</i>	57%	43%
<b>Service Uses</b>			
<b>Service Uses Such As:</b>	<i>Not Permitted</i>	17%	83%
Banks			
Barber shops		17%	83%
Beauty Parlors		17%	83%
Child Care Facilities		43%	57%
Dry-cleaning substations		43%	57%
Laundromats		43%	57%
Laundry		43%	57%
Photography studios		43%	57%
Physical fitness studios		43%	57%
Radio and repair shops		43%	57%
Recycling Facilities (non-profit)		43%	57%
Shoe repair and tailor shops		43%	57%

# **Appendix D**

## **Fuel Management Guidelines**

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## Fuel Management Guidelines

The guidelines provide combined mechanisms to improve fire protection for people and property of Toro Canyon balanced with preservation of the area's natural resources. Development of Toro Canyon parcels designated in a high fire hazard area shall apply the following guidelines:

### 1. Fuel Management Zones

A Fuel Management Zone represents an area where vegetation trimming, mosaic pattern clearing, tree limbing and selective mowing may be authorized to reduce fire hazards (see Figure 1). The size of the Fuel Management Zone(s) shall be determined by the fire hazards on the property and in the region as regulated by the fire protection district having jurisdiction, with review and approval by Planning and Development (P&D). Fuel Management Zones shall be clearly delineated on-site (i.e., fences, survey monuments, etc.) to identify to the applicant and future property owners where fuel maintenance activity is permitted to occur. Delineating Fuel Management Zones is based in part on the following:

- Access roadways/driveways, paved areas and cut/fill slopes are encouraged to be elements of the fire protection buffer so long as the Fuel Management Zone is clearly designated across the affected portion of the development envelope (see Figure 2).
- Property owners/applicants should consult with the local fire district and P&D to determine the required fuel management zone for the property to guide the development location and size before filing the permit application.
- Fire hazards may limit the size and location of development.

Figure 1 Fuel Management Zone Mapping

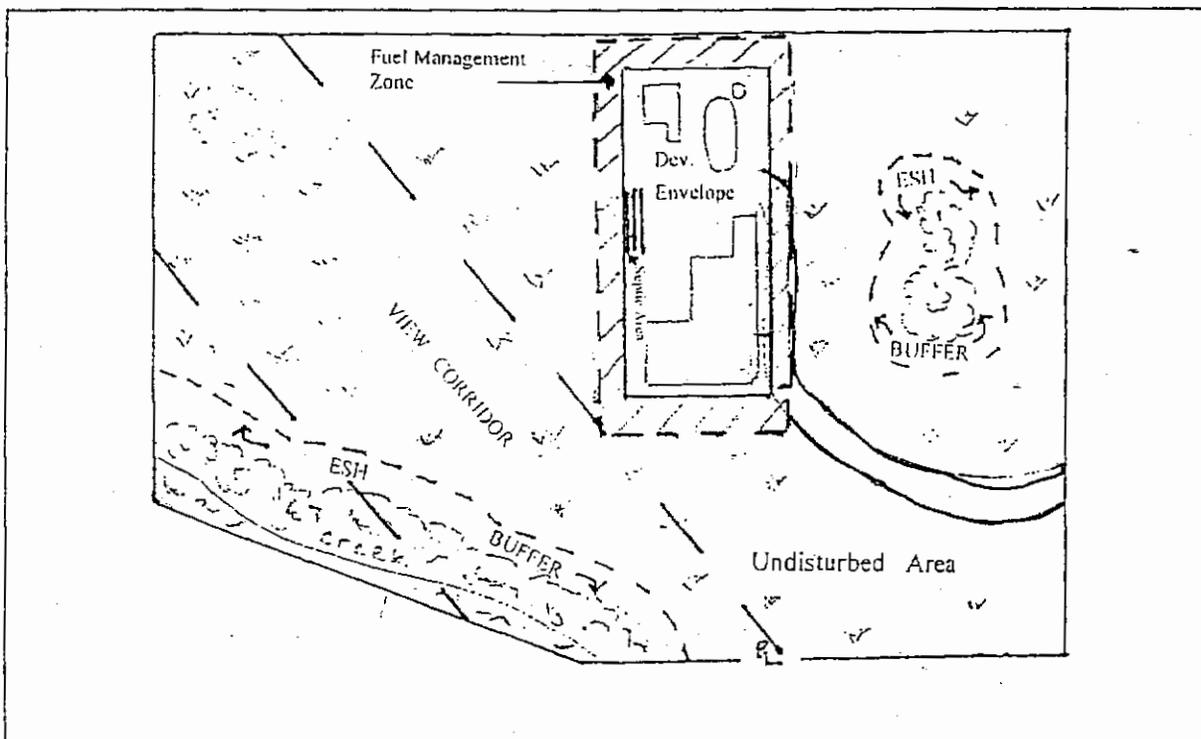
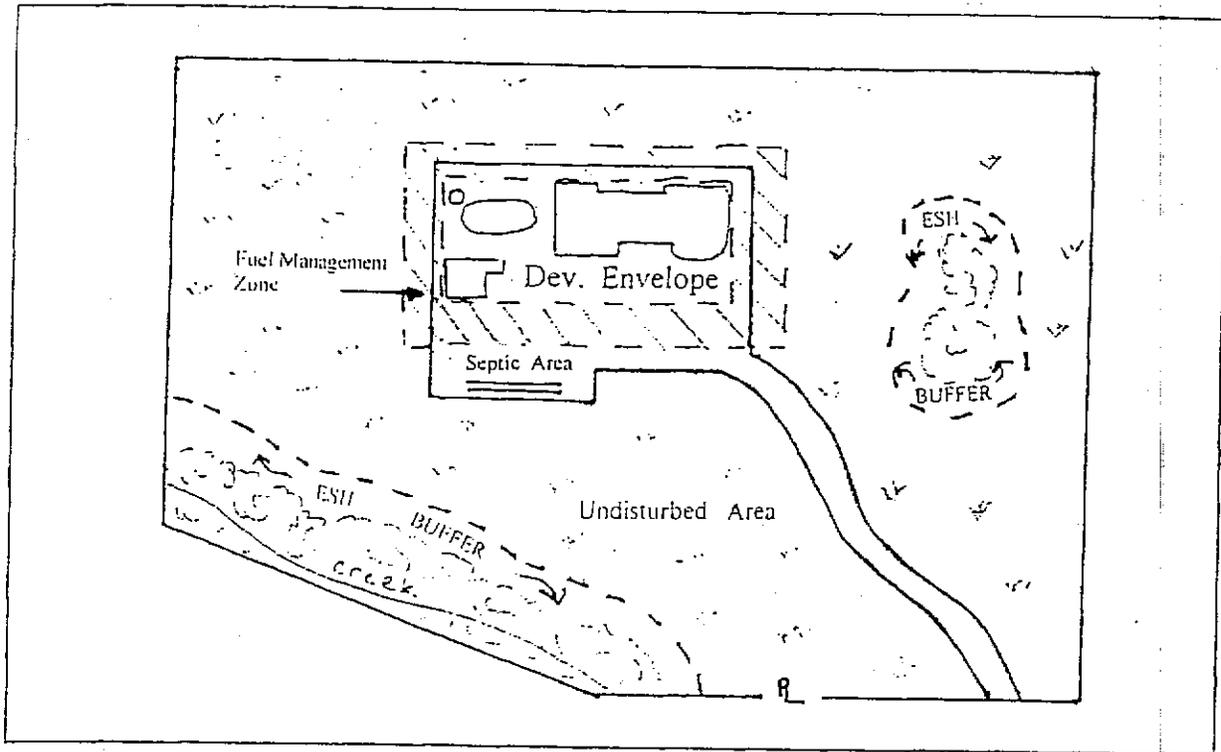


Figure 2 Fuel Management Zone Overlapping Development Envelope



## 2. Fuel Management Plans

Fuel Management Plans shall be required for all development requiring a fuel management zone, subject to review and approval by the local fire protection district and P&D. The Fuel Management Plan should emphasize management practices that include: vegetation mowing, trimming, thinning, and clearing to reduce fuel sources from trees, the understory, brush and grasses; landscaping with fire resistant plants; on-site water storage and delivery systems; and other appropriate fire prevention strategies. The Fuel Management Plans will identify for the applicant and future property owners how and where vegetation reduction and annual maintenance will occur on the property. The level of detail for each plan will depend on the nature of fire hazards on/near the property and the project description; however, in general fuel management plans shall contain the following components:

- Brief description of the fire hazards;
- Site plan identifying the transition areas within the fuel management zone;
- Description of the methods for vegetation management and/or water storage;
- Identifying list of appropriate fire resistant plants for the transition zones and for use with applicable permit landscape plan requirements; and
- Notification to property owner of required maintenance schedule.

## 3. Notification

Permit condition shall require the applicant to record a "notice to property owner" (NTPO) identifying the location of the fuel management zone and the regulating fuel management plan.

# **Appendix E**

## **Trail Siting Guidelines**

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## I. GENERAL

The following are general trail guidelines applicable to all proposed trails.

- A. To the maximum extent feasible, trails should be sited and designed to keep hikers, bicyclists and equestrians on the cleared pathways, to minimize impacts to sensitive habitat areas and environmental resources, and to avoid or minimize erosion impacts and conflicts with surrounding land uses.
- B. As part of the trail implementation process, County Parks Department should evaluate a future trail's ability to accommodate multiple-use on proposed County trails. Potential modifications to the County's multiple-use trail policy should be considered on a case-by-case basis.
- C. Maps depicting future trails should include a statement expressing "Trail routes shown as proposed trails are not open for public use until County acquires public access rights."
- D. County Parks should monitor trails for potential impacts such as vandalism, impacts to archaeological/historical sites, intensity of use, erosion, etc., and when/where necessary, recommend temporary trail closures to alleviate or remedy the problem.
- E. Trails should be sited so as to utilize existing roads and trails as much as possible, except where the trail may conflict with surrounding land uses and environmentally sensitive areas.
- F. Trail width shall be consistent with County Park Department standards. Typical trail width ranges between 4-6 feet, except where intended trail uses and physical/environmental constraints of the trail corridor deem it infeasible and/or inappropriate. Then a trail width less than 4-6 feet would be acceptable.

## II. BIOLOGICAL CONCERNS

- A. Trails should be sited to minimize damage to riparian areas while allowing some public access to these resources. Measures should include locating the majority of trail corridors outside riparian areas, while occasionally bringing trails into contact with streams for public enjoyment. All trail construction should minimize removal of riparian vegetation and utilize natural features and/or lateral fencing to discourage public access to sections of streams not directly accessed by trails.
- B. To the greatest extent feasible, the number of creek crossings should be limited in order to protect stream/riparian resources.
- C. Fences constructed along trail corridors should allow for wildlife movement, to the greatest extent feasible.
- D. Both trail siting and maintenance should be conducted to minimize introduction and proliferation of exotic weedy plants.

### III. AGRICULTURAL CONCERNS

- A. Where appropriate (e.g., adjacent to existing agricultural operations, buildings, residences, etc.), the County should construct fencing between the trail and private land uses. County Parks shall determine on a case-by-case basis appropriate fencing design and type. The County should consider landowner input on fence design. To the greatest extent feasible, fencing should not hinder the natural movement and migration of animals and should be aesthetically pleasing.
- B. Where trails bisect private land, 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.
- C. Trails should be located away from cultivated agriculture and should be sited to avoid bisecting existing agricultural operations, to the greatest extent feasible.

### IV. LAND USE COMPATIBILITY CONCERNS

- A. Trails should be sited and designed to avoid significant environmental resources and to minimize user conflicts with surrounding land uses, to the maximum extent feasible. This may involve re-alignment of the trail corridor, signage, fencing, and/or installation of access control barriers in certain sensitive areas.
- B. Where feasible, trails should be sited a minimum of 100 feet from existing structures, and utilize topography and vegetative barriers to buffer surrounding residences from potential privacy impacts.
- C. Where feasible, trails should be sited along parcel boundaries in an effort to minimize land use conflicts.

### V. ACCESS CONTROL

These trail guidelines are intended to protect surrounding land uses and environmentally sensitive areas, while providing a safe, enjoyable experience for the trail user. Many of the following access control guidelines are particularly relevant in siting proposed trails to avoid potential agricultural impacts.

- A. Where appropriate, trailhead parking areas should be pursued by the County at logical points to provide parking areas for vehicles and turning areas for horse trailers without blocking emergency vehicle or residents' access to and from private lands. Such trailhead parking should be sited and designed to minimize disruption to existing neighborhoods.
- B. Where appropriate, vehicle barriers (e.g., steel access gates) should be constructed at trailheads to prevent unauthorized motor vehicle access, while allowing hikers, bicyclists, equestrians, and authorized motor vehicles to access the trail. Internal access control barriers (i.e., any combination of steel gates, chain link or barbed wire fence may be necessary) should also be installed along trails at appropriate "choke points" (e.g., placement of barriers utilizing natural topography and/or trail user decision points) in

order to keep trail users on the established trail route and prevent trespass and/or further entry into private property and/or environmentally sensitive areas.

- C. Before the County permits public use of any acquired trail right-of-way, adequate fencing and other precautions should be installed to prevent vandalism to neighboring properties and appropriate trailheads should be acquired and constructed to provide for the public safety.
- D. Appropriate trail signage should be placed at all access points, and along the trail corridor. Signs should state when entering/leaving public or private property, no trespassing, and to remain on the established trail route (especially where the trail easement crosses private land). Trailheads should be marked with low-key identification signs that also post regulations, prohibited uses, and trail user guidelines. Educational and trail etiquette signs should also be displayed at strategic locations along a trail corridor.

## VI. ARCHAEOLOGICAL/HISTORIC CONCERNS

Archaeological and historic sites are non-renewable resources which are vulnerable to trail construction and use. The following guidelines are intended to aid in the siting of potential trail corridors in order to avoid disturbances to important resources.

- A. Trails should be sited and designed to avoid impacts to significant cultural, archaeological, and historical resources to the maximum extent feasible. This may involve re-alignment of the trail corridor, signage, fencing, and/or installation of access control barriers in certain sensitive areas.
- B. A Phase I archaeological survey may be required prior to implementing proposed trail corridors.

## VII. GUIDELINES FOR TRAIL MAINTENANCE/CONSTRUCTION

- A. Wherever possible, trails should be sited to avoid highly erosive soils and be constructed parallel to the slope contours with drainage directed off the trail to minimize soil erosion. Where the trail must go directly down the slope, a course of water bars (stone, wooden or jute meshing) should be imbedded perpendicular to the trail. This treatment should be implemented where necessary to minimize the effects of erosion.
- B. The County should utilize the USFS standards for rural trail maintenance, as identified in the *USFS Trail Handbook* on a case-by-case basis.
- C. County Public Works shall consult with County Park Department prior to issuing any encroachment permits along road shoulders with current or proposed trails.
- D. County Park Department shall actively pursue removal of any unauthorized structures, fences, or other obstructions in dedicated easements, as set forth in Chapter 26 of the County Code.

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# **Appendix F**

## **Environmental Health Services Brochure: Your Septic System and Discussion of Advanced Nitrate Treatment Methods**

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## Record of Service

Date	Work Done	Contractor

## For More Information

For more information, please contact one of our Santa Barbara County Environmental Health Services offices below:

Santa Barbara (805) 681-4900  
Santa Maria (805) 346-8460

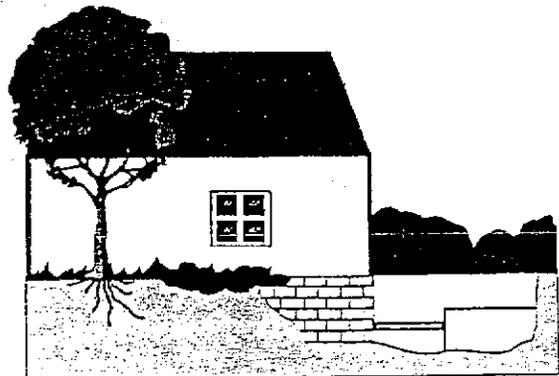
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Printed on recycled paper

## A Reference Guide

# Your Septic System

## For Homeowners



## Caring for Your Septic System

The accumulated solids in the bottom of the septic tank should be pumped out every three to five years to prolong the life of your system. Septic systems must be maintained regularly to stay working.

Neglect or abuse of your septic system can cause it to fail. Failing septic systems can:

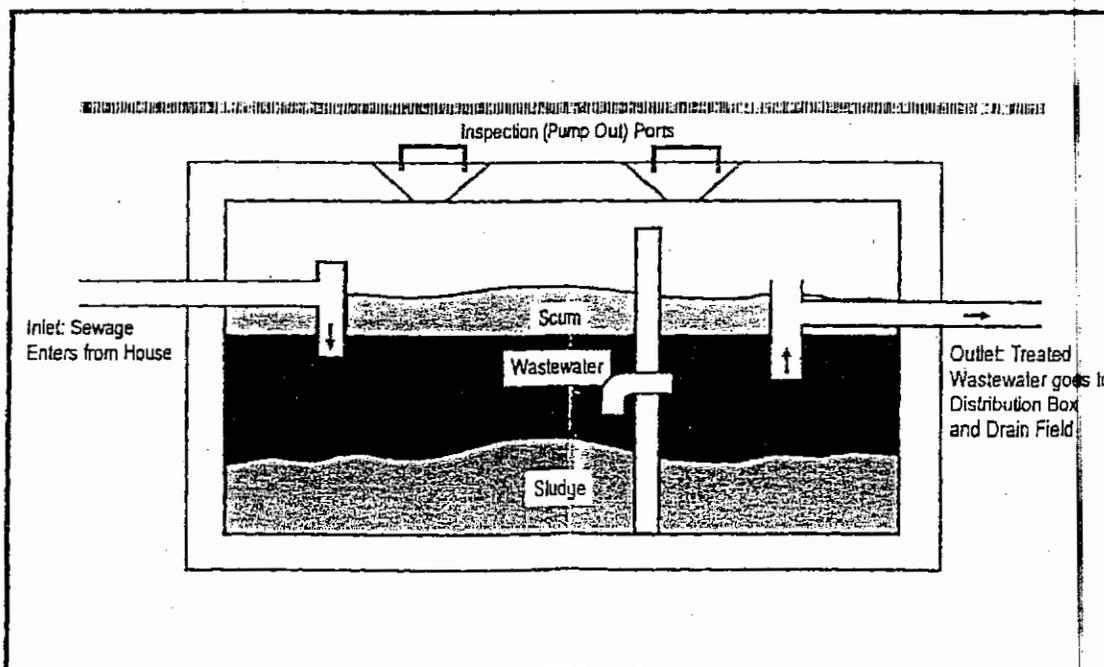
- Cause a serious health threat to your family and neighbors;
- reduce the value of your property;
- be very expensive to repair;
- degrade the environment, especially

lakes, streams, and groundwater, and

- put thousands of water supply users at risk if you live in a public water supply watershed.

Be alert to these warning signs of a failing system:

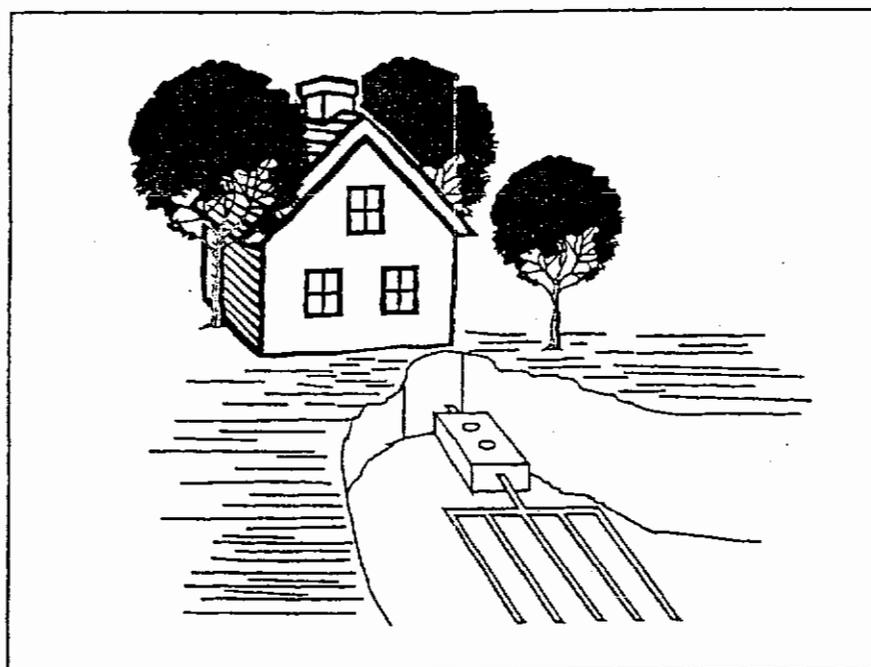
- sewage surfacing over the drainfield (especially after storms);
- sewage back-ups in the house;
- lush, green growth over the drainfield;
- slow draining toilets or drains;
- sewage odors.



## Septic Systems Explained

Septic systems are individual wastewater treatment systems that use the soil to treat small wastewater flows, usually from individual homes. They are typically used in rural or large lot settings where centralized wastewater treatment is impractical.

There are many types of septic systems in use today. While all septic systems are individually designed for each site, most septic systems are based on the same principles.



A septic system consists of a septic tank, a distribution box and a drainfield, all connected by pipes called conveyance lines. Your septic system treats your household wastewater by temporarily holding it in the septic tank where heavy solids and lighter scum are allowed to separate from the wastewater. This separation process is known as primary treatment. The solids stored in the tank are decomposed by bacteria and later removed, along with the lighter scum by a professional septic tank pumper.

After the partially treated wastewater leaves the tank, it flows into a distribution box which separates this flow evenly into a network of drainfield trenches. Drainage holes at the bottom of each line allows the wastewater to drain into gravel trenches for temporary storage. This effluent then slowly seeps into the subsurface soil where it is further treated and purified (secondary treatment). A properly located and functioning septic system does not pollute the groundwater.

## Tips to Avoid Trouble

**Do** have your tank pumped out and system inspected every 3 to 5 years by a licensed septic contractor (listed in the yellow pages). If you have a garbage disposal unit, pump the tank at the 3 year interval.

**Do** keep a record of pumping, inspections, and other maintenance. Use the back page of this brochure to record maintenance dates.

**Do** practice water conservation. Repair dripping faucets and leaking toilets, run washing machines and dishwashers only when full, avoid long showers, and use water saving features in faucets, shower heads and toilets.

**Do** learn the location of your septic system and drainfield. Keep a sketch of it handy for service visits. If your system has a flow diversion valve, learn its location and turn it once a year. Flow diverters can add many years to the life of your system.

**Do** divert roof drains and surface water from driveways and hillsides away from the septic system. Keep sump pumps and house drains away from the septic system as well.

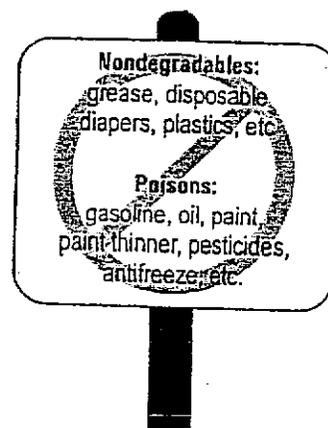
**Do** take leftover hazardous household chemicals to your approved hazardous waste collection center for disposal. Use bleach, disinfectants, and drain and toilet bowl cleaners sparingly and in accordance with the product labels.

**Don't** allow anyone to drive or park over any part of the system. The area over the drainfield should be left undisturbed with only a mowed grass cover. Roots from nearby trees or shrubs may clog and damage your drain lines.

**Don't** make or allow repairs to your septic system without obtaining the required health department permit. You should use professional licensed septic contractors when needed.

**Don't** use commercial septic tank additives. These products usually do not help and some may hurt your system in the long run.

**Don't** use your toilet as a trash can by dumping nondegradables down your toilet or drains. Also, don't poison your septic system and the groundwater by pouring harmful chemicals down the drain. They can kill the beneficial bacteria that treat your wastewater. Keep the following materials out of your septic systems:



## Advanced Treatment Requirement for Septic Systems

The Toro Canyon Area Plan specifies that advanced treatment is to be provided for on-site septic systems utilizing the drywell method of disposal. To provide additional information, Environmental Health Services (EHS) has prepared this report outlining the benefits, costs and challenges associated with this development standard.

### EXECUTIVE SUMMARY

The draft Toro Canyon Area Plan includes a development standard that calls for the installation of advanced treatment units for septic systems using the drywell method of sewage disposal. Drywells are targeted because the sewage undergoes little treatment for removal of contaminants and is discharged at a depth that may impact groundwater. The installation of these treatment units would reduce the potential for nitrate loading in area groundwater supplies. It would also carry the additional benefit of extending the life of the drywell, reducing the possibility of contaminating surface water. This requirement would add approximately \$2,000.00 to \$17,000.00 to the cost of an average septic system. Although advanced treatment technology has been used sparingly in Santa Barbara County, it has been used in northern California and in the Pacific Northwest. This represents a departure from past thinking of on-site *disposal* of sewage to one of on-site *treatment*. In order to function as designed, these treatment systems require regular maintenance by trained technicians. Such maintenance would represent a recurring cost to the homeowner. Finally, it is important to note that there is currently no regulatory tool available to assure that this necessary maintenance would be provided.

### INTRODUCTION

Because public sewer is not available to all properties in Toro Canyon, residential development requires the installation of on-site septic systems. Unfortunately, the soils present in the Toro Canyon area have been shown to be problematic for sewage disposal. Many of the formations in this area are marginal for sewage disposal due to low permeability, steep slopes and shallow or perched groundwater.

Septic systems can negatively impact the environment in several ways. Instead of percolating downward, the untreated or partially treated sewage may appear on the ground surface in a process referred to as "daylighting." When daylighting occurs the public may be exposed to pathogens and chemical contaminants. In addition, daylighting sewage may contaminate surface water such as creeks, streams or reservoirs. If the septic system or soils surrounding the system fail to treat the sewage, then groundwater may become contaminated with chemical or biological pollutants.

Failure of a septic system can result from hydraulic overloading in which the sewage flows through the septic tank and into the soil at a rate faster than it can be treated and disposed of. If hydraulic loading exceeds the maximum rate of absorption then daylighting may occur.

A septic system may also fail due to an accumulation of a "biomat" in the disposal field. The "biomat" consists of bacteria and organic material that eventually builds up and occludes the absorptive surfaces of the disposal field. This may also cause daylighting of sewage.

When the sewage is disposed of using the shallow leachline method, aerobic bacteria further treat the sewage and remove contaminants. This additional treatment is why Environmental Health Services supports the installation of leach lines rather than drywells wherever feasible.

When terrain or other factors make the use of leachlines infeasible, drywells are a common method of waste disposal. They consist of a cylindrical boring with a perforated center pipe that is surrounded by gravel. Due to a lack of oxygen, when a drywell is used the sewage undergoes little or no treatment for removal of contaminants. Also, waste is discharged much deeper than in the case of leachlines, and this may impact groundwater.

The Toro Canyon Plan includes the use of advanced treatment for septic systems using the drywell method of disposal. In addition, installation of dual disposal fields is required for all new development. Dual disposal fields are also required for all remodels if it is determined to be feasible.

## DISCUSSION

Studies have shown that advanced treatment, also referred to as secondary treatment, of septic system effluent has several benefits. First, most of the contaminants will have been removed from the effluent before it flows to the leach field or drywell, minimizing impacts on the environment. Additionally, pretreated effluent lengthens the serviceable lifetime of the disposal fields.

The amount of potential contamination caused by septic system waste is determined by measuring several water quality parameters. This includes nitrogen, which is most commonly measured as nitrate, as well as total suspended solids (TSS), biochemical oxygen demand (BOD) and fecal coliform bacteria. When found at high concentration in drinking water, nitrates have been linked to a condition called methemoglobinemia or "Blue Baby Syndrome." Methemoglobinemia inhibits the uptake of oxygen by the blood and affects the central nervous system of infants. While not detrimental to health, TSS and BOD are characteristic of a nutrient-rich environment that may lead to a great increase in bacteria and algae populations, degrading water quality. Fecal coliform bacteria are an indicator organism that show water has been exposed to fecal contamination from human or other warm-blooded animals. A properly operated and maintained advanced or secondary treatment system will effectively reduce the concentrations of nitrates, TSS and BOD in sewage.

The United States Environmental Protection Agency has recommended the following guidelines be used when analyzing septic system effluent for secondary treatment systems. The 30-day average of BOD should not exceed 25 mg/l, while the 30-day average of TSS should not exceed 30 mg/l. In addition, the State of Florida Onsite Wastewater Nutrient Reduction Study recommends that nitrogen be reduced by at least 70%<sup>1</sup>. Such a reduction would lead to a corresponding, significant reduction in the concentration of nitrates, which are of particular concern because they move easily through groundwater. The treatment units discussed in this report meet these standards.<sup>1</sup>

## ADVANCED TREATMENT SYSTEMS

Although the use of advanced treatment is rare in Santa Barbara County, it is used in several northern California counties and extensively in the Pacific Northwest. There are two general types of advanced treatment systems. They are aerobic units and packed bed filters. Please note that regardless of the type of treatment method utilized, regular maintenance by a trained service technician is necessary. Therefore this maintenance represents a recurring cost to the homeowner.

### Aerobic Treatment

Aerobic treatment systems (diagram # 1, Microbiotic Inc., 1999) are either batch type or flow-through units. An example of this type of system would be the Fixed Activated Sludge (FAS) system. Although there are several different types of aerobic units, they all consist of multi-chambered treatment tanks and work by maintaining an oxygenated environment by pumping air through the reaction chambers. Aerobic treatment units are sensitive to excessive loading and toxic chemicals. Alarms and sensors are required to be installed to notify the owner of potential problems. Routine maintenance by a trained professional is recommended at least once a year.

### Packed Bed Filters

Examples of this type of system would be either a sand filter (diagram # 2, Orenco Systems Inc. 2000) or textile filter (diagram # 3, Orenco Systems Inc., 2000) and would be single pass or recirculating. Physical, chemical and biological reactions occur when the sewage moves over the media. Typically the filters are operated with timed dosing, which requires control systems and surge capacity. The packed bed filters are generally more tolerant of abuse such as overloading and toxic chemicals; however, routine maintenance is still required.

### Costs

The initial capital outlay for these systems varies widely depending on flow and space requirements. In general, installing advanced or secondary treatment will add \$2,000.00 to \$17,000.00 to the cost of installing an on-site disposal system. Likewise, the operation and maintenance costs will vary depending on the size of the unit and the technology employed. Approximate costs were obtained from the Florida Onsite Wastewater Nutrient Reduction Study and are outlined in Chart #1. Installation costs in Santa Barbara County may vary from those reported in this study.

### Maintenance

Whichever system is installed, it is extremely important that these systems be routinely serviced to ensure proper operation and to achieve the benefits they provide. A trained professional should provide maintenance and service to these units.

The Ventura Regional Sanitation District is completing a study of the effectiveness of various types of advanced treatment systems. It is their plan that once these systems have been approved and are being installed, the district will perform required maintenance. The advanced treatment units would be considered part of the sanitary district.<sup>3</sup>

Presently, none of the sanitation districts in Santa Barbara County provide maintenance services for advanced treatment systems within their service areas. However, neither the Montecito nor the Carpinteria Sanitary District<sup>4&5</sup> were averse to the concept. The Managers of each stated that they would consider a service program if a funding source could be secured for additional staff.

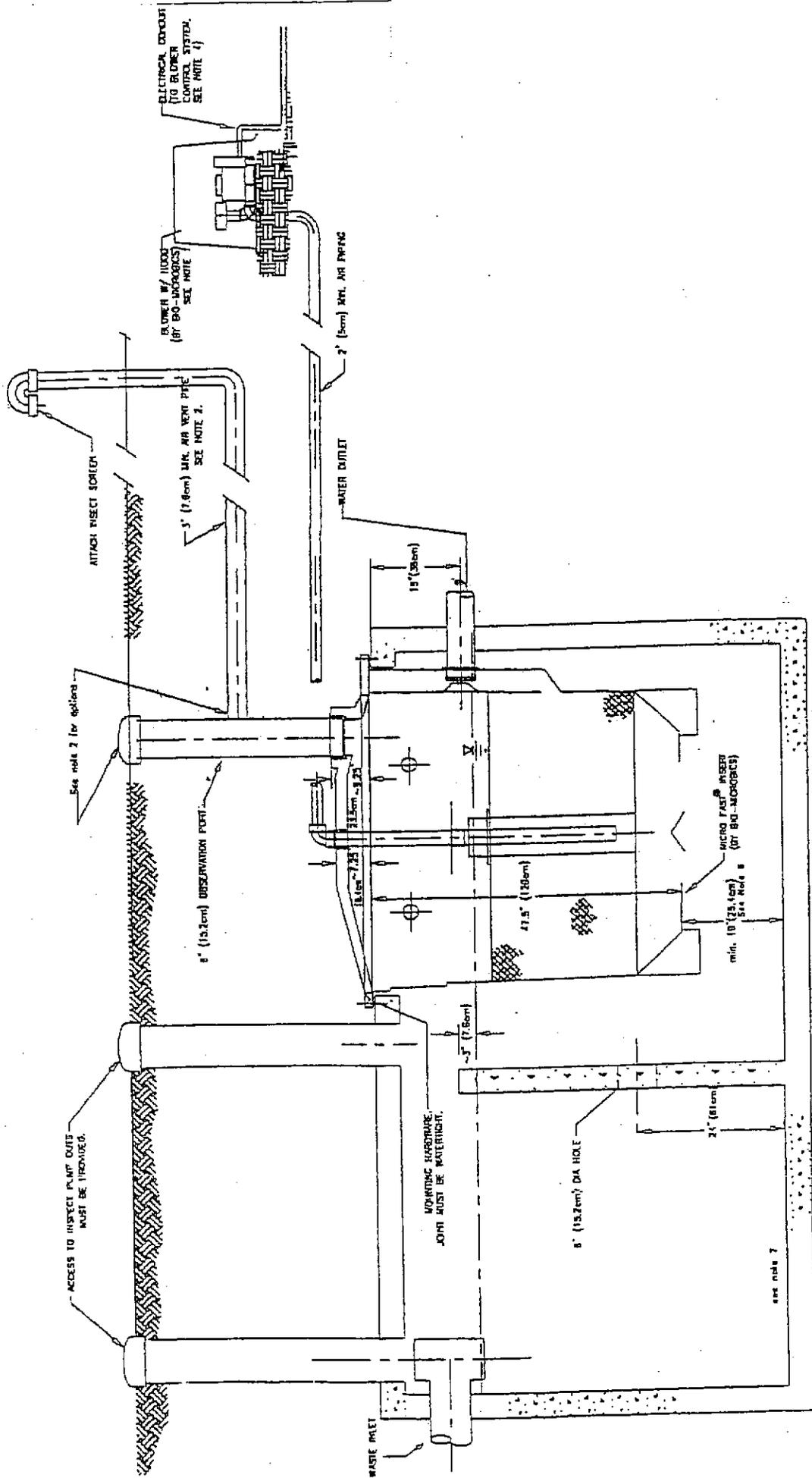
Finally, although the managers of the Montecito and Carpinteria Sanitation Districts did not dismiss the concept of providing maintenance service outright, the ultimate decision would lie with their respective Boards of Directors. Should they decide against the concept, no regulatory authority currently exists to assure that proper maintenance is performed.

## CONCLUSION

While standard septic systems have generally provided satisfactory service in the past, many are aging and have not received regular maintenance. When properly maintained and operated, advanced treatment of septic system effluent is a technology that is environmentally superior to the standard septic system. While more expensive to install and operate, the high quality of the treated effluent produced by these systems will reduce potential impacts on groundwater and surface water, while keeping the drywell functioning longer.

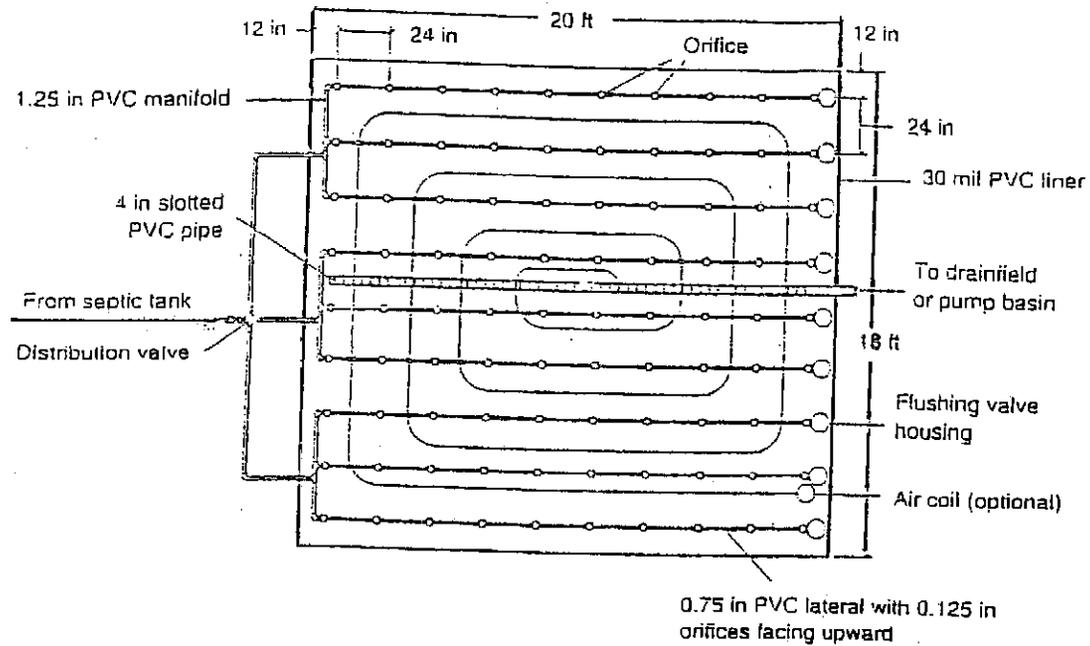
- 
- 1 1998 Florida Keys Onsite Wastewater Nutrient Reduction Systems Demonstration Project.
  - 2 Personal communication with John Yaroslovski of Ensite Systems.
  - 3 Personal communication with Mark Capron of the Ventura Regional Sanitary District.
  - 4 Personal communication with Jerry Smith of the Montecito Sanitary District.
  - 5 Personal communication with John Miko of the Carpinteria Sanitary District.

# DIAGRAM 1

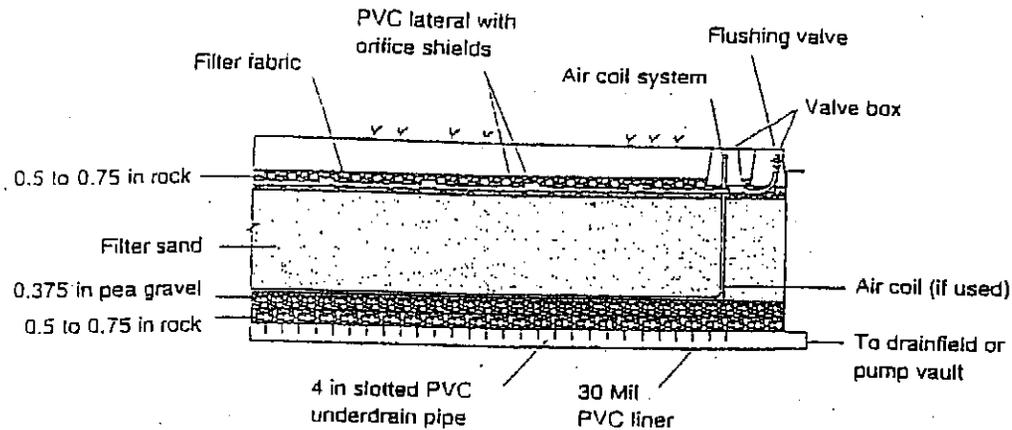


# AEROBIC TREATMENT UNIT (ATU)

# DIAGRAM 2



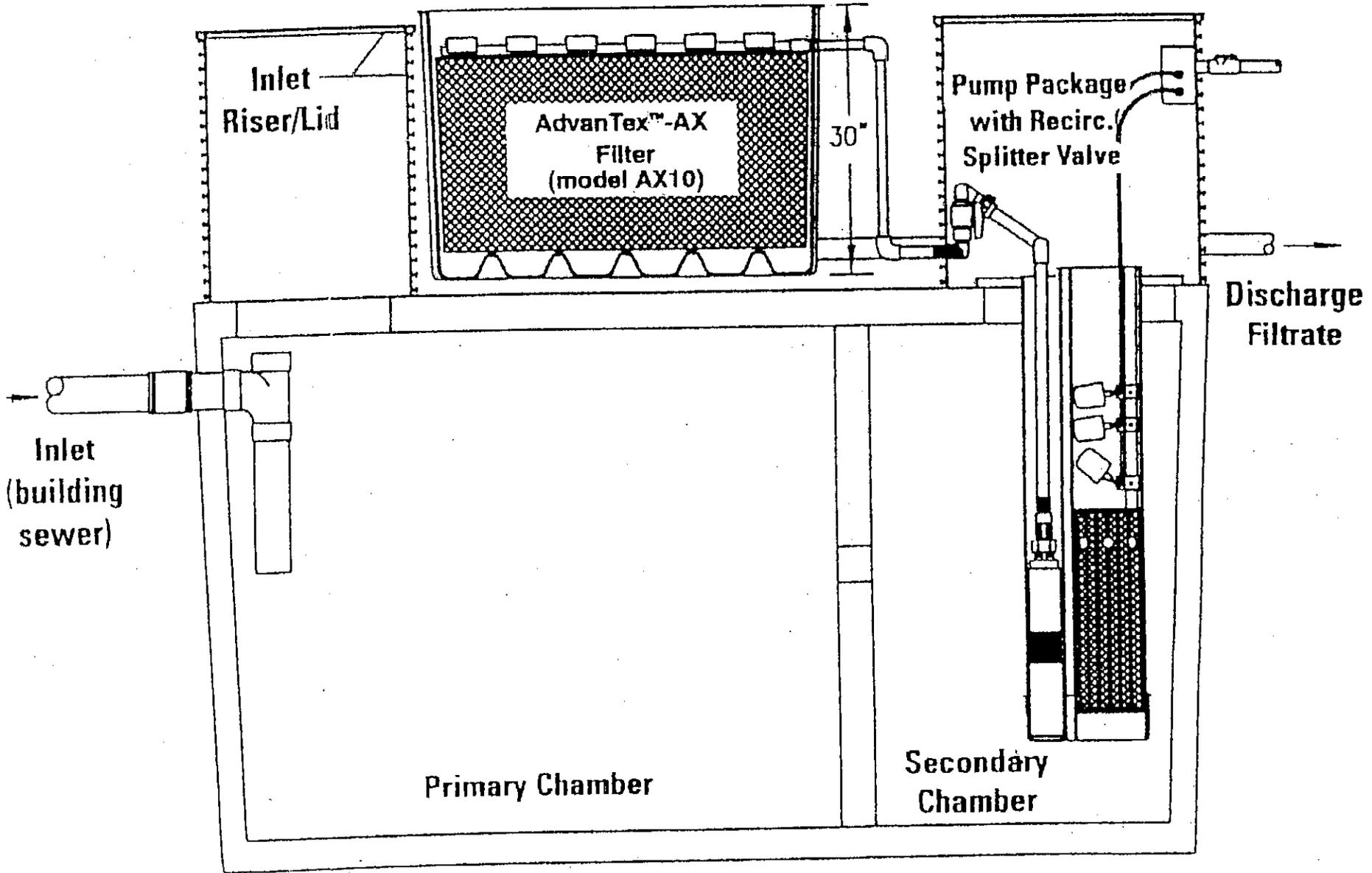
(a) Plan view



(b) Typical cross section

SINGLE PASS (INTERMITTENT) PACKED BED FILTER

DIAGRAM 3



TEXTILE FILTER

CHART 1

ADVANCED WASTEWATER TREATMENT SYSTEMS  
ESTIMATED CAPITAL, ANNUAL AND O&M COSTS

System Classification	System Type	Total Capital Cost of Septic System <sup>(1)</sup>	O&M Cost <sup>(1)</sup>	Annual Energy Cost <sup>(2)</sup>	Annualized Residual Disposal Cost <sup>(3)</sup>	Nitrogen Removal %
Aerobic Treatment Units (ATU's)	Septic Tank + 1 Drywell	\$6,000 \$10,000 <sup>(5)</sup>			\$200.00	11-80% <sup>(6)</sup>
	Septic Tank + Aeration Unit	\$8,000 - \$12,000	\$1,000	\$63.00	\$63.00	
	Fixed Activated Sludge (FAS)	\$17,000-\$20,000	\$1,500	\$80.00	\$100.00	
	Continuous Feed Cyclic Reactor (CFCR)	\$18,000-\$21,000	\$1,300	\$170.00	\$100.00	
Packed Bed Filters	Recirculating Sand	\$23,000-\$28,000	\$1,300	\$170.00	\$63.00	25-90% <sup>(6)</sup>
	Textile Filter <sup>(4)</sup>	\$17,000-\$21,000	\$1,700	\$70.00	\$2,000	

(1) Construction and O&M costs include a 20% contingency.

(2) Annual energy costs are based on electricity rate of \$0.033 per kW-hr. as of November 2000

(3) Disposal Costs include spent media and residuals.

(4) Demonstration testing at UC Davis (1999).

(5) Minimum cost for materials and installation based on a 1000-gallon septic tank and 1 drywell. Costs will increase by \$3,600 to \$5,000 per additional drywell based on soil conditions encountered by driller.

(6) Percent removal values will vary depending on the system type and design configuration(s).



# **Appendix G**

## **Guidelines for Salmonid Passage at Stream Crossings**

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**GUIDELINES  
FOR  
SALMONID PASSAGE  
AT  
STREAM CROSSINGS**

**Final Draft  
Last Revised March 28, 2000**

**National Marine Fisheries Service  
Southwest Region**



## 1.0 INTRODUCTION

This document provides guidelines for design of stream crossings to aid upstream and downstream passage of migrating salmonids. It is intended to facilitate the design of a new generation of stream crossings, and assist the recovery of threatened and endangered salmon species. These guidelines are offered by the National Marine Fisheries Service, Southwest Region (NMFS-SWR), as a result of its responsibility to prescribe fishways under the Endangered Species Act, the Magnuson-Stevens Act, the Federal Power Act, and the Fish and Wildlife Coordination Act. The guidelines apply to all public and private roads, trails, and railroads within the range of anadromous salmonids in California.

Stream crossing design specifications are based on the previous works of other resource agencies along the U.S. West Coast. They embody the best information on this subject at the time of distribution. Meanwhile, there is mounting evidence that impassable road crossings are taking a more significant toll on endangered and threatened fish than previously thought. New studies are revealing evidence of the pervasive nature of the problem, as well as potential solutions. Therefore, this document is appropriate for use until revised, based on additional scientific information as it becomes available.

The Guidelines are general in nature. There may be cases where site constraints or unusual circumstances dictate a modification or waiver of one or more of these design elements. Conversely, where there is an opportunity to protect salmonids, additional site-specific criteria may be appropriate. Variances will be considered by NMFS on a project-by-project basis. When variances from the technical guidelines are proposed, the applicant must state the specific nature of the proposed variance, along with sufficient biological and/or hydrologic rationale to support appropriate alternatives. Understanding the spatial significance of a stream crossing in relation to salmonid habitat within a watershed will be an important consideration in variance decisions.

Protocols for fish-barrier assessment and site prioritization are under development by the California Department of Fish and Game (CDFG). These will be available in updated versions of their *California Salmonid Stream Habitat Manual*. NMFS anticipates adopting of a set of state protocols that are consistent with these culvert guidelines. Also, when applying for the State of California "Lake and Streambed Alteration Agreement," a local CDFG office will apply these guidelines in the Agreement. In addition, most streams in California support important populations of non-salmonid fishes, amphibians, reptiles, macroinvertebrates, insects, and other organisms important to the aquatic food web. Some of these may also be threatened or endangered species. Therefore, the project applicant should check with the local Fish and Game office, the U.S. Fish and Wildlife Service (USFWS), and/or tribal biologists to ensure other species are fully considered.

## 2.0 PREFERRED CROSSINGS

The following structure types should be considered in order of preference:

1. *Bridge* (with no encroachment into the channel 100-year flood plain)
2. *Streambed simulation strategies*: bottomless arch, embedded culvert design, or ford; embedded round metal culvert, concrete box culvert, or compound culvert designs
3. *Non-embedded culvert*: less than 0.5% slope
4. *Baffled culvert, or structure designed with a fishway*: slopes greater than 0.5%

A streambed simulation refers to a situation where substrate and flow conditions within the crossing structure mimic the natural streambed above and below the structure.

In fish spawning areas, only full span bridges or streambed simulations are acceptable.

## 3.0 DESIGNING NEW CULVERTS

The guidelines below are adapted from stream crossing criteria published by the Oregon Department of Fish and Wildlife (ODFW, 1997) and Washington Department of Fish and Wildlife (WDFW, 1999). NMFS-Southwest Region is reviewing the guidelines in light of on-going field research.

### 3.1 Maximum Water Velocities at the High Flow Design Discharge

Culvert Length (ft)	Average Velocity (ft/s), Adults	Average Velocity (ft/s), Juveniles
0-60	6.0	1.0 *
60-100	5.0	1.0 *
100-200	4.0	streambed simulation
200-300	3.0	streambed simulation
Over 300	2.0	streambed simulation

\* Average velocity refers to the calculated average of velocity within the barrel of the culvert.

\* Juvenile velocity criteria for upstream passage are applied during the seasonal migration period of this life stage. Consult local CDFG or NMFS biologists.

### 3.2 Minimum Water Depth at Low Flow

For non-embedded culverts, minimum water depth during expected salmonid passage periods shall be twelve (12) inches for adult steelhead and salmon, and six (6) inches for juvenile salmon.

For embedded (streambed simulation) culvert designs, minimum depth must meet or exceed conditions found in the adjacent natural channel.

### 3.3 Hydrology

Salmonids migrate through waterways at select stream flows, not at all flows. Also, artificial structures can not practically provide ideal salmon passage at all flows. Thus, correct hydraulic design for a stream crossing specifies an acceptable range of flows, based on monthly periods when salmonids migrate. Migration periods may be unique for streams in different regions of California, so local NMFS and CDFG biologists should be consulted at the beginning of the design process.

Unimpeded passage of water, sediment, and debris over a wide range of flows is necessary to maintain channel processes, hydraulic and geologic stability in the culvert vicinity, and habitat values over a stream reach.

The high fish passage design flow should be based on the 2% exceedance discharge of daily occurring flow during the migration season. In the absence of hydrological data or methods necessary to compute the 2% exceedance discharge of daily occurring flow, the high fish passage discharge flow should be based on the discharge occupied by the cross-sectional area of the active stream channel.

The low flow design depth for adults should be based on the 2-year, 7-consecutive day discharge or the 95% exceedance flow for the migration period of the salmonid species of concern.

Hydraulic design for juvenile upstream passage is usually based on flows that are representative of the months in which juveniles typically migrate, not winter flood flow capacity. Check with NMFS or a local CDFG office to determine the salmon migration season in each watershed.

Infrequently maintained stream crossings or culverts located in rural areas should accommodate the 100-year flood flow with a Headwater-to-Diameter Ratio less than one ( $HWD < 1$ ). This is to ensure a low risk of channel degradation, stream diversion, and failure over the life span of the crossing.

Structural design of stream crossings must be sufficient to pass the maximum storm with a recurrence interval of at least 100 years.

### 3.4 Other Hydraulic Considerations

Besides the upper and lower flow limit, other hydraulic effects need to be considered, particularly when installing a culvert:

Water surface elevations in the stream reach must exhibit **gradual flow transitions**, both upstream and downstream. Abrupt changes in water surface and velocities must be avoided, with no hydraulic jumps, turbulence, or drawdown at the entrance. A **continuous low flow channel** must be maintained throughout the entire stream reach.

In addition, especially in retrofits, **hydraulic controls** may be necessary to:

- provide resting pools
- concentrate low flows
- prevent erosion of stream bed or banks
- allow passage of bedload materials

Culverts and other structures should be aligned with the stream, with **no abrupt changes** in flow direction upstream or downstream of the crossing. This can often be accommodated by changes in road alignment or slight elongation of the culvert. Where elongation would be excessive, this must be weighed against better crossing alignment and/or modified transition sections upstream and downstream of the crossing. In crossings that are **unusually long** compared to streambed width, natural sinuosity of the stream will be lost and sediment transport problems may occur even if the slopes remain constant. Such problems should be anticipated and mitigated in the project design.

Bottomless arches and embedded culverts shall be placed at or near the same gradient as the natural streambed and shall be wider than the active stream channel. The **active channel** is considered to be the wetted channel up to the ordinary high water marks. Embedded culverts must be one foot deeper than the streambed grade, or embedded by at least 20% of its height; whichever is greater. Hydraulic capacity must be compensated for expected deposition in the culvert bottom.

### 4.0 RETROFITTING OR REPLACING CULVERTS

For future planning and budgeting at the state and local government levels, **redesign and replacement** of substandard stream crossings will contribute substantially to the recovery of salmon stocks throughout the state. Unfortunately, current practices do little to address the problem: road crossing corrections are usually made by some modest level of incremental, low cost "improvement" rather than re-design and replacement. These usually involve bank or structure stabilization work, but frequently fail to address fish passage. Furthermore, bank stabilization using hard point techniques frequently denigrates the habitat quality and natural features of a stream. Nevertheless, many existing stream crossings can be made better for fish,

passage by cost-effective means. The extent of the needed fish passage improvement work depends on the severity of fisheries impacts, the remaining life of the structure, and the status of salmonid stocks in a particular stream or watershed.

For work at any stream crossing, site constraints need to be taken into consideration when selecting options. Some typical site constraints are ease of structure maintenance, construction windows, site access, equipment, material needs and availability, and cost. The decision to replace or improve a crossing should fully consider actions that will result in the greatest net benefit for fish passage. If a particular stream crossing causes substantial fish passage problems which hinder the conservation and recovery of salmon in a watershed, complete redesign and replacement is warranted. *Consolidation and/or decommissioning of roads can sometimes be the most cost-effective option.* Consultations with NMFS or CDFG biologists can help in selecting priorities and alternatives.

#### 4.1 Culvert Retrofit Guidelines

The goal for retrofitting culverts is to achieve the same results as a new culvert design. If this is not achievable, the following guidelines should be used:

- 1) Non-embedded culverts must be backwatered using hydraulic controls, with the downstream end fully submerged for adult passage. If a jump into the culvert is planned, the project designers must document why the culvert can not be designed without a jump.
- 2) A change in water surface elevation (a jump) of up to one foot is acceptable for adult passage conditions, provided water depth and velocity in the culvert meet all other hydraulic guidelines.
- 3) A jump pool must be provided that is *at least* 1.5 times the jump height, or a minimum of two feet deep, whichever is deeper.
- 4) Culverts that are too long or too high gradient require resting pools, or other forms of velocity refuge, for fish of all life stages.
- 5) When the existing grade of a culvert results in excessive velocities, add roughness elements to the culvert. Roughness elements may improve fish passage conditions, but they are not intended as a remedy for culverts that are grossly beyond the velocity limits specified in Section 3.1.
- 6) If the crossing contains multiple culverts, retrofitting with baffles in one of the culverts may be sufficient as long as low flow channel continuity is maintained and the culvert is reachable by fish at low stream flow.
- 7) Baffles and Low Flow Channels may be important elements in retrofitting culverts (in lieu of replacement), but they will often decrease culvert capacity and increase debris clogging and deposition. Thus, if a culvert is retrofitted with baffles, large roughness elements, or a low flow channel, road owners or operators need to compensate for loss of hydraulic capacity by increasing inspections and timely maintenance.

- 8) Where a fish ladder is required, NMFS or CDFG fish passage specialists should be consulted.

## 5.0 GENERAL RECOMMENDATIONS

Trash racks should not be used near the culvert inlet because debris will accumulate. This leads to severely restricted fish passage, and potential injuries to fish.

Livestock fences should be avoided in streambeds, including above or below stream crossings. Where fencing cannot be avoided, it should be removed during adult salmon upstream migration periods. Otherwise, a minimum of 9 inches clear spacing should be provided between pickets, up to the high flow water surface. Timely clearing of debris is also important, even if flow is getting around the fencing. Cattle fences that raise with increasing flow are highly recommended.

Where sub-surface flow may occur, cut-off walls shall be included in the stream crossing and in the downstream weir designs.

Culverts over 100 feet in length may require lighting within the culvert barrel provided by either a vertical riser (for natural light) or artificial daytime lighting at 75 foot intervals or less.

NMFS and CDFG set in-stream work windows in each watershed. Work in the active stream channel should be avoided during the times of year salmonids are present. Temporary crossings, placed in salmonid streams for water diversion during construction activities, should meet all of the guidelines in this document. However, if it can be shown that the location of a temporary crossing in the stream network is not a fish passage concern at the time of the project, then the construction activity only needs to minimize erosion, sediment delivery, and impact to surrounding riparian vegetation.

Construction disturbance to the area should be minimized and the activity should not adversely impact fish migration or spawning.

If a stream is temporarily diverted by pumps, in order to facilitate construction, an acceptable fish screen must be used to prevent entrainment or impingement of small fish. Contact NMFS or CDFG hydraulic engineering staff for appropriate fish screen specifications.

If salmon are likely to be present, fish clearing or salvage operations should be conducted by qualified personnel prior to construction. If these fish are listed as threatened or endangered under the federal or state Endangered Species Act, consult directly with NMFS and CDFG biologists to gain authorization for these activities. Care should be taken to ensure fish are not chased up under banks or logs that will be removed or dislocated by construction. Return any

stranded fish to a suitable location in a nearby live stream by a method that does not require handling of the fish.

Culverts shall only be installed in a de-watered site, with a sediment control and flow routing plan acceptable to NMFS or CDFG. The work area shall be fully restored upon completion of construction with a mix of native, locally adapted, riparian vegetation. Use of species that grow extensive root networks quickly should be emphasized. Sterile, non-native hybrids may be used for erosion control in the short term if planted in conjunction with native species.

Unacceptable wastewater associated with project activities shall be disposed of off-site in a location that will not drain directly into any stream channel.

## 6.0 POST-CONSTRUCTION EVALUATION

Post-construction evaluation is important to assure the intended results are accomplished, and that mistakes are not repeated elsewhere. There are three parts to this evaluation:

- 1) Verify the culvert is installed in accordance with proper design and construction procedures.
- 2) Measure hydraulic conditions to assure that the stream meets these guidelines.
- 3) Perform biological assessment to confirm the hydraulic conditions are resulting in successful passage.

NMFS and/or CDFG technical staff may assist in developing an evaluation plan to fit site-specific conditions and species. The goal is to generate feedback about which techniques are working well, and which require modification in the future. These evaluations are not intended to cause extensive retrofits of any given project unless the as-built installation does not reasonably conform to the design guidelines, or an obvious fish passage problem continues to exist. Over time, the NMFS anticipates that the second and third elements of these evaluations will be abbreviated as clear trends in the data emerge.

## 7.0 MAINTENANCE AND LONG TERM ASSESSMENT

Any physical structure will continue to serve its intended use only if it is properly maintained. During the storm season, timely inspection and removal of debris is necessary for culverts to continue to move water, fish, sediment, and debris. In addition, all culverts should be inspected at least once annually to assure proper functioning. Summary reports should be completed annually for each crossing evaluated. An annual report should be compiled for all stream crossings and submitted to the resource agencies. A less frequent reporting schedule may be agreed upon for

proven stream crossings. Any stream crossing failures or deficiencies discovered should be reported to CDFG in the annual cycle and corrected promptly.

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<http://www.nwr.noaa.gov/1salmon/salmesa/4ddocs/orfishps.htm>

FishXing software and learning systems for the analysis of fish migration through culverts  
<http://www.stream.fs.fed.us/fishxing/>

USDA Forest Service Water-Road Interaction Technology Series Documents  
<http://www.stream.fs.fed.us/water-road/index.html>

British Columbia Forest Practices Code Stream Crossing Guidebook for Fish Streams  
<http://www.for.gov.bc.ca/tasb/legregs/fpc/fpcguide/stream/str-toc.htm>

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# **Appendix H**

## **List of Invasive Plants to Avoid Using in Landscape Plans Near ESH Areas**

## Appendix H

### Using the CalEPPC List of Wildland Pest Plants to Prepare Landscape Plans

The list of invasive plants to avoid using in Landscape Plans near environmentally sensitive habitat (ESH) areas is derived from the California Exotic Pest Plant Council's (CalEPPC) *Exotic Pest Plants of Greatest Ecological Concern in California, October 1999*. This list categorizes invasive wildland pest plants into "most invasive" (List A, which includes two sub-lists, List A-1 and List A-2) and wildland pest plants of lesser invasiveness (List B)<sup>1</sup>.

For development applications subject to a Landscape Plan requirement, wildland pest plants identified in List A (List A-1 and List A-2) shall be avoided. Landscape Plans containing wildland pest plants identified on List B shall be reviewed on a case-by-case basis to determine if the plant is inappropriate for the site based upon the type of ESH on or adjacent to the subject property, pursuant to TCP DevStd BIO-TC-2.2.

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<sup>1</sup> The CalEPPC list of *Exotic Pest Plants of Greatest Ecological Concern in California* is updated regularly. An applicant for development subject to a Landscape Plan requirement should consult the latest list edition prior to preparing a Landscape Plan. The latest list is available at the CalEPPC website, [www.caleppc.org](http://www.caleppc.org)

The CalEPPC List:

# Exotic Pest Plants of Greatest Ecological Concern in California

October, 1999

The CalEPPC list is based on information submitted by our members and by land managers, botanists and researchers throughout the state, and on published sources. The list highlights non-native plants that are serious problems in **wildlands** (natural areas that support native ecosystems, including national, state and local parks, ecological reserves, wildlife areas, national forests, BLM lands, etc.).

## List categories include:

**List A:** Most Invasive Wildland Pest Plants; documented as aggressive invaders that displace natives and disrupt natural habitats. Includes two sub-lists;

List A-1: Widespread pests that are invasive in more than 3 Jepson regions (see page 3), and List A-2: Regional pests invasive in 3 or fewer Jepson regions.

**List B:** Wildland Pest Plants of Lesser Invasiveness; invasive pest plants that spread less rapidly and cause a lesser degree of habitat disruption; may be widespread or regional.

**Red Alert:** Pest plants with potential to spread explosively; infestations currently small or localized. If found, alert CalEPPC, County Agricultural Commissioner or California Department of Food and Agriculture.

**Need More Information:** Plants for which current information does not adequately describe nature of threat to wildlands, distribution or invasiveness. Further information is requested from knowledgeable observers.

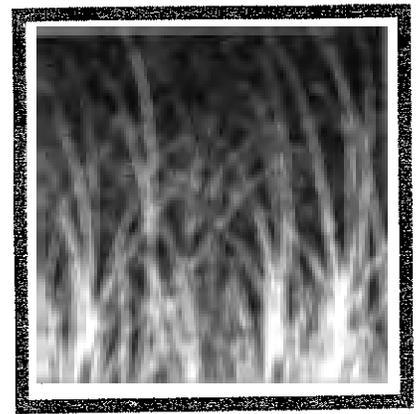
**Annual Grasses:** New in this edition; a preliminary list of annual grasses, abundant and widespread in California, that pose significant threats to wildlands. Information is requested to support further definition of this category in next List edition.

**Considered But Not Listed:** Plants that, after review of status, do not appear to pose a significant threat to wildlands.

## Plants that fall into the following categories are not included in the List:

Plants found mainly or solely in disturbed areas, such as roadsides and agricultural fields.

Plants that are established only sparingly, with minimal impact on natural habitats.



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The CalEPPC list is updated regularly. Please use the form provided to send comments, suggestions or new information to: **Peter Warner, 555 Magnolia Avenue, Petaluma, CA, 94952-2080**, or via email at **peterjwarner@earthlink.net**.

*Thanks to all those who submitted comments for the 1999 list.*

List A-1: Most Invasive Wildland Pest Plants; Widespread

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Ammophila arenaria</i>	European beach grass	Coastal dunes	SCo,CCo,NCo
<i>Arundo donax</i>	giant reed, arundo	Riparian areas	cSNF,CCo,SCo,SnGb,D,GV
<i>Bromus tectorum</i>	cheat grass, downy brome	Sagebrush, pinyon-juniper, other desert communities; increases fire frequency	GB,D
<i>Carpobrotus edulis</i>	iceplant, sea fig	Many coastal communities, esp. dunes	SCo,CCo,NCo,SnFrB
<i>Centaureo solstitialis</i> <sup>C</sup>	yellow starthistle	Grasslands	CA-FP (uncommon in SoCal)
<i>Cortaderia jubata</i>	Andean pampas grass, jubatagrass	Horticultural; many coastal habitats, esp. disturbed or exposed sites incl. logged areas	NCo,NCoRO,SnFrB,CCo,WTR,SCo
<i>Cortaderia selloana</i>	pampas grass	Horticultural; coastal dunes, coastal scrub, Monterey pine forest, riparian, grasslands; wetlands in ScV; also on serpentine	SnFrB,SCo,CCo,ScV
<i>Cynara cardunculus</i> <sup>B</sup>	artichoke thistle	Coastal grasslands	CA-FP, esp. CCo,SCo
<i>Cytisus scoparius</i> <sup>C</sup>	Scotch broom	Horticultural; coastal scrub, oak woodlands, Sierra foothills	NW,CarF,SNF,GV,SCo,CW
<i>Eucalyptus globulus</i>	Tasmanian blue gum	Riparian areas, grasslands, moist slopes	NCoRO,GV,SnFrB,CCo,SCoRO,SCo,nChl
<i>Foeniculum vulgare</i>	wild fennel	Grasslands; esp. SoCal, Channel Is.; the cultivated garden herb is not invasive	CA-FP
<i>Genista monspessulana</i> <sup>C</sup>	French broom	Horticultural; coastal scrub, oak woodlands, grasslands	NCoRO,NCoRI,SnFrB,CCo,SCoRO,sChl,WTR,PR
<i>Lepidium latifolium</i> <sup>B</sup>	perennial pepperweed, tall whitetop	Coastal, inland marshes, riparian areas, wetlands, grasslands; potential to invade montane wetlands	CA (except KR,D)
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil	Horticultural; lakes, ponds, streams, aquaculture	SnFrB,SnJV,SNH(?), prob. CA
<i>Pennisetum setaceum</i>	fountain grass	Horticultural; grasslands, dunes, desert canyons; roadsides	Deltaic GV,CCo,SCo,SnFrB
<i>Rubus discolor</i>	Himalayan blackberry	Riparian areas, marshes, oak woodlands	CA-FP
<i>Senecio mikanioides</i> (= <i>Delairea odorata</i> )	Cape ivy, German ivy	Coastal, riparian areas, also SoCal (south side San Gabriel Mtns.)	SCo,CCo,NCo,SnFrB,SW
<i>Taeniatherum caput-medusae</i> <sup>C</sup>	medusa-head	Grasslands, particularly alkaline and poorly drained areas	NCoR,CarF,SNF,GV,SCo
<i>Tamarix chinensis</i> , <i>T. gallica</i> , <i>T. parviflora</i> & <i>T. ramosissima</i>	tamarisk, salt cedar	Desert washes, riparian areas, seeps and springs	SCo,D,SnFrB,GV,sNCoR,sSNF,Teh,SCoRI,SNE,WTR
<i>Ulex europaeus</i> <sup>B</sup>	gorse	North, central coastal scrub, grasslands	NCo,NCoRO,CarF,n&cSNF,SnFrB,CCo

Noxious Weed Ratings

- F: Federal Noxious Weed, as designated by the USDA; targeted for federally-funded prevention, eradication or containment efforts.
- A: CA Dept. of Food & Agriculture, on "A" list of Noxious Weeds; agency policies call for eradication, containment or entry refusal.
- B: CA Dept. of Food & Agriculture, on "B" list of Noxious Weeds; includes species that are more widespread, and therefore more difficult to contain; agency allows county Agricultural Commissioners to decide if local eradication or containment is warranted.
- C: CA Dept. of Food & Agriculture, on "C" list of Noxious Weeds; includes weeds that are so widespread that the agency does not endorse state or county-funded eradication or containment efforts except in nurseries or seed lots.
- Q: CA Dept. of Food & Agriculture's designation for temporary "A" rating pending determination of a permanent rating.

For most species nomenclature follows *The Jepson Manual: Higher Plants of California* (Hickman, J., Ed., 1993).

# Exotic Pest Plants of Greatest Ecological Concern in California

## List A-2: Most Invasive Wildland Pest Plants; Regional

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Ailanthus altissima</i>	tree of heaven	Riparian areas, grasslands, oak woodlands, esp. GV, SCo	CA-FP
<i>Atriplex semibaccata</i>	Australian saltbush	SoCal, coastal grasslands, scrub, "high marsh" of coastal salt marshes	CA (except CaR, c&sSN)
<i>Brassica tournefortii</i>	Moroccan or African mustard	Washes, alkaline flats, disturbed areas in Sonoran Desert	SW,D
<i>Bromus madritensis</i> ssp. <i>rubens</i>	red brome	Widespread; contributing to SoCal scrub, desert scrub type conversions; increases fire frequency	CA
<i>Cardaria draba</i> <sup>B</sup>	white-top, hoary cress	Riparian areas, marshes of central coast; also ag. lands, disturbed areas	Problem only in CCo
<i>Conicosia pugioniformis</i>	narrow-leaved iceplant, roundleaf iceplant	Coastal dunes, sandy soils near coast; best documented in San Luis Obispo and Santa Barbara cos.	CCo
<i>Cotoneaster pannosus</i> , <i>C. lacteus</i>	cotoneaster	Horticultural; many coastal communities; esp. North Coast, Big Sur; related species also invasive	CCo, SnFrB, NW
<i>Cytisus striatus</i>	striated broom	Often confused with <i>C. scoparius</i> ; coastal scrub, grassland	SnFrB, CCo, SCo, PR
<i>Egeria densa</i>	Brazilian waterweed	Streams, ponds, sloughs, lakes; Sacramento-San Joaquin Delta	n&sSNF, SnJV, SnFrB, SnJt, SNE
<i>Ehrharta calycina</i>	veldt grass	Sandy soils, esp. dunes; rapidly spreading on central coast	CCo, SCoRO, WTR
<i>Eichhornia crassipes</i>	water hyacinth	Horticultural; established in natural waterways, esp. troublesome in Sacramento-San Joaquin Delta	GV, SnFrB, SCo, PR
<i>Elaeagnus angustifolia</i>	Russian olive	Horticultural; interior riparian areas	SnJV, SnFrB, SNE, DMoj
<i>Euphorbia esula</i> <sup>A</sup>	leafy spurge	Rangelands in far no. CA, also reported from Los Angeles Co.	eKR, NCo, CaR, MP, SCo
<i>Ficus carica</i>	edible fig	Horticultural; Central Valley, foothill, South Coast and Channel Is. riparian woodlands	nSNF, GV, SnFrB, SCo
<i>Lupinus arboreus</i>	bush lupine	Native to SCo, CCo; invasive only in North Coast dunes	SCo, CCo, NCo
<i>Mentha pulegium</i>	pennyroyal	Santa Rosa Plain (Sonoma Co.) and Central Valley vernal pools; wetlands elsewhere	NW, GV, CW, SCo
<i>Myoporum laetum</i>	myoporum	Horticultural; coastal riparian areas in SCo	SCo, CCo
<i>Saponaria officinalis</i>	bouncing bet	Horticultural; meadows, riparian habitat in SNE, esp. Mono Basin	NW, CaRH, nSNF, SnFrB, SCoRO, SCo, PR, MP, SNE, GV
<i>Spartina alterniflora</i>	Atlantic or smooth cordgrass	S.F. Bay salt marshes; populations in Humboldt Bay believed extirpated	CCo(shores of S.F. Bay)

### Distribution by geographic subdivisions per the Jepson Manual

CA=California	GV=Great Valley	ScV=Sacramento Valley
CA-FP=California Floristic Province	KR=Klamath Ranges	SnJV=San Joaquin Valley
CaR=Cascade Ranges	MP=Modoc Plateau	SN=Sierra Nevada
CaRF=Cascade Range Foothills	NCo=North Coast	SNE=East of SN
CCo=Central Coast	NCoRI=Inner NCo Ranges	SNF=SN Foothills
CI=Channel Islands	NCoRO=Outer NCo Ranges	SNH=High SN
CV=Central Western CA	NW=Northwestern CA	SnFrB=San Francisco Bay Area
D=Deserts	PR=Peninsular Ranges	SnGb=San Gabriel Mtns
DMoj=Mojave Desert	SCo=South Coast	SW=Southwestern CA
DSon=Sonoran Desert	SCoRI=Inner SCo Ranges	Teh=Tehachapi Mtns
GB=Great Basin	SCoRO=Outer SCo Ranges	WTR=Western Transverse Ranges

## List B: Wildland Pest Plants of Lesser Invasiveness

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Ageratina adenophora</i> <sup>f</sup>	eupatory	Horticultural; coastal canyons, coastal scrub, slopes, Marin to San Diego Co; San Gabriel Mtns.	CCo,SnFrB,SCo,SCoRO
<i>Bassia hyssopifolia</i>	bassia	Alkaline habitats	CA (except NW,SNH)
<i>Bellardia trixago</i>	bellardia	Grasslands, on serpentine, where a threat to rare natives	NCoRO,CCo,SnFrB
<i>Brassica nigra</i>	black mustard	Coastal communities, esp. fog-belt grasslands; disturbed areas	CA-FP
<i>Cardaria chalapensis</i> <sup>B</sup>	lens-podded white-top	Wetlands of Central Valley	CA
<i>Carduus pycnocephalus</i> <sup>c</sup>	Italian thistle	Grasslands, shrublands, oak woodlands	sNCo,sNCoR,SNF,CW,SCo,ScV
<i>Centaurea calcitrapa</i> <sup>B</sup>	purple starthistle	Grasslands	NW,sCaRF,SNF,GV,CW,SW
<i>Centaurea melitensis</i>	toçalote, Malta starthistle	Widespread; sometimes misidentified as <i>C. solstitialis</i> ; perhaps a more serious invader than currently recognized	CA-FP,D
<i>Cirsium arvense</i> <sup>B</sup>	Canada thistle	Especially troublesome in riparian areas	CA-FP
<i>Cirsium vulgare</i>	bull thistle	Riparian areas, marshes, meadows	CA-FP,GB
<i>Conium maculatum</i>	poison hemlock	Mainly disturbed areas but may invade wildlands; known to poison wildlife; early expanding stage in many areas, esp. San Diego Co. riparian, oak understory	CA-FP
<i>Crataegus monogyna</i>	hawthorn	Horticultural; recent invader, colonizing healthy native forest around Crystal Springs reservoir on S.F. peninsula	SnFrB,CCo,NCo,NCOR
<i>Ehrharta erecta</i>	veldt grass	Wetlands, moist wildlands; common in urban areas; potential to spread rapidly in coastal, riparian, grassland habitats	SnFrB,CCo,SCo
<i>Erechtites glomerata</i> , <i>E. minima</i>	Australian fireweed	Coastal woodlands, scrub, NW forests, esp. redwoods	NCo,NCOR,CCo,SnFrB,SCoRO
<i>Festuca arundinacea</i>	tall fescue	Horticultural (turf grass); coastal scrub, grasslands in NCo, CCo	CA-FP
<i>Hedera helix</i>	English ivy	Horticultural; invasive in coastal forests, riparian areas	CA-FP
<i>Holcus lanatus</i>	velvet grass	Coastal grasslands, wetlands in No. CA	CA exc. Dson
<i>Hypericum perforatum</i> <sup>c</sup>	Klamathweed, St. John's wort	Redwood forests, meadows, woodlands; invasion may occur due to lag in control by established biocontrol agents	NW,CaRH,n&cSN,ScV,CCo,SnFrB,PR
<i>Ilex aquifolium</i>	English holly	Horticultural; coastal forests, riparian areas	NCoRO,SnFrB,CCo
<i>Iris pseudacorus</i>	yellow water iris, yellow flag	Horticultural; riparian, wetland areas, esp. San Diego, Los Angeles cos.	SnFrB,CCo,sNJV,SCo
<i>Leucanthemum vulgare</i>	ox-eye daisy	Horticultural; invades grassland, coastal scrub	KR,NCoRO,n&cSNH,SnFrB,WTR,PR
<i>Mesembryanthemum crystallinum</i>	crystalline iceplant	Coastal bluffs, dunes, scrub, grasslands; concentrates salt in soil	NCo,CCo,SCo,ChI
<i>Myriophyllum aquaticum</i>	parrot's feather	Horticultural; streams, lakes, ponds	NCo,CaRF,CW,SCo
<i>Olea europaea</i>	olive	Horticultural and agricultural; reported as invasive in riparian habitats in Santa Barbara, San Diego	NCoR,NCOR,CCo,SnFrB,SCoRO,SCo
<i>Phalaris aquatica</i>	Harding grass	Coastal sites, esp. moist soils	NW,cSNF,CCo,SCo
<i>Potamogeton crispus</i>	curlyleaf pondweed	Scattered distribution in ponds, lakes, streams	NCoR,GV,CCo,SnFrB,SCo,ChI,SnOb,SnBr,DMo <sup>3</sup>
<i>Ricinus communis</i>	castor bean	SoCal coastal riparian habitats	GV,SCo,CCo
<i>Robinia pseudoacacia</i>	black locust	Horticultural; riparian areas, canyons; native to eastern U.S.	CA-FP,GB
<i>Schinus molle</i>	Peruvian pepper tree	Horticultural; invasive in riparian habitats in San Diego, Santa Cruz Is.	SNF,GV,CW,SW,Teh

# Exotic Pest Plants of Greatest Ecological Concern in California

## List B: Continued

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Schinus terebinthifolius</i>	Brazilian pepper	Horticultural; riparian areas	sSCo
<i>Senecio jacobaea</i> <sup>B</sup>	tansy ragwort	Grasslands; biocontrol agents established	NCo,wKR,s&wCaR, nSNF, nScV,SW
<i>Spartium junceum</i>	Spanish broom	Coastal scrub, grassland, wetlands, oak woodland, NW forests, esp. redwoods; also roadcuts	NCoRO,ScV,SnFrB, SCoRO,SCo,sChl,WTR
<i>Verbascum thapsus</i>	woolly or common mullein	SNE meadows, sagebrush, pinyon-juniper woodlands; shores of Boggs Lake (Lake Co.)	CA
<i>Vinca major</i>	periwinkle	Horticultural; riparian, oak woodland, other coastal habitats	NCoRO,SnFrB, CCo, sSCoRO,SCo

## Red Alert: Species with potential to spread explosively; infestations currently restricted

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Alhagi pseudalhagi</i> <sup>A</sup>	camel thorn	Noxious weed of arid areas; most infestations in California have been eradicated	GV,sSNE,D
<i>Arctotheca calendula</i> <sup>A</sup>	Capeweed	Seed-producing types are the problem; most are vegetative only	NCo,SnFrB,CCo
<i>Antennaria maculosa</i> <sup>A</sup>	spotted knapweed	Riparian, grassland, wet meadows, forest habitats; contact CA Food & Ag if new occurrences found	CaR,SN,nScV,nCW,MP, nSNE,sPR,NW
<i>Crupina vulgaris</i> <sup>A,A</sup>	bearded creeper, common crupina	Aggressively moving into wildlands, esp. grassland habitats	NCoR (Sonoma Co.),MP
<i>Halogeton glomeratus</i> <sup>A</sup>	halogeton	Noxious weed of Great Basin rangelands; report locations to CA Food & Ag; goal is exclusion from CA	GB
<i>Helichrysum petiolare</i>	licorice plant	North coastal scrub; one population on Mt. Tamalpais, w. Marin Co.	Not in Jepson
<i>Hydrilla verticillata</i> <sup>A,A</sup>	hydrilla	Noxious water weed; report locations to CA Food & Ag; eradication program in place; found in Clear Lake (Lake Co.) in 1994	NCoRI,n&cSNF,ScV,SCo,D
<i>Lythrum salicaria</i> <sup>B</sup>	purple loosestrife	Horticultural; noxious weed of wetlands, riparian areas	sNCo,NCoRO,nSNF,ScV, SnFrB,nwMP
<i>Ononis alopecuroides</i> <sup>O</sup>	foxtail restharrow	Eradication efforts underway in San Luis Obispo Co.; to be looked for elsewhere in CA	CCo; not in Jepson
<i>Retama monosperma</i>	bridal broom	First noted at Fallbrook Naval Weapons Station, San Diego Co; could rival other invasive brooms	San Diego Co.; not in Jepson
<i>Salvinia molesta</i> <sup>F</sup>	giant waterfern	Ponds, lakes, reservoirs, canals	Napa, Sonoma cos., lower Colorado River; not in Jepson
<i>Sapium sebiferum</i>	Chinese tallow tree	Horticultural; riparian, wetland habitats, open areas and understory	ScV,SnFrB; not in Jepson
<i>Sesbania punicea</i>	scarlet wisteria tree	Horticultural; riparian areas; American River Parkway, Sacramento Co., Suisun Marsh, San Joaquin River Parkway	ScV,SnJV; not in Jepson
<i>Spartina anglica</i>	cord grass	Scattered in S.F. Bay	Not in Jepson
<i>Spartina densiflora</i>	dense-flowered cord grass	Scattered in S.F. Bay, Humboldt Bay salt marshes	CCo,NCo
<i>Spartina patens</i>	salt-meadow cord grass	One site in S.F. Bay, also Siuslaw Estuary, OR and Puget Sound, WA	CCo

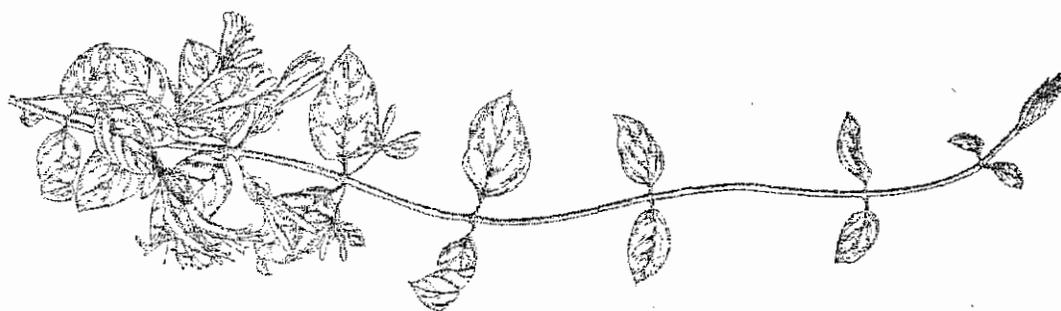
## Need More Information

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Acacia dealbata</i>	silver wattle	Aggressive in natural areas?	SnFrB, SCoRO, SCoRI, CCo
<i>Acacia decurrens</i>	green wattle	Sometimes confused with <i>A. dealbata</i> ; aggressive in natural areas?	Unknown
<i>Acacia melanoxylon</i>	blackwood acacia	Reported from S.F. Bay area, central coast, Santa Cruz Is.; spreads slowly; other areas?	SnFrB, SCoRO, SCo, CCo
<i>Aeschynomene rudis</i> <sup>B</sup>	rough jointvetch	Princeton area, Colusa Co.; pest of rice crops; potential threat to riparian, wetland habitats?	ScV
<i>Agrostis avenacea</i>	Pacific bentgrass	Invading vernal pools in San Diego area; attempts at manual eradication unsuccessful so far; problem in other areas?	sNCo, sNCoR, SNF, GV, CW, nSCo
<i>Aptenia cordifolia</i>	red apple	Habitats where invasive?	CCo, SCo, JChl
<i>Asphodelus fistulosus</i>	asphodel	Common in SCo highway rights-of-way, other disturbed sites; threats to wildlands?	sSnJV, SCo
<i>Carduus acanthoides</i> <sup>A</sup>	giant plumeless thistle	Threatens wildlands?	NCoRI, nSNF, SnFrB, nSCoRO, MP
<i>Cistus ladanifer</i>	gum cistus	Horticultural; invades coastal sage scrub, chaparral; areas where problematic?	sCCo, SnGo
<i>Cordyline australis</i>	New Zealand cabbage	Infestation at Salt Point State Park; bird-dispersed; other problem areas?	Not in Jepson
<i>Cotoneaster</i> spp. (exc. <i>C. pannosus</i> , <i>C. lacteus</i> )	cotoneaster	Horticultural; bird-distributed; which species are problems in wildlands?	Unknown
<i>Cupressus macrocarpa</i>	Monterey cypress	Native only to Monterey Peninsula; planted and naturalized CCo, NCo; threat to wildlands?	CCo
<i>Descurainia sophia</i>	flixweed, tansy mustard	Entering Mojave wildlands through washes; threat to wildlands?	CA
<i>Dimorphotheca sinuata</i>	African daisy, Cape marigold	Horticultural; reported as invasive in w. Riverside Co., Ventura Co.; problem elsewhere?	SnJV, SCoRO, SCo, PR
<i>Echium candicans</i> , <i>E. pininana</i>	pride of Madeira, pride of Teneriffe	Horticultural; riparian, grassland, coastal scrub communities; spreads by seed	CCo, SnFrB, SCo, sNCo
<i>Ehrharta longiflora</i>	veldt grass	Reported from San Diego	Not in Jepson
<i>Erica lusitanica</i>	heath	Threat to wildlands?	NCo (Humboldt Co.)
<i>Euphorbia lathyris</i>	capér spurge, gopher plant	Invades coastal scrub, marshes, dunes; Sonoma, Marin cos.; threat to wildlands?	NCo, CCo, GV, SCo
<i>Gazania linearis</i>	gazania	Horticultural; invades grassland in S.F., coastal scrub?	CCo, SCo
<i>Glyceria declinata</i>		Although reported from Central Valley vernal pools, genetic research is needed to confirm identity; plants that have been called <i>G. declinata</i> key in Jepson to native <i>G. occidentalis</i>	Uncertain; not in Jepson
<i>Hedera canariensis</i>	Algerian ivy	Horticultural; invasive in riparian areas in SoCal?	Not in Jepson
<i>Hirschfeldia incana</i>	Mediterranean or short-pod mustard	Increasing in western, southern Mojave; threat to wildlands?	NCo, SNF, GV, CW, SCo, DMoj
<i>Hypericum canariense</i>	Canary Island hypericum	Reported in San Diego area, coastal sage scrub, grassland; threat to wildlands?	SCo
<i>Hypochaeris radicata</i>	rough cat's-ear	Widespread in coastal grasslands, wetlands; threat to wildlands?	NW, CaRF, nSNF, ScV, CW, SCo
<i>Isatis tinctoria</i> <sup>B</sup>	dyers' woad	Well-known invader in Utah; threat to wildlands?	KR, CaR, nSNF, H, MP
<i>Ligustrum lucidum</i>	glossy privet	Horticultural; spreading rapidly on Mendocino coast; problem in other areas?	NCo; not in Jepson
<i>Limonium ramosissimum</i> ssp. <i>provinciale</i>	sea lavender	Reported spreading in Carpinteria Salt Marsh; problem in other areas?	Not in Jepson

# Exotic Pest Plants of Greatest Ecological Concern in California

## Need More Information: Continued

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Ludwigia uruguayensis</i> ( <i>L. hexapetala</i> )	water primrose	Invasive in aquatic habitats; non-native status questioned?	NCo, sNCoRO, CCo, SnFrB, SCo
<i>Salophora crocea</i>	ice plant	Invades margins of wetlands; bluffs along SCo	CCo, SCo, sChl
<i>Maytenus boaria</i>	mayten	Horticultural; scattered in riparian forests, ScV; east SnFrB	ScV, SnFrB
<i>Mesembryanthemum nodiflorum</i>	slender-leaved iceplant	Abundant on Channel Islands; invades wetlands; habitats where problematic?	SnFrB, SCo, Chl
<i>Nicotiana glauca</i>	tree tobacco	Disturbed places; not very competitive with natives in coastal scrub, chaparral; spreading along Putah Creek (Yolo Co.); problems elsewhere?	NCoRI, c&sSNF, GV, CW, SW, D
<i>Oxalis pes-caprae</i>	Bermuda buttercup	Invades disturbed sites; invasive in undisturbed habitats?	NCo, NCoRO, CCo, SnFrB, SCoRO, SCo
<i>Parentucellia viscosa</i>		Threat to NCo (Humboldt Co.) dune swales?	NCo, NCoRO, CCo, SCo
<i>Passiflora caerulea</i>		Horticultural; reported from SoCal; threat to wildlands?	SCo; not in Jepson
<i>Pennisetum clandestinum</i> <sup>FC</sup>	Kikuyu grass	Disturbed sites, roadsides; threat to wildlands?	NCo, CCo, SnFrB, SCo, Santa Cruz Is.
<i>Phyla nodiflora</i>	mat lippia	Most varieties in CA are native; taxonomy unclear; status of plants in vernal pools, wetlands?	NW(except KR, NCoRH), GV, CCo, SnFrB, SCo, PR, DSON
<i>Pinus radiata</i> cultivars	Monterey pine	Cultivars invading native Monterey, Cambria forests, where spread of pine pitch canker is a concern	CCo
<i>Piptatherum miliaceum</i>	smilo grass	Aggressive in SoCal creeks, canyons; threats to wildlands?	NCo, GV, CW, SCo
<i>Pistacia chinensis</i>	Chinese pistache	Horticultural; invades riparian areas and woodlands in ScV	ScV
<i>Prunus cerasifera</i>	cherry plum	Oak woodland, riparian areas; esp. Marin, Sonoma cos.; bird-distributed; problems elsewhere?	SnFrB, CCo
<i>Pyracantha angustifolia</i>	pyracantha	Horticultural; spreads from seed in S.F. Bay area; bird-distributed; problem elsewhere?	sNCoRO, CCo, SnFrB, SCo
<i>Salsola soda</i>	glasswort	Threat to salt marshes?	nCCo, SnFrB
<i>Salsola tragus</i> <sup>S</sup>	Russian thistle, tumbleweed	Abundant in dry open areas in w. Mojave Desert, Great Basin; not limited to disturbed sites; threats?	CA
<i>Salvia aethiops</i> <sup>B</sup>	Mediterranean sage	Creates monocultures in E. Oregon grasslands; threat to CA wildlands?	MP
<i>Stipa capensis</i>		Distribution and threats?	Not in Jepson
<i>Tamarix aphylla</i>	athel	Spreading in Salton Sea area; threats to wildlands?	nSnJV, nSCo, D
<i>Tanacetum vulgare</i>	common tansy	Jepson reports as uncommon, escape from cultivation in urban areas; problem in wildlands?	NCo, NCoRO, CaRH, SCoRO
<i>Verbena bonariensis</i> , <i>V. litoralis</i>	tall vervain	Horticultural; invades riparian forests, wetlands; extensive along ScV riparian corridors; roadsides (Yuba Co.); elsewhere?	ScV, nSnJV, nSnFrB, CCo



## Annual Grasses

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments	Distribution <sup>2</sup>
<i>Aegilops triuncialis</i> <sup>B</sup>	barbed goatgrass	Serpentine soils, grasslands	sNCoR, CaRF, n&cSNF, ScV, nCW
<i>Avena barbata</i>	slender wild oat	Lower elev. in SoCal; coastal slopes, coastal sage scrub, disturbed sites	CA-FP, MP, DMoj
<i>Avena fatua</i>	wild oat	Lower elev. in SoCal; coastal slopes, coastal sage scrub on deeper soil, disturbed sites	CA-FP, MP, DMoj
<i>Brachypodium distachyon</i>	false brome	Expanding in SoCal; common in Orange Co.	sNCoR, sCaRF, SNF, GV, CW, SCo, sChI
<i>Bromus diandrus</i>	ripgut brome	Coastal dunes, coastal sage scrub, grasslands	CA
<i>Lolium multiflorum</i>	Italian ryegrass	Wetland areas, esp. vernal pools in San Diego Co.; common in disturbed sites	CA-FP
<i>Schismus arabicus</i>	Mediterranean grass	Threat to Mojave and Colorado desert shrublands?	SnJV, CW, ChI, D
<i>Schismus barbatus</i>	Mediterranean grass	Threat to Mojave and Colorado desert shrublands?	SnJV, SW, D

## Considered, but not listed

Latin Name <sup>1</sup>	Common Name	Habitats of Concern and Other Comments
<i>Albizia lophantha</i>	plume acacia	Not invasive
<i>Anthoxanthum odoratum</i>	sweet vernal grass	Disturbed sites on coast; Marin; Sonoma, Mendocino cos.
<i>Carpobrotus chilensis</i>	sea fig	Native status in question; not a threat to wildlands
<i>Centranthus ruber</i>	red valerian	Horticultural; roadcuts in Marin Co.; not a threat to wildlands
<i>Convolvulus arvensis</i> <sup>C</sup>	field bindweed	Disturbed sites; ag lands
<i>Coprosma repens</i>	mirror plant	No evidence of wildland threat
<i>Crocosmia x crocosmiiflora</i>		Generally in disturbed coastal, urban areas, roadsides
<i>Digitalis purpurea</i>	foxglove	Horticultural; scattered in prairies, meadows, disturbed sites; not a major wildland threat
<i>Dipsacus sativus</i> , <i>D. fullonum</i>	wild teasel, Fuller's teasel	Roadsides, disturbed sites
<i>Fumaria officinalis</i> , <i>F. parviflora</i>	fumitory	S.F. Bay area, Monterey Bay salt marshes, sandy disturbed sites
<i>Medicago polymorpha</i>	California bur clover	Grasslands, moist sites; mainly restricted to disturbed sites
<i>Melilotus officinalis</i>	yellow sweet clover	Restricted to disturbed sites in CA
<i>Nerium oleander</i>	oleander	Horticultural; not invasive, although reported from riparian areas in Central Valley, San Bernardino Mtns.
<i>Picris echioides</i>	bristly ox-tongue	Disturbed areas
<i>Silybum marianum</i>	milk thistle	Disturbed areas, especially overgrazed moist pasturelands; may interfere with restoration
<i>Xanthium spinosum</i>	spiny cocklebur	Identified as native in <i>The Jepson Manual</i> (Hickman, 1993) and <i>A California Flora</i> (Munz Keck, 1968); restricted to disturbed areas
<i>Zantedeschia aethiopica</i>	calla lily	Horticultural; mainly a garden escape in wet coastal areas
<i>Zoysia cultivars</i>	Amazoy and others	Horticultural; no evidence of wildland threat

