

## CALIFORNIA COASTAL COMMISSION

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Staff Report: May 23, 2003  
Hearing Date: June 13, 2003

**F-23a**

**TO: CALIFORNIA COASTAL COMMISSIONERS**

**FROM: PETER M. DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: STAFF RECOMMENDATION ON MINOR BOUNDARY ADJUSTMENT  
MBA NO. 01-2003, TORO CANYON AREA, SANTA BARBARA COUNTY**  
(For Commission consideration at its June 11-13, 2003 meeting)

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*This recommendation was developed by Jonathan Van Coops and Darryl Rance, Coastal Program Analysts, Mapping/GIS Unit, working under the direction of Susan Hansch, Chief Deputy Director and Manager - Technical Services Division.*

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**STAFF NOTE**

Section 30103(b) of the Coastal Act of 1976 provides for minor adjustments to the inland coastal zone boundary within certain limitations, to avoid bisecting a parcel or to conform the boundary to readily identifiable features. The relevant portion of that section states:

“...the Commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary, but in no event more than 100 yards, or the minimum distance seaward necessary, but in no event more than 200 yards, to avoid bisecting any single lot or to conform it to readily identifiable natural or manmade features.”

The Commission has adopted regulations setting forth procedures for making minor adjustments to the coastal zone boundary. This request for adjustment is being processed in conformance with those adopted regulations.

The primary purpose for minor boundary adjustments made under the provisions of Section 30103(b) of the Coastal Act is clarification of the coastal zone boundary location. The specific language of Section 30303(b) states that the Commission may adjust the boundary and there is no mandate to automatically alter the boundary. The regulations provide procedures for establishing when such adjustments are possible, as well as where adjustments are desirable, and establish a two-step process of investigation. The first step determines whether the parcel is currently bisected by the boundary. The second step determines whether coastal resources would be affected by the adjustment or if coastal planning issues are present such that an adjustment

could prejudice the resolution of those issues in the local coastal planning process. The minor boundary adjustment procedure contains no mechanism to resolve coastal resources or planning issues. If a boundary adjustment would affect coastal resources or involve coastal planning issues, the proper mechanism for resolution of those issues is either the coastal development permit process or local coastal planning process.

In order to approve a minor boundary adjustment, the Commission must make specific factual findings to support the following legal conclusions:

1. The adjustment conforms to the requirements of the Section 30103(b) of the Coastal Act; and
2. The adjustment will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

#### **STAFF RECOMMENDATION**

The staff recommends that the Commission approve the proposed adjustment in the location of the coastal zone boundary with respect to the following Santa Barbara County Assessor parcels:

- |                 |                 |
|-----------------|-----------------|
| 1. 005-030-021  | 11. 155-140-003 |
| 2. 005-030-039  | 12. 005-140-019 |
| 3. 005-040-016  | 13. 155-150-004 |
| 4. 005-040-017  | 14. 155-150-008 |
| 5. 005-040-026  | 15. 155-150-019 |
| 6. 005-480-002  | 16. 155-150-020 |
| 7. 005-480-003  | 17. 155-150-021 |
| 8. 005-480-004  | 18. 155-170-011 |
| 9. 005-480-010  | 19. 155-170-012 |
| 10. 005-050-043 | 20. 155-170-025 |

These properties and the recommended adjustments are depicted in Exhibits 4a through 4d.

**This action requires that the Commission approve the following affirmative motion:**

**MOTION**

The Commission hereby approves the proposed adjustment in the location of the Coastal Zone boundary on the grounds that the adjustment as recommended conforms to the requirements of Section 30103(b) of the Coastal Act, will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

**FINDINGS AND DECLARATIONS**

**1. BACKGROUND**

This request by the County of Santa Barbara is the third in a series of minor boundary adjustment requests covering the various planning areas within the County's Coastal Zone. The Commission previously considered and approved similar requests for the Montecito/Summerland planning area in March 1993 and Goleta planning area in January 1994, and will be asked to consider requests for planning areas located in the west and north County at a future time. Because the County's adopted local coastal program (LCP) maps were done at a scale of 1:6000 (1 inch equals 500 feet), and certain segments of the Coastal Zone Boundary were depicted incorrectly, the County mapping staff performed a detailed analysis of the present boundary location and prepared maps delineating:

- (1) The official Coastal Zone as adopted by the State Coastal Commission in 1977 (and amended by the legislature and Coastal Commission since then);
- (2) The County's previous interpretation of that boundary (adopted by the County Board of Supervisors);
- (3) The County's recommended adjustments; and
- (4) The applicable *maximum range of adjustment* allowed under the Coastal Act.

Once the above boundaries were located and potential adjustments identified, the County began requesting minor boundary adjustments for one planning area at a time, in conjunction with other LCP amendments being considered by the Coastal Commission.

The present request covers the area included in the County's *Toro Canyon Plan*, and seeks to adjust the boundary so as 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, to encompass areas of environmentally sensitive habitat which are presently bisected, and where appropriate, to follow the boundary location previously delineated by the County staff and approved by the Board of Supervisors with the Toro Canyon Plan February 25, 2002.

In contrast to the Montecito/Summerland request which affected 33 parcels, and the Goleta request which affected 147 parcels, the present request affects 23 parcels, all of which are bisected by the Coastal Zone Boundary. The line currently consists of a series of meandering segments through the Toro Canyon planning area, and the County's request is based primarily on the rationale that adjustments on these parcels will 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.

With respect to the above-mentioned 23 bisected parcels, the adjustment proposed by the County would shift the boundary both landward and seaward to conform primarily to parcel boundaries and measured offsets from property corners or other readily identifiable locations. As a result, 10 parcels would be *included* in their entirety, and 3 would be *excluded* in their entirety, leaving the remaining 10 parcels bisected along measured offsets from property corners or other readily identifiable locations. For 20 of the 23 parcels, the staff recommendation is to approve what the County has identified in its request, the three exceptions being in the vicinity of Toro Creek. Where different from the County's request, the staff recommended adjustment is identified and labeled on the accompanying map exhibit 4a and discussed below in section 1a.

The area west of Toro Canyon Road affected by this action consists mostly of existing developed single family residential parcels, zoned Residential (1-10 acre minimum parcel size) in the County's LCP. To the east of Toro Canyon Road the boundary change will affect several larger rural parcels before meeting the existing Coastal Zone Boundary east of Arroyo Paredon. All of these parcels are zoned Mountainous-Toro or Category 1 Agriculture (both having 40 acre minimum parcel size).

(Note: Land Use and Zoning designations for the areas affected by this Minor Boundary Adjustment are the subject of separate agenda items and staff reports prepared for this hearing.)

**1a. Boundary Adjustment Recommendations that differ from County Request**

Considering the total number of parcels affected, it might be assumed that there would be more disagreement about where or whether the Coastal Zone Boundary should be moved. However, because of the thoroughness of the County staff's work in evaluating the line, and their cooperation with the Commission staff's review of the request, most areas of potential disagreement were avoided. The staff recommendation is different from the County request in only one area, which is discussed below:

**Assessor's Book 005, Page 040**

As shown in Exhibit 4a, the affected area here is east of Freehaven Drive, south of East Valley Road, and west of Toro Canyon Road. All 6 of the parcels on this assessor's page are currently bisected and the County proposes to *include* APNs 005-040-016, 005-040-017, and 005-040-26 in their entirety, *exclude* APNs 005-040-025 and 005-040-031 in their entirety, and leave APN

005-040-040 bisected, but in a different manner than it is at present. The requested adjustment would remove approximately 6 acres from the Coastal Zone. It is these latter three parcels that require a recommendation different from the County's request.

The most important issue associated with adjusting the Coastal Zone Boundary seaward to exclude APNs 005-040-025, 005-040-031, and 005-040-040 is the presence of Toro Creek and adjacent environmentally sensitive habitat areas (ESHA). While the staff acknowledges that the County's ESHA policy has been incorporated into the Toro Canyon Plan so as to apply to the entire planning area and not just the Coastal Zone, the precedent of using the minor boundary adjustment procedure to remove ESHA from the Coastal Zone anywhere raises serious concerns. During the 26 years since 1977, the Commission has considered nearly 50 minor boundary adjustment requests and never made such an adjustment. The guiding principle has always been that if a boundary adjustment would affect coastal resources or involve coastal planning issues, the proper mechanism for resolution of those issues is either the coastal permit process or the LCP process and not the minor boundary adjustment procedure. To delete this area from the Coastal Zone would remove its protection from future changes regarding ESHA policies that could potentially be made to areas located outside the Coastal Zone.

In addition to its ESHA status, the area encompassing these three parcels has also been the subject of a previous Coastal Zone Boundary Determination (BD-22-81). The Commission staff has completed nearly 1000 such interpretations made since 1977, and this particular long-standing determination has been located by the County using measured offsets from identifiable property corners. As a practical matter BD-22-81 precludes the need for a minor coastal zone boundary adjustment on these three properties. During the 22 years since BD-22-81 was made neither the Commission's staff interpretation or the County's measured offsets have ever been challenged or questioned. The area affected by this previous BD-22-81 is also shown in Exhibit 4a.

Because of its ESHA status and the previous Coastal Zone boundary determination, the staff is recommending that these three parcels (005-040-25, 005-040-031, and 005-040-040) remain bisected by the Coastal Zone Boundary as shown in Exhibit 4a.

## **2. Conformance to Section 30103(b) of the Coastal Act**

The proposed adjustment conforms to Section 30103(b) of the Coastal Act. As requested, the adjustment would involve 23 assessor's parcels, all of which are currently bisected by the boundary. The recommended adjustment affects 20 of the 23 parcels, is in all cases within the maximum range of adjustment, and meets the distance criteria for an allowable adjustment.

Thus, the Commission finds that the adjustment, as recommended, conforms to the requirements of Section 30103(b) of the Coastal Act.

**3. Achievement of Chapter 3 Policies and Local Coastal Program Preparation**

The adjustment recommended will not interfere with the achievement of the Chapter 3 Policies of the Coastal Act or local coastal program preparation for this area. On the contrary, the adjustment will retain areas designated as environmentally sensitive habitat in the coastal zone thereby ensuring their remaining subject to Coastal Act Policies and in theory lessening the likelihood of adverse impacts to coastal resources. In addition, the County's ESHA policy has been incorporated into the Toro Canyon Plan so as to apply to the entire planning area, not just the Coastal Zone, further limiting any potential impact of this minor boundary adjustment. With respect to LCP preparation, Santa Barbara County's Local Coastal Program was certified by the Commission in 1982 and the County assumed permit issuing authority that same year.

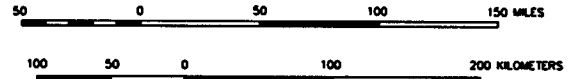
In conclusion, the Commission finds that the recommended adjustment will not interfere with the achievement of the Coastal Act's Chapter 3 Policies and will not prejudice the preparation of an LCP in conformance with Chapter 3 of the Coastal Act.

# EXHIBIT 1

The Resources Agency  
California Coastal Commission

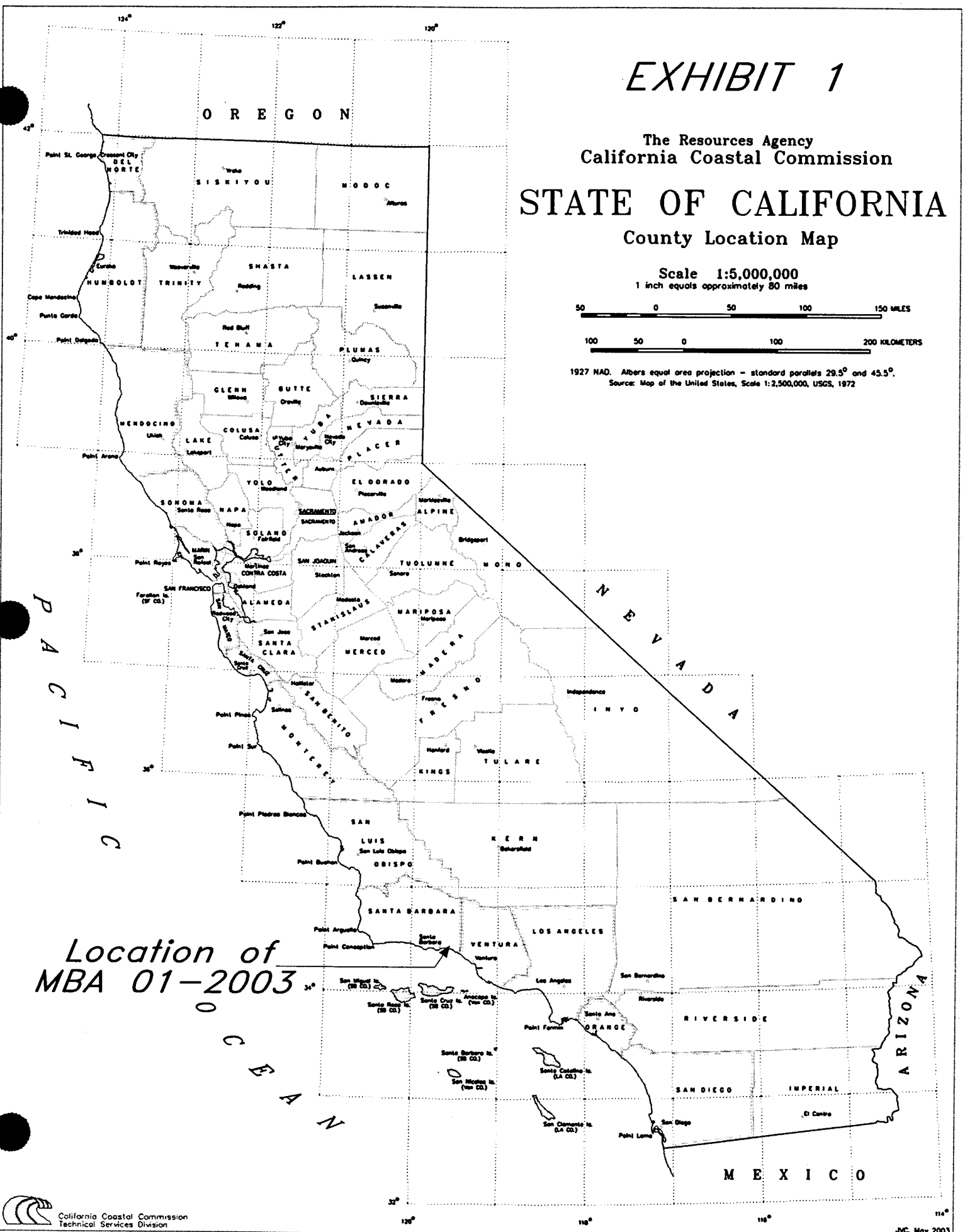
## STATE OF CALIFORNIA County Location Map

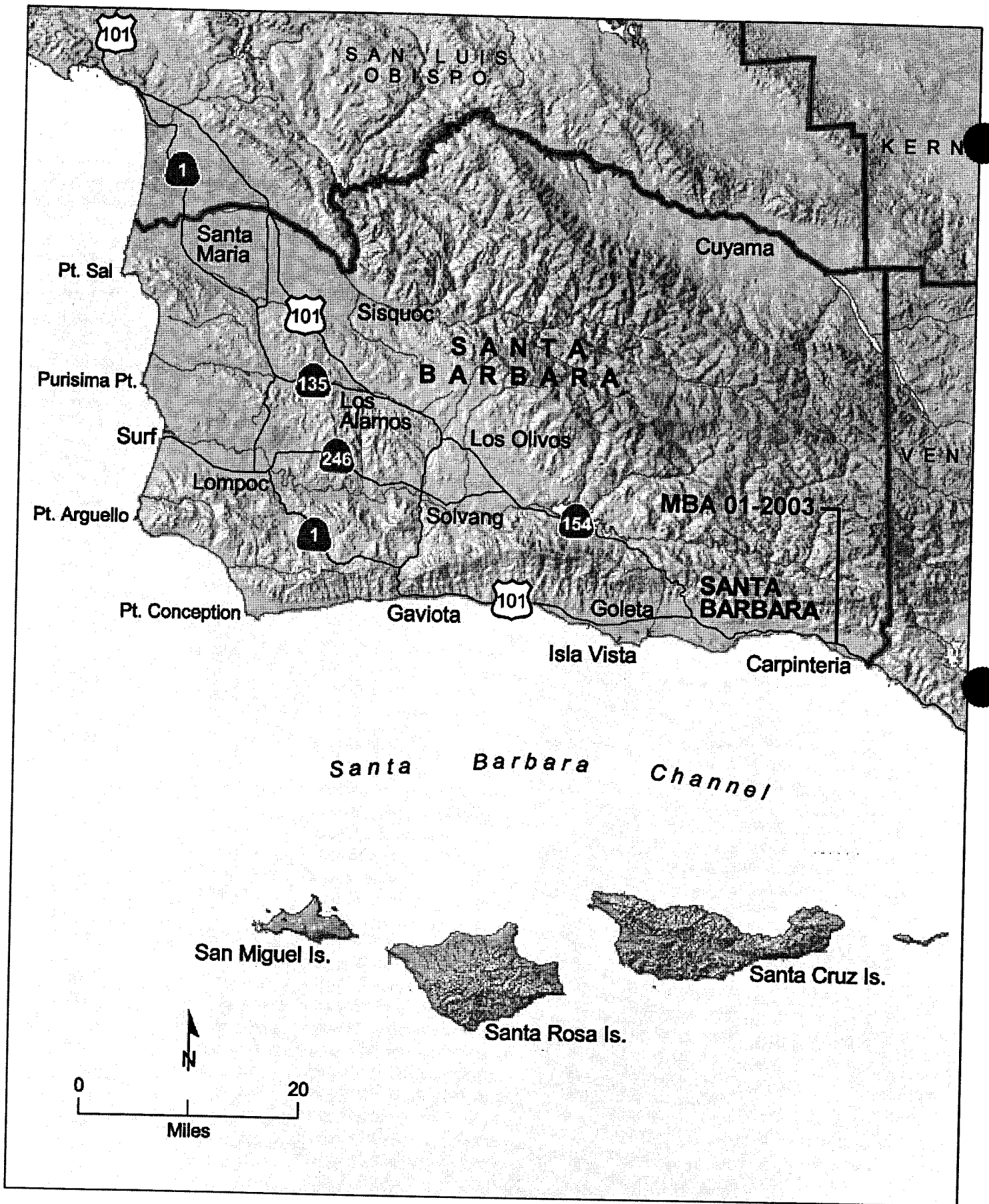
Scale 1:5,000,000  
1 inch equals approximately 80 miles



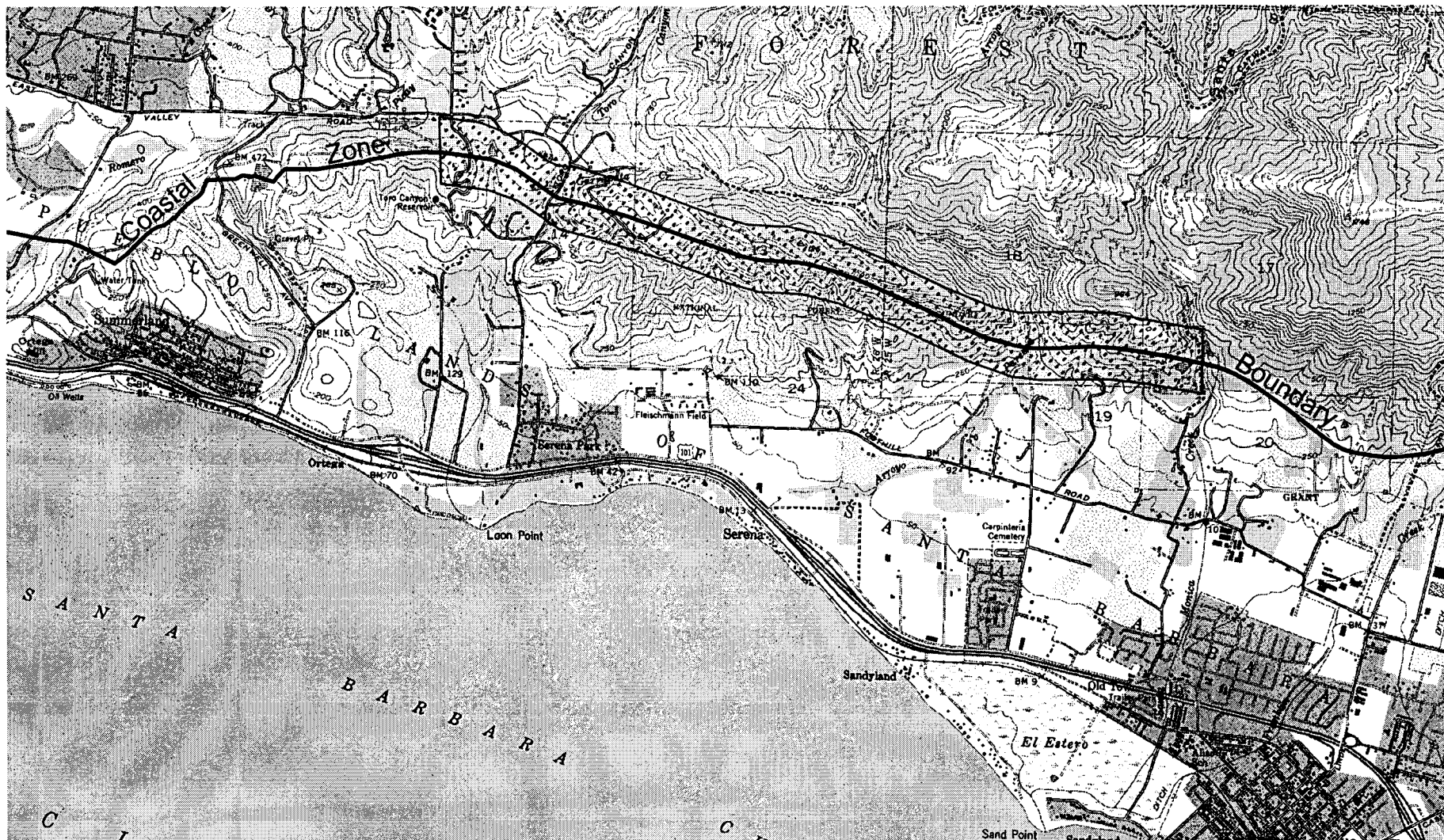
1927 NAD. Albers equal area projection - standard parallels 29.5° and 45.5°.  
Source: Map of the United States, Scale 1:2,500,000, USGS, 1972

Location of  
MBA 01-2003









**MBA No. 01-2003**  
**Toro Canyon Planning Area**  
**Santa Barbara County**



Area affected by proposed coastal  
 zone boundary adjustment



Existing Coastal Zone Boundary



0 .5  
 Mile

**Exhibit 3**

