

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

W33b**ADDENDUM**

[Click here to go to original staff report](#)

DATE: January 5, 2015
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W33b, Santa Barbara County Appeal No. A-4-STB-14-0073
Wednesday, January 7, 2014

The purpose of this addendum is to (1) make changes and clarifications to the staff report, (2) attach correspondence from the applicants' representative, and (3) attach correspondence from an interested party.

1. Staff Report Modifications.

- a) The second paragraph of Section I-B on Page 7 of the December 18, 2014 staff report shall be modified as follows (Note: underline indicates text to be added):

An appeal of the County's action was filed by Commissioners Zimmer and Howell on December 16, 2014, during the appeal period (Exhibit 6). Commission staff immediately notified the County, the applicant, and interested parties that were listed on the appeal form of the appeal, and requested that the County provide its administrative record for the permit. As of the date of this report, the administrative record has not yet been received from the County. However, on December 19, 2014, Commission staff received the administrative record from the County.

- b) The first full paragraph on Page 12 in Section III-C-1 of the December 18, 2014 staff report shall be modified to read as follows:

The raising and/or keeping of animals must be considered in the context of agricultural production. (See Pub. Res. Code § 30241.) Interpreting the definition of agriculture broadly to include facilities ancillary to a polo field risks creating a definition of agriculture that encourages loss of vital agricultural resources such as lands dedicated to production of food and fiber; the raising and keeping of farm animals; and the replacement of these agricultural resources with what are recreational resources (e.g., polo fields). Offering animals for sale, as opposed to simply raising and keeping animals, is not necessarily a prerequisite to meeting the definition of "agriculture." It is also clear that replacement of row crops and working dairy farms, for example, with recreational equestrian facilities such as polo fields, whether or not horses are raised or kept on the premises, is not consistent with requirements of Section 30241 of the Coastal Act (incorporated as LCP Policy 1-1). Section 30241 requires that "The

maximum amount of prime agricultural land shall be maintained *in agricultural production* to assure the protection of the areas' agricultural economy." (emphasis added.) The Commission thus interprets the LCP definition of "agriculture" to include the raising and keeping of animals that support agricultural production, and to exclude from the definition of "agriculture" any raising and keeping of animals that is ancillary to a recreational use such as a polo field. As such, the approved project has resulted in the conversion of cultivated agricultural row-crops on agriculture-designated land to a non-agricultural equine pasture and exercise track for private recreation or "hobby" use.

- c) The second full paragraph on Page 2 of the December 18, 2014 staff report shall be modified to read as follows:

In its approval of the permit, the County did not analyze the approved development's consistency with the agriculture protection policies and provisions of the County LCP. It appears the County staff determined that the proposed development is an agricultural use. The County's staff report only indicates that the non-commercial keeping of horses (at a density not to exceed 1 horse per 20,000 sq. ft. of land) is an allowed use within the Agriculture I zoning designation. While the raising of animals is a permitted use within the Agriculture I zoning designation according to Section 35-68.3 of the Coastal Zoning Ordinance, the use must be agricultural in nature or allow existing agriculture to be maintained. The stated purpose of the Agriculture I designation in the LCP is to protect lands for long-term agricultural use and to preserve prime agricultural soils. In its approval of the permit, the County did not address this issue, and the project involves adding soil amendments which may or may not allow for preservation of prime soils. Further, the County staff report acknowledges that the approved turf horse pasture and exercise track on the subject property is accessory to an existing private equestrian facility on the adjacent property. The Commission interprets the LCP definition of "agriculture" to include the raising and keeping of animals that support agricultural production, and to exclude from the definition of "agriculture" any raising and keeping of animals that is ancillary to a recreational use such as a polo field. As such, the approved project has resulted in the conversion of cultivated agricultural row-crops on agriculture-designated land to a non-agricultural equine pasture and exercise track for private recreation or "hobby" use. The approved conversion of the site to non-agricultural equestrian use raises a substantial issue regarding the development's consistency with the agricultural protection policies of the LCP and the purpose of the Agriculture I zoning designation of the LCP, which is to protect lands for long-term agricultural use and to preserve prime agricultural soils.

2. Correspondence from the Applicants' Representative. A letter was submitted by the applicant's representative, Chip Wullbrandt, dated December 31, 2014. The letter is attached as **Exhibit 1** of this addendum. The letter describes project components and asserts that the staff report is incorrect in concluding that the project represents a conversion of an agricultural use (row crops) to a non-agricultural use (equine pasture and exercise track). Mr. Wullbrandt's letter asserts that "conversion" must involve an action that would preclude resumption of agricultural activity of the site and the approved turf pasture should be viewed as a groundcover, like any other fallow crop, and the approved equestrian use will not impair or prevent some other agricultural use in the future. In response, Commission staff would note that while the raising and keeping of animals is a permitted use within the Agriculture I zoning designation according

to Section 35-68.3 of the Coastal Zoning Ordinance, the use must be agricultural in nature or allow existing agriculture to be maintained (not adversely impact agricultural production). The approved development facilitates private equestrian recreation use of the site that is accessory to a larger private equestrian and polo facility on an adjacent property. The approved development is not agricultural in nature and has not maintained the existing agricultural use (row crop production) of the site. As discussed in the staff report, the approved development represents a change in use of the site that was not adequately addressed in the County's action on the subject permit.

3. Correspondence from an Interested Party. A letter dated January 4, 2015 was submitted by Ted Theilmann, a property owner in the vicinity of the subject property. The letter is attached as **Exhibit 2** of this addendum. Mr. Theilmann's letter expresses concern regarding the approved water well at the subject site and impacts to the groundwater basin that the water well would draw from (Toro Canyon Sub-Basin of the Carpinteria Groundwater Basin). Mr. Theilmann's letter states that based upon the static water level at his own water well approximately 2,000 feet from the subject property, the aquifer was estimated to be 25 feet below the ground surface (or 28.5 feet above sea level) in 1987, and now the aquifer is estimated to be 50 feet below the ground surface (or 3.5 feet above sea level). Mr. Theilmann expresses concern that the water level drop is a result of the drought and additional water wells that are being installed in the area to irrigate polo fields. Mr. Theilmann's letter also expresses concern regarding the trail across Toro Creek that the applicant will use to bring horses to the subject property from an adjacent property. The letter asserts that the trail has been graded and widened to allow passage of heavy equipment and questions whether that should be allowed within an environmentally sensitive habitat area.

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OUR FILE NUMBER:
22372-2

December 31, 2014

VIA EMAIL AND OVERNIGHT MAIL

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: Appeal Substantial Issue A-4-STB-14-0073: Santa Barbara County Coastal
Development Permit 14CDH-00000-00017

Dear Commissioners:

We represent CTS Properties, owners of the property located at 201 Toro Canyon Road, Santa Barbara County (APN 005-210-009). On November 17, 2014, the County Zoning Administrator approved the above referenced Coastal Development Permit to allow importation of approximately 3,550 cubic yards of sand to be used as a soil amendment (changing the existing grade by approximately 2 inches) and to allow installation of a new water well. The approved project also included minor re-grading of approximately seven acres of the 10-acre site to prevent sheet and mud flow onto Toro Canyon Road, as well as direct runoff away from Toro Canyon Creek. The re-graded site now directs all site drainage into a small detention basin at the southeast corner of the site that discharges into an existing culvert along the west side of Toro Canyon Road. Once leveling was complete, the site was seeded with a grass mix for ground cover for use as a seasonal horse pasture. At the request of the County, the project also includes a riparian restoration project for the eastern perimeter of Toro Canyon Creek (attached).

This is a very straightforward re-grading project that includes no structural development whatsoever and yet was thoroughly reviewed by County staff and conditioned to include a number of mitigation measures designed to ensure compliance with all of the relevant portions of the Coastal Zoning Ordinance and Land Use Plan. Nevertheless, the substantial issue staff report claims that the County failed to make the necessary findings for consistency relative to the long-

Exhibit 1
A-4-STB-14-0073
Addendum

term protection of agricultural and biological resources. The stated basis for the appeal is threefold: 1) the alleged “conversion” of agricultural land to a non-agricultural equine use; 2) installation of a water well for “non-agricultural use” that would impair the agricultural viability of the surrounding area as part of a cumulative impact from the extraction of groundwater, and; 3) “reduction” in the required 100-foot stream buffer from Toro Canyon Creek. On each of these points we believe the staff analysis is factually inaccurate and misrepresents the true scope of the project.

To assist your Commission in determining that no substantial issue exists with the appeal, the following is a summary of the project background, design, and implementation:

- The project site was formerly owned by the Carpinteria/Summerland School District and had been fallow for approximately two years at the time the current owner purchased the property.
- During the fallow period the site was used by adjacent property owners for horse keeping and exercising.
- The County had agreed that minor re-grading of the site to correct drainage would be exempt from permitting, which is consistent with the County’s Agricultural Grading Ordinance.
- The contractor hired to re-grade the site unilaterally decided to import sand to amend the soil to provide better drainage, thereby triggering the Coastal Development Permit requirement.
- Prior ongoing agricultural activities (disking, tilling, spaying of herbicides/pesticides) encroached within 30 feet from the top-of-bank of Toro Canyon Creek.
- No structures are located within the required 100-foot buffer (or anywhere else on the site) and the ongoing impacts to the riparian habitat from agricultural activities have ceased.
- The only activity within the creek buffer resulting from the project is the periodic exercising of horses. Equestrian trails are an allowed use in riparian corridors and a dedicated public trail currently exists on the western bank of Toro Canyon Creek.
- The approved project includes a riparian habitat restoration/revegetation plan for the eastern bank of Toro Canyon Creek. The plan was prepared by a licensed County Biologist and reviewed by staff in consultation with the Dept. of Fish and Game.

- The approved re-grading directs sheet flow and mud away from the Toro Canyon Road and the creek and into an engineered detention basin.
- The approved importation of sand enhanced soil drainage and the overall agricultural viability of the site.
- The spreading of grass seed mixture and the maintenance of turf is viable ground cover and does not constitute a “change of use” or a conversion of agricultural land to a non-agricultural use.
- The keeping of animals (including horses) is defined as an agricultural use under the County’s Coastal Zoning Ordinance and, as such, is a principally permitted use in the AG-I zone. The approved number of horses onsite at any time is expressly limited to 19 – consistent with the Coastal Zone Ordinance requirement of 1 per 20,000 square feet.
- Horses are onsite seasonally and only periodically during the day when present. No stables, corrals, pens, or arenas exist on the parcel.
- The site currently shares a water well with the neighboring parcel to the south. Installation of a new well will not result in any significant increase in groundwater pumpage nor contribute cumulatively to groundwater overdraft.

Notwithstanding the assertion in the staff report, the project has not resulted in the “conversion” of cultivated agricultural land to a non-agricultural use. “Conversion” must involve an action which would otherwise preclude resumption of agricultural activity of the site. To the contrary, the site had been fallow for several years and the approved project resulted in improved site drainage and soil viability through the importation of sand – a common agricultural practice. The spreading of grass seed and maintenance of turf should be viewed as groundcover, not unlike any other fallow crops. Meanwhile, periodic pasturing and exercising of horses is a principally permitted agricultural use and in no way impairs or prevents some other agricultural use of the site, now or in the future. Similarly, the approved project has resulted in a net benefit to the water quality and riparian resources of Toro Creek.

We urge your Commission to consider these facts carefully and vote NO on finding that there is a Substantial Issue. I will be available at the hearing on January 7th to provide additional testimony and answer any questions you may have.

Very Truly Yours,


Chip Wullbrandt

May 15, 2014

Biological Assessment

**As-Built Grading for Horse Exercise Track
201 Toro Canyon Road, Santa Barbara, California**



Prepared for:

Price, Postel & Parma LLP
200 E. Carrillo Street, Suite 400,
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Prepared by:

Watershed Environmental, Inc.
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Biological Assessment

As-Built Grading for Horse Exercise Track
201 Toro Canyon Road, Santa Barbara, California

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1.0 INTRODUCTION

This biological assessment report evaluates as-built project impacts to environmentally sensitive riparian habitat and native trees on the western portion of the 9.05 acre parcel located at 201 Toro Canyon Road (APN: 005-210-009), Santa Barbara, California. This report was prepared by Watershed Environmental Inc. under contract to Price, Postel & Parma LLP and the property owner ERG Resources.

1.1 BACKGROUND INFORMATION

The County of Santa Barbara notified the property owner in a letter dated September 12, 2013 that a coastal development permit was needed for grading and importation of sand that occurred in the summer of 2013 when a horse pasture and exercise track were constructed. In that letter, the County requested that the property owner submit the following information:

1. Coastal Development Permit Application with Hearing
2. As-built Grading/Site Plan
3. Description of Intended Land Use
4. Biological Assessment/Evaluation of Project Impacts to Environmentally Sensitive Habitat and Native Trees
5. Information on when Creek Crossing was constructed
6. An Animal Waste Management Plan
7. Parcel Validity

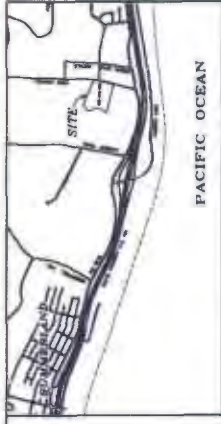
This biological assessment report provides the information requested in item 4 of the County Feedback Letter – ERG Resources Grading (SBCO 2013) and includes the following: a description of pre- and post-project riparian habitat conditions, delineation of the historic and current edge of the riparian canopy, a tree survey, and tree impact evaluation, and recommendations to ensure project consistency with adopted biological resource protection policies, development standards, and ordinances. As part of Watershed Environmental's work on this project, we worked closely with civil engineer Sid Goldstien who prepared the as-built plans for this project.

2.0 PROJECT DESCRIPTION

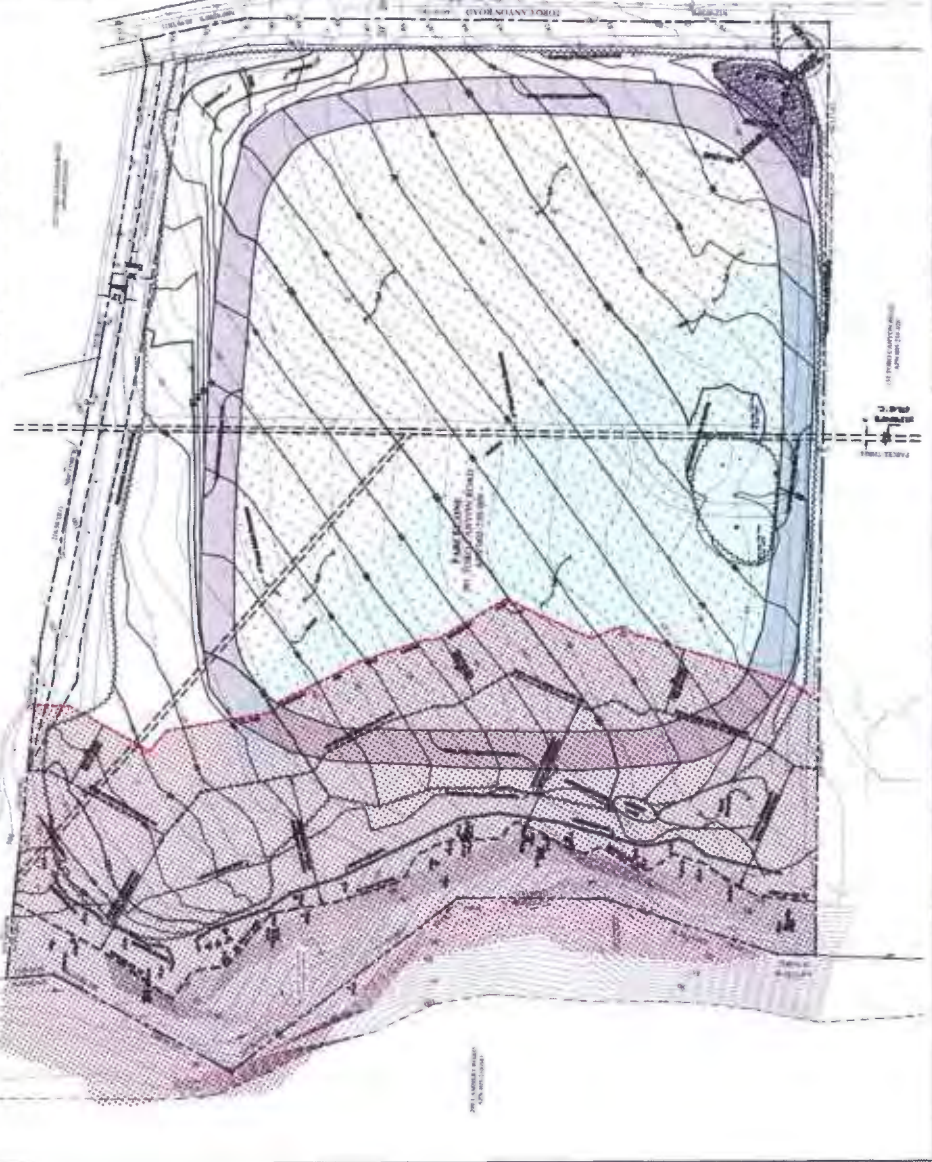
The project included the conversion of an existing 6-acre agricultural field used to grow vegetable row crops into a 4-acre turf grass pasture, a 1 acre (approximately 25-30 ft. wide by 1,660 ft. long) oval sand horse exercise track, and a 0.07 acre stormwater detention basin (Figure 2). Grading to construct the project occurred in an approximately 7-acre area and involved approximately 1,650 cubic yards of cut, and 5,200 cubic yards of fill (3,550 cubic yards of imported sand). Based on our review of historic aerial photographs, it does not appear that any trees were removed during construction of the project.

Reserve page 8.5x11 landscape
Figure 1. Location Map

Reserve page 11x17 landscape
Figure 2. As-Built Grading Plan



WARRANTY NOTE
 Issued by Chicago NGL Insurance Company
 Policy No. CACT17742-7742-4774-0077404997-CTIC-2012-05
 Date of Policy December 10, 2012 at 8:00AM.



- Notes**
- This plan was prepared by Sid Goldstien Civil Engineer. The background topo data was provided by the grading contractor and a cross-section (N/W to S/E) was field verified. Details of the settlement basin were based on field collected data.
 - Grading quantities were calculated based on the pre-to post grading conditions shown on this plan.
 - The grades shown across the field are relative while actual elevations may vary.
 - Tree computer were created from google-earth images.
 - The subject parcel is shown on R/S Book 24 Page 46 and R/S Book 14 Page 97.
 - The ESH and FH markings were obtained from Santa Barbara County Planning and Development.

LEGEND

- ENVIRONMENTALLY SENSITIVE HABITAT
- FLOOD HAZARD AREA
- EXISTING ROW OF ROCKS
- EXISTING TREE LOCATION
- EXISTING EDGE OF RIPARIAN CANOPY
- EXISTING TREE TYPE ABBREVIATIONS

PREPARED FOR S.B. COUNTY
CASE 13CDP-00054
AS-BUILT GRADING PLAN
AS OF 5-14-14

SID GOLDSTIEN-CIVIL ENGINEER, INC.
 201 TORO CANYON ROAD
 COUNTY OF SANTA BARBARA
 CALIFORNIA 93108
 APR-205-810-009
 14-03-101

Figure 2. Site Plan
 Biological Assessment
 As-Built Grading for Horse Exercise Track
 201 Toro Canyon Road, Santa Barbara, CA
 Watershed Environmental, Inc. 5/15/14

4.0 SURVEY METHODOLOGY

Watershed Environmental, Inc. biologist Mark de la Garza and analyst/cartographer Melodee Hickman performed field surveys of the 201 Toro Canyon property on April 15 and 18, 2014. Surveys were performed on foot and focused on the western portion of the property adjacent to Toro Creek. Vegetation mapping was performed on a 1-in.= 40-ft.-scale field map depicting the as-built grading plan overlaid on a December 9, 2013 color aerial photograph.

During the course of our surveys, field notes and field maps were used to record species of plants observed, tree locations, and other features such as the edge of the riparian tree canopy, and location of boulder row. A steel forester's measuring tape was used to measure the diameter at breast height (DBH) of trees in the western portion of the property, and aluminum identification tags were affixed to each tree surveyed. Photographs of the project site were taken to document existing conditions at the time of the April 2014 surveys.

5.0 ENVIRONMENTAL SETTING

5.1 ZONING

The 201 Toro Canyon Road property is zoned for agricultural use (A-I-20). The property is also located within the Coastal Zone of Santa Barbara County (refer to Figure 1), and within the Toro Canyon Plan (SBCO 2004) 'Rural Area' and as such is subject to compliance with the biological resource protection policies and development standards contained in the Coastal Land Use Plan (SBCO 1982) Toro Canyon Plan. Given the property zoning and location in the coastal zone, the property is also subject to compliance with regulations contained in the Coastal Zoning Article II Ordinance of Santa Barbara County (SBCO 2014).

5.2 HISTORIC AND CURRENT LAND USE

The property has been used for agriculture since at least the 1950's. It was historically an orchard, and has been used to grow vegetable row crops for at least the past 20 years. As part of our assessment, we examined historic aerial photographs available online from Google Earth from 1994, 2003, 2007, 2011, 2012, and 2013 to evaluate the change in land use and riparian vegetation cover over time (Figure 3). We discovered that earlier agricultural operations covered a larger portion of the property and that the riparian tree canopy has gradually increased overtime while the relative proportion of the property used for agriculture decreased it also shifted further away from Toro Creek.

5.3 TOPOGRAPHY AND SOILS

With the exception of the creek bed and banks, the property gently slopes at 2 percent in a north to south direction. Elevations range from 102 ft. in the northwest corner of the property to a low of 80 ft. in the southeast corner of the property (refer to Figure 2). The western property line extends roughly to the center line of the creek with the eastern creek bank on the 201 Toro Canyon Road property and the western creek bank on the adjacent property to the west. The creek flows in a north to south direction and has an approximate 3 percent slope.

The Natural Resources Conservation Service (NRCS 2013) has identified and mapped two soil types on the 201 Toro Canyon Road property: 'Goleta fine sandy loam' and 'Ballard variant stony fine sandy loam'. Goleta fine sandy loam occurs on the western half of the property and Ballard variant stony fine sandy loam occurs on the eastern portion of the property. Both of these soils are classified as: well drained with a medium runoff rate, and a

Reserve page 11x17 landscape

Figure 3. Historical Review of Riparain Canopy

All Images and Canopy Registered to Santa Barbara Flood Control DWG (Mon06.dwg)



September 3, 1994 Riparian Canopy = 1.08 Acres



August 30, 2003 Riparian Canopy = 1.15 Acres



January 21, 2007 Riparian Canopy = 1.37 Acres



April 26, 2011 Riparian Canopy = 1.44 Acres



August 26, 2012 Riparian Canopy = 1.48 Acres



December 9, 2013 Riparian Canopy = 1.48 Acres

Figure 3. Historical Review of Riparian Canopy
Biological Assessment - As-Built Grading for Horse Exercise Track - 201 Toro Canyon Road, Santa Barbara, CA Watershed Environmental, Inc. 5/15/14

0 200 Feet

APN: 005-210-009

Riparian Canopy

As-Built Grading for Horse Exercise Track

Parcel Boundary

moderate hazard of erosion. These soils in Santa Barbara County are not considered by the Natural Resources Conservation Service to be hydric soils (NRCS 2011).

5.4 CREEKS AND DRAINAGES

The segment of Toro Creek that runs through the western portion of the 201 Toro Canyon property is mapped by the USGS as a dashed blue line stream indicating that the creek has intermittent surface water flow (USGS 2012). The creek was dry during performance of our April 2014 survey. There are no other creeks or drainages on the property.

5.5 PREVIOUSLY MAPPED ENVIRONMENTALLY SENSITIVE HABITAT

The County of Santa Barbara has identified and mapped 1.58 acres of southern coast live oak riparian woodland and stream habitat on the 201 Toro Canyon Road property (refer to Figure 4) as Environmentally Sensitive Habitat (SBCO 2004). This environmentally sensitive habitat occurs on the western portion of the property adjacent to Toro Creek. As part of our analysis, we overlaid the County mapped environmentally sensitive habitat on a series of aerial photographs and discovered that the county digital map (SBCO 2007) of environmentally sensitive habitat, appears to be offset by 10-20 ft. toward the east. This offset was likely caused by poor georectification of the original aerial photograph that was used to map this habitat. In the past 10 years, advances in technology have greatly improved georectification of aerial photography and map accuracy. As part of our work on this project we surveyed and mapped the current and historic extent of the riparian canopy.

5.6 APPLICABLE BIOLOGICAL RESOURCE PROTECTION POLICIES, DEVELOPMENT STANDARDS AND ORDINANCES

5.6.1 Santa Barbara County Code-Chapter 35-Coastal Zoning Ordinance

Section 35-97. ESH - Environmentally Sensitive Habitat Area Overlay District.

Section 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.

Reserve page 11x17 landscape

Figure 4. Environmentally Sensitive Habitat



- Parcel Boundary (APN#: 005-210-009)
- Riparian Canopy (as of 12/09/2013)
- 5 ft. Riparian Canopy Buffer
- SBCO Environmentally Sensitive Habitat (ESHA)
- Approximate Limits of Grading
- Existing Boulders
- Creek flowline

- Trees Found In Riparian Canopy/Parcel (Id)
- Coast Live Oak
 - Eucalyptus
 - Arroyo Willow
 - Sycamore
 - Dead Coast Live Oak

Figure 4. Environmentally Sensitive Habitat (ESHA)

Biological Assessment
As-Built Grading
for Horse Exercise Track
201 Toro Canyon Road
Santa Barbara, CA

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 Public Resources Code Section 30236 of the Coastal Act.

5.6.2 Santa Barbara County Coastal Land Use Plan

Policy 9-35. 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. 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. 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
- 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 reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

Policy 9-38. 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.

Policy 9-42: 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.

5.6.3 Santa Barbara County Toro Canyon Plan

Policy BIO-TC-1: Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.

DevStd BIO-TC-1.4: (*COASTAL*) 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 and streams -100 feet in Rural areas and 50 feet in Urban areas and Rural Neighborhoods, as measured from the outer edge of the canopy or the top of creek bank², whichever is greater;
 - Coast Live Oak Forests - 25 feet from edge of canopy;
 - Monarch butterfly habitat - minimum 50 feet from any side of the habitat;
 - Native grassland, minimum 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.

The buffer for Southern Coast Live Oak Riparian Forests and streams 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 in consultation with 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;
4. 4. Location of the 100 year flood plain boundary; and
5. 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.

DevStd BIO-TC-1.6: (*COASTAL*) 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.

DevStd BIO-TC-1.7: (*COASTAL*) Development in or adjacent to ESH or ESH Buffer shall meet the following standards:

- a. 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.
- b. New public 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. Where feasible, trails shall be sited to the 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. When trail plans are developed and the most desirable location would result in trail segments adjacent to sensitive species habitats that may require seasonal closures, alternative trail connections shall be identified. Where seasonal closures occur, these alternative trail segments shall be used.
- c. 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.
- d. 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.

Policy BIO-TC-11: (*COASTAL*) Except for routine Flood Control District maintenance as allowed under DevStd FLD-TC-1.6, or for habitat enhancement projects approved by all federal and state agencies having jurisdiction, natural stream channels shall be maintained in an undisturbed state in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts as allowed under DevStd FLD-TC-1.6.

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

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: (COASTAL) 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 "nonnative protected tree" is at least 25 inches in diameter at this height.

6.0 SURVEY RESULTS

6.1 VEGETATION

A total of 31 plant species were observed in the western portion of the property during performance of our April 15 and 18, 2014 field surveys (Table 1). The area west of the row of boulders is densely vegetated with a mixture of trees, shrubs, herbs, and vines. The understory herbaceous vegetation is dominated by non-native invasive plants including: cape ivy, periwinkle, garden nasturtium, black mustard and wild radish. The area between the row of boulders and the sand horse exercise track is bare dirt with only a few (less than 2 percent) scattered common weeds. Approximately 68 percent of the plant species observed were non-native and 32 percent are native. The high percentage of non-native species is typical in agricultural areas with a long history of human use. The only rare plant seen was Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*) which is listed by the California Native Plant Society as a List 1B rare, threatened, or endangered plant in California and elsewhere (CDFW 2014).

Table 1. Vegetation Observed In Western Portion of Property

Scientific Name	Common Name	Native (N) Introduced (I)
<i>Anagallis arvensis</i>	scarlet pimpernel	I
<i>Avena fatua</i>	wild oat	I
<i>Baccharis pilularis</i> subsp. <i>consanguinea</i>	coyote brush	N
<i>Brassica nigra</i>	black mustard	I
<i>Bromus diandrus</i>	ripgut brome	I
<i>Delairea odorata</i> (<i>Senecio mikanioides</i>)	cape ivy	I
<i>Dyspania</i> (<i>Chenopodium</i>) <i>ambrosioides</i>	Mexican tea	I
<i>Erigeron</i> (<i>Conyza</i>) <i>canadensis</i>	horseweed	N
<i>Erodium cicutarium</i>	redstem filaree	I
<i>Eucalyptus globulus</i>	blue gum	I
<i>Euphorbia peplus</i>	petty spurge	I
<i>Helminthotheca</i> (<i>Picris</i>) <i>echioides</i>	bristly ox-tongue	I
<i>Lactuca serriola</i>	prickly lettuce	I
<i>Lonicera subspicata</i> var. <i>subspicata</i>	Santa Barbara honeysuckle	N
<i>Malva parviflora</i>	cheese weed	I
<i>Medicago polymorpha</i> var. <i>polymorpha</i>	bur clover	I
<i>Olea europaea</i>	olive tree	I
<i>Oxalis pes-caprae</i>	sour-grass	I
<i>Pennisetum clandestinum</i>	kikuyu grass	I
<i>Plantago lanceolata</i>	English plantain	I
<i>Platanus racemosa</i>	western sycamore	N
<i>Quercus agrifolia</i>	coast live oak	N

Scientific Name	Common Name	Native (N) Introduced (I)
<i>Raphanus sativus</i>	wild radish	I
<i>Rubus ursinus</i>	wild blackberry	N
<i>Salix lasiolepis</i>	arroyo willow	N
<i>Sambucus nigra (mexicana)</i> subsp. caerulea	blue elderberry	N
<i>Solanum douglasii</i>	Douglas' nightshade	N
<i>Stipa (Piptatherum) miliacea</i>	smilo grass	I
<i>Toxicodendron diversilobum</i>	poison oak	N
<i>Tropaeolum majus</i>	garden nasturtium	I
<i>Vinca major</i>	periwinkle	I

As part of our field survey, we inventoried trees in the riparian woodland habitat in the western portion of the property and found that there are: 8 sycamores trees , 19 coast live oak trees, 1 arroyo willow trees, and 6 blue gum eucalyptus trees (refer to Figure 4 for tree locations). Information on tree size and health is provided in Table 2 below.

Table 2. Inventory of Trees in Western Portion of Property

ID	TYPE	DBH1	DBH2	DBH3	DBH4	DBH5	Health
1	Coast Live Oak	20.0	20.0	20.0	0.0	0.0	Healthy
2	Coast Live Oak	8.0	0.0	0.0	0.0	0.0	Healthy
3	Eucalyptus	0.0	0.0	0.0	0.0	0.0	Healthy
4	Eucalyptus	0.0	0.0	0.0	0.0	0.0	Healthy
5	Eucalyptus	0.0	0.0	0.0	0.0	0.0	Healthy
6	Coast Live Oak	4.0	0.0	0.0	0.0	0.0	Healthy
7	Coast Live Oak	28.0	0.0	0.0	0.0	0.0	Healthy
8	Eucalyptus	35.0	0.0	0.0	0.0	0.0	Healthy
9	Eucalyptus	34.4	0.0	0.0	0.0	0.0	Healthy
10	Coast Live Oak	20.3	17.4	15.3	0.0	0.0	Healthy
11	Coast Live Oak	9.0	0.0	0.0	0.0	0.0	Healthy
12	Sycamore	37.0	0.0	0.0	0.0	0.0	Healthy
13	Coast Live Oak	12.0	0.0	0.0	0.0	0.0	Healthy
14	Coast Live Oak	34.4	28.0	22.5	21.6	14.0	Healthy
15	Sycamore	20.0	19.6	19.2	0.0	0.0	Healthy
16	Coast Live Oak	20.7	0.0	0.0	0.0	0.0	Healthy
17	Sycamore	21.3	14.0	0.0	0.0	0.0	Healthy
18	Coast Live Oak	39.0	0.0	0.0	0.0	0.0	Healthy
19	Coast Live Oak	6.0	0.0	0.0	0.0	0.0	Healthy
20	Coast Live Oak	4.0	0.0	0.0	0.0	0.0	Healthy
21	Coast Live Oak	25.7	0.0	0.0	0.0	0.0	Healthy
22	Coast Live Oak	10.7	0.0	0.0	0.0	0.0	Healthy
23	Coast Live Oak	0.0	0.0	0.0	0.0	0.0	Dead
24	Sycamore	36.0	26.0	17.0	0.0	0.0	Healthy
25	Eucalyptus	26.5	0.0	0.0	0.0	0.0	Healthy
26	Sycamore	15.1	0.0	0.0	0.0	0.0	Healthy
27	Coast Live Oak	5.7	0.0	0.0	0.0	0.0	Healthy
28	Coast Live Oak	10.0	0.0	0.0	0.0	0.0	Healthy
29	Coast Live Oak	15.0	0.0	0.0	0.0	0.0	Healthy

ID	TYPE	DBH1	DBH2	DBH3	DBH4	DBH5	Health
30	Arroyo Willow	4.8	0.0	0.0	0.0	0.0	Healthy
31	Coast Live Oak	10.7	0.0	0.0	0.0	0.0	Healthy
32	Sycamore	41.5	0.0	0.0	0.0	0.0	Healthy
33	Sycamore	31.0	0.0	0.0	0.0	0.0	Healthy
34	Sycamore	8.0	0.0	0.0	0.0	0.0	Healthy

Table 2 Note: DBH = Diameter at Breast Height. Some of the trees surveyed are low branching or have multiple trunks and hence have more than one DBH measurement.

7.0 ASSESSMENT OF BIOLOGICAL IMPACTS TO NATIVE TREES, RIPARIAN HABITAT, & RIPARIAN BUFFER ZONE

7.1 TREE IMPACTS

Based on our review of historic aerial photographs and examination of the tree canopy, it does not appear that any trees were removed when the project was constructed. The grading that occurred did however encroach in a few areas beneath the tree canopy and also encroached into the tree protection zone that extends 5 ft. beyond the outer edge of the tree canopy. This grading was minor in nature, did not involve any cut or fill and consisted only of leveling. Most of the encroachment into the riparian tree canopy occurred in the northwestern portion of the property near the existing path/dirt road that crosses Toro Creek (refer to Figure 2 and Figure 4). Grading encroached beneath the canopy of the following trees: Coast live oak trees No. 2, 6, and 31; blue gum eucalyptus trees No. 3, 4, 5, and 8; and arroyo willow tree No. 30. All of these trees appeared to be in good health at the time of our April 2014 survey.

Other project related disturbance included the placement of row of large boulders beneath the tree canopy. These boulders were placed on the soil surface and function as a wall or fence to demarcate the limits of where equipment, vehicles and agricultural operations can be performed. A backhoe or excavator was presumably used to place these boulders and likely caused some soil compaction within the root zone of the adjacent trees while the equipment was being operated beneath the tree canopy. This operation of heavy equipment and placement of these boulders beneath the tree canopy does not appear to have adversely affected the trees adjacent to where the boulders were placed.

7.2 RIPARIAN HABITAT IMPACTS

Our analysis of project impacts to riparian habitat was performed after the project was built, and was limited to assessment of impacts that we could see in the field months after the project was completed, and were limited by what we could discern by review of historic aerial photographs. Prior to construction of the project, the property was used to grow row crop vegetables. Based on our review of the historic aerial photographs, the row crops were grown up to the edge of the riparian canopy and likely extended partially beneath the tree canopy (refer to Figure 3). We cannot determine from aerial photographs how far beneath the riparian tree canopy the previous agricultural operations extended, and whether the project that was built in 2013 encroached further than the previous agricultural activities. We can tell that the amount of riparian canopy has increased over time on the property, and that the extent of the riparian tree canopy did not change after the project was constructed. It is possible that some native riparian understory vegetation was removed when the project was constructed, but it is unlikely, given that most of the understory vegetation observed in the adjacent undisturbed riparian habitat is almost entirely composed of invasive exotic plant species.

The assessment of environmental impacts is normally based upon an evaluation of existing conditions and an assessment of anticipated post-project conditions. The determination of biological impact significance levels is based upon standards contained in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations 2010) and impact thresholds established by the County in the Environmental Thresholds and Guidelines Manual (SBCO 1995).

The CEQA Guidelines Section 150565 requires a mandatory finding of significance if a "project has the potential to...reduce the number or restrict the range of an endangered, rare, or threatened species. "CEQA Appendix G states that a project will normally have a significant effect on the environment if it will:

- a) Conflict with adopted environmental plans and goals of the community where it is located;
- b) Substantially affect a rare or endangered species of animal or plant or the habitat of the species;
- c) Interfere substantially with the movement of any resident or migratory fish or wildlife species; and
- d) Substantially diminish habitat for fish, wildlife, or plants.

The County of Santa Barbara uses the following riparian habitat assessment guidelines to determine impact significance:

The following types of project-related impacts to riparian habitat may be considered significant:

- 1. Direct removal of riparian vegetation.
- 2. Disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation.
- 3. Intrusion within the upland edge of the riparian canopy (generally within 50 feet in urban areas, within 100 feet in rural areas, and within 200 feet of major rivers listed in the previous section), leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion
- 4. Disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (e. g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential.
- 5. Construction activity which disrupts critical time periods (nesting, breeding) for fish and other wildlife species.

The 201 Toro Canyon Road project, appears to potentially conflict with several County policies that require protection of riparian environmentally sensitive habitat and the establishment of buffer zone areas to ensure adequate protection of biological resources within environmentally sensitive habitat areas. The buffer zone policies have some flexibility to reduce the width of the setback area dependent upon the conditions of the site, and we believe that a reduction in the width of the buffer zone for this project is warranted given the fact that the buffer zone area was previously used grow row crops.

It is our professional opinion that construction of the project did not substantially affect any rare, endangered, or threatened species of plant or animal, did not require removal of much

if any riparian vegetation, or the removal of a substantial amount of upland vegetation. The project also does not substantially interfere with the movement of resident or migratory fish or wildlife, and does not substantially diminish habitat extent or quality for fish, wildlife or plants.

Prior to implementation of the project, the soils in the tilled agricultural field were more susceptible to erosion and the majority of storm water runoff from the site flowed directly into Toro Creek. The project has had a net positive effect on drainage and water quality. The 4-acre turf grass pasture and sand exercise track has stabilized the soil and effectively prevents erosion. The leveling and grading of the site, has redirected storm water runoff away from Toro Creek. The storm water detention basin that was installed and has greatly reduced the amount of suspended sediment entrained in storm water runoff that leaves the property and eventually flows into Toro Creek. Project impacts to water quality are considered beneficial for the reasons described above.

7.3 RIPARIAN BUFFER ZONE IMPACTS

Grading and the placement of fill occurred within the Toro Canyon Plan Development Standard BIO-TC-11.1 required 100 ft. from top-of-bank riparian buffer zone (refer to Figure 2). However the buffer zone area that was impacted was devoid of any native vegetation and was used to grow row crop vegetables (refer to Figure 3). The level of project disturbance was similar to the level of disturbance that occurred each time the agricultural field was tilled or plowed to plant crops. Given the fact that the project disturbance was a short-term event that only occur once, we consider the level of impact to the buffer zone to adverse but less than significant compared to the repeated disturbance to the riparian buffer zone that occurred while the property was used to grow row crops.

8.0 RECOMMENDATIONS

We recommend the following actions in order to ensure project consistency with County biological resource protection policies and development standards:

1. Establish a riparian buffer zone that extends at least 10 ft. beyond the outer edge of the riparian tree canopy.
 - a. Fencing or other protective measures should be installed to demarcate the eastern edge of the riparian buffer zone.
 - b. Heavy equipment and vehicle operation should be prohibited within the riparian buffer zone except as needed for habitat restoration purposes, maintenance activities performed by the County Flood Control Department, and County emergency response vehicles.
2. Revegetate and enhance the habitat in the riparian buffer zone between the row of boulders and the eastern edge of the riparian buffer zone.
 - a. Spread a 4-6 inch layer of mulch or woodchips (no eucalyptus woodchips) on the soil surface to prevent erosion, suppress weed growth, and retain soil moisture.
 - b. Install native riparian vegetation derived for the Montecito/Carpinteria area in sufficient quantities to create 85% percent tree canopy cover, 30% shrub cover, 40% herbs cover, and 10% vine cover. The planting pallet shall be selected from list provided in Table 3.

Table 3. Recommended Planting Pallet for Riparian Buffer Zone

Scientific Name	Common Name
Trees	
<i>Platanus racemosa</i>	Western Sycamore
<i>Quercus agrifolia</i>	Coast Live Oak
<i>Salix lasiolepis</i>	Arroyo Willow
<i>Umbellularia californica</i>	California Bay
Shrubs	
<i>Ceanothus spinosus</i>	Greenbark Ceanothus
<i>Heteromeles arbutifolia</i>	Toyon
<i>Lonicera subspicata</i> var. <i>subspicata</i>	Santa Barbara honeysuckle
<i>Rhamnus californica</i>	Coffeeberry
<i>Ribes malvaceum</i>	Chaparral Currant
<i>Sambucus nigra [mexicana]</i>	Blue Elderberry
Herbs	
<i>Artemisia californica</i>	Mugwort
<i>Elymus [Leymus] condensatus</i>	Giant Wild Rye
<i>Epilobium canum</i>	California Fuchsia
<i>Juncus patens</i>	Spreading Rush
<i>Muhlenbergia rigens</i>	Deergrass
<i>Salvia spathacea</i>	Hummingbird Sage
<i>Scrophularia californica</i>	California Figwort
<i>Solidago velutina [californica] subsp. californica</i>	Goldenrod
<i>Stachys bullata</i>	Wood Mint
<i>Venegasia carpesioides</i>	Canyon Sunflower
<i>Verbena lasiostachys</i> var. <i>lasiostachys</i>	Western Vervain
Vines	
<i>Clematis ligusticifolia</i>	Creek Clematis
<i>Rosa californica</i>	California Wild Rose
<i>Rubus ursinus</i>	Wild blackberry

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January 4, 2015

Exhibit 2

A-4-STB-14-0073

Addendum

California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

RE: Appeal # A-4-STB-14-0073
CDP# 14CDH-00000-00017
Location 201 Toro Canyon Road, Santa Barbara County
APN 005-210-009

Dear Commissioners:

The following are my comments with regard to the above referenced Coastal Commission action. It should be noted that our property, at 3198 Via Real, is located in the general area, roughly 1,600 feet from the subject property, but I was not notified of the impending action. I learned about the county's hearing, with regard to this proposal, from a friend who was within the notification area a day or two prior to the hearing. Because of prior commitments, I arrived about one hour late to the hearing room, but by then the hearing was over.

I have three concerns about the approval of CDP 14CDH-00000-00017. The first concern is the impact of the water usage and the proposed water well on the ground water aquifer. The second is the impact of the graded road on the Environmentally Sensitive Habitat, namely the riparian habitat of the Toro Creek. Lastly, I fear the future impact on the entire coastal and county area by sending the message that grading and changing the use of a parcel, without obtaining the required approvals or permits, can be done with little consequence or financial impact.

I will elaborate on the first two concerns, as the third has already been stated. My concern with the water usage and proposed water well is the impact on the Toro Canyon Sub-Basin of the greater Carpinteria Groundwater Basin. My wife and I purchased our lot to build our home in 1989. At the time, the Montecito Water District had a moratorium on water meters, so in 1987 the developers we purchased the property from drilled a water well on the property to provide water for the proposed home. On August 4th, 1987, a "Water Well Completion Report" was prepared by Rick Hoffman & Associates in which they established the static water level in that well to be 25 feet below the ground surface. Our civil engineer, Lewis & Lewis Eng. established the well to be at approximately 53.5 feet above sea level. This would indicate the level of the above-mentioned aquifer was 28.5 feet above sea level.

In the early or mid-1990s, the Santa Barbara Polo and Racquet Club drilled a water well about 2,600 feet to our east to provide irrigation water for their polo fields. Once that well was in operation and the use of a "traveling gun" irrigator was used, we noticed our static water level dropped 10 feet to a level about 18.5 feet above sea level. At that time we became concerned about the dropping water level and as the MWD's water meter moratorium was over, we purchased metered water service from MWD on July 24th, 2002. Currently our static water level, in our well, is 50 feet below the surface or **3.5 feet above sea level**. This dramatic drop in our static water level could be the result of the current drought and/or the wells that provide water to the applicant's properties at 201 Toro Canyon Road and 200 Lambert Road, approximately 2,000 feet and 2,300 feet, respectively, from our well. We believe those wells have come into heavy

Exhibit 2

A-4-STB-14-0073 Addendum

use to irrigate the polo field (200 Lambert Road) and the newly created practice field (201 Toro Canyon Road). It should be noted that these properties use the “traveling gun” irrigators to irrigate these fields, observed operating during daytime hours when evaporation plays a substantial role in water consumption. This is during a time in which Montecito Water District users have been given water use quotas, are fined for excessive water usage, and are being asked to stop watering their landscaping.

Also worth taking note of is that in Thomas Mosby’s letter of November 21st, 2014, to the Santa Barbara County’s Department of Environmental Health, Tom states, “*MWD was informed by District customers of the failure of approximately three dozen private wells within its service boundary.*”

With such a low elevation of static water level in this aquifer, the fact that during pumping the water level in a water well will drop considerably, and the fact that the sea level fluctuates daily, it is my opinion that sea water intrusion could be a real threat to this aquifer should a high volume water well be permitted to be developed as a secondary groundwater source for this property, at this time. The threat of seawater intrusion would be even greater if the new well would be permitted to provide irrigation water to the applicant’s property at 200 Lambert Road.

The other concern I have is the graded road that now exists between the applicant’s adjacent properties. I have walked the Montecito Trails Foundation’s Toro Creek Connector Trail for many years. I do not remember a trail between these properties, but I would not say that a trail never existed. If it did exist, it was small enough not to be noticeable, and in no way existed in the manner that it does today. It also seems odd that a trail of any substance would exist between these two properties, as they were previously owned by separate entities, specifically the Carpinteria Unified School District and William V. Meeker, for many years. With no public access trail establishing travel between the two properties, a trespass situation could have been considered to exist. It is possible that there was a very old trail from some point in the past, in which ownership of both properties was the same. That being said, the existing old trail was in no way a graded road that carried farm equipment as it does now.

It has only been in the last few years that the creek bottom has not shown rocks and the width and grade of the claimed “trail” has allowed for farm equipment. It is my opinion that the allowance of this kind of grading in an ESH area could set a precedent for other developers in other ESH environments. I pose this question: where are there other newly constructed roadways allowed in ESH areas, in Santa Barbara County? I am attaching exhibit A, a photo of the current “trail/roadway” between these two properties, through the creek bed of Toro Canyon Creek.

Thank you in advance for considering my concerns. If you need any documentation such as the Hoffman Water Well Report or any other items, please feel free to request them.

Respectfully yours,

Ted Theilmann

theilmann2@cox.net

(805) 689-9896

3198 Via Real

Carpinteria, Ca. 93013

Exhibit A



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800

W33b

Appeal Filed: 12/16/14
 49th Day: 2/3/15
 Staff: D. Christensen - V
 Staff Report: 12/18/14
 Hearing Date: 1/7/15



STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

APPEAL NO.: A-4-STB-14-0073

APPLICANT: Scott Wood, CTS Properties

APPELLANTS: Commissioner Zimmer and Commissioner Howell

LOCAL GOVERNMENT: County of Santa Barbara

LOCAL DECISION: Coastal Development Permit (No. 14CDH-00000-00017) approved with conditions by Zoning Administrator on November 17, 2014

PROJECT LOCATION: 201 Toro Canyon Road, Santa Barbara County (APN 005-210-009)

PROJECT DESCRIPTION: Grading and importation of sand to create a horse pasture and exercise track, and to drill a new water well for irrigation.

STAFF RECOMMENDATION: Substantial Issue Exists

MOTION & RESOLUTION: Pages 7-8

NOTE: The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE EXISTS

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for a “no substantial issue” finding (for which a “no” vote is recommended) are found on **page 7-8**.

The standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project’s conformity to the policies contained in the certified County of Santa Barbara Local Coastal Program (LCP) or the public access policies of the Coastal Act. The appellants contend that the approved project is not consistent with

policies and provisions of the Coastal Act and Santa Barbara County's certified Local Coastal Program (LCP) regarding the protection of agricultural resources, environmentally sensitive habitat and water quality, including Land Use Plan (LUP) Policies 2-11, 8-2, 9-37, LUA-TC-2, LUA-TC-2.1, LUA-TC-5, BIO-TC-1, BIO-TC-1.1, BIO-TC-1.4, BIO-TC-4.1, Coastal Act Sections 30231, 30240, 30241, and 30242 (as incorporated into the LCP pursuant to Policy 1-1), and Coastal Zoning Ordinance (Article II) Sections 35-64(1) and 35-97.19. No public access policies were raised in the appeal.

Santa Barbara County approved a coastal development permit for the after-the-fact conversion of a row-crop agricultural field to a horse pasture and exercise track, involving 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds. fill), the importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture, installation of a stormwater runoff detention basin, and installation of a new water well for irrigation of the pasture, located on a 9-acre property at 201 Toro Canyon Road, in the western portion of Carpinteria Valley. The subject property is zoned Agriculture I (AG-I-20) and contains prime agricultural soils. The site has been used for agriculture since at least the 1950's, initially as an orchard and more recently to cultivate vegetable row crops. Lower Toro Creek, a significant stream that contains Southern Coast Live Oak riparian woodland vegetation and is designated as an Environmentally Sensitive Habitat (ESH), is located along the eastern boundary of the subject property. The previously existing row-crop agricultural field had occupied the majority of the site and was immediately adjacent to the riparian canopy of Toro Creek. The approved horse pasture and exercise track and associated grading are located in the same footprint as the previously existing row-crop agricultural field. Given the development's proximity to Toro Creek, the approved project includes an animal waste management plan, as well as riparian habitat restoration within 10 feet of the stream's riparian canopy on-site. Horses that would use the approved pasture and exercise track would be stabled on an adjacent property to the west that contains an existing equestrian facility and polo field and which is under the same ownership. The horses would be walked to the pasture from the adjacent property by crossing Toro Creek via an existing trail.

In its approval of the permit, the County did not analyze the approved development's consistency with the agriculture protection policies and provisions of the County LCP. It appears the County staff determined that the proposed development is an agricultural use. The County's staff report only indicates that the non-commercial keeping of horses (at a density not to exceed 1 horse per 20,000 sq. ft. of land) is an allowed use within the Agriculture I zoning designation. While the raising of animals is a permitted use within the Agriculture I zoning designation according to Section 35-68.3 of the Coastal Zoning Ordinance, the use must be agricultural in nature or allow existing agriculture to be maintained. The stated purpose of the Agriculture I designation in the LCP is to protect lands for long-term agricultural use and to preserve prime agricultural soils. In its approval of the permit, the County did not address this issue. Further, the County staff report acknowledges that the approved turf horse pasture and exercise track on the subject property is accessory to an existing private equestrian facility on the adjacent property. The subject development is not related to the cultivation of an agricultural commodity, and therefore does not constitute an agricultural use. Agricultural uses are uses of land directly related to the cultivation (grow and/or produce) of agricultural commodities for sale, including livestock and poultry and their products; field, fruit, nut, and vegetable crops; and nursery products. Equine keeping facilities are not to cultivate food, fiber, or plant material products for sale, and are therefore not an agricultural use. As such, the approved project has resulted in the conversion of cultivated

agricultural row-crops on agriculture-designated land to a non-agricultural equine pasture and exercise track for private recreation or “hobby” use. The approved conversion of the site to non-agricultural equestrian use raises a substantial issue regarding the development’s consistency with the agricultural protection policies of the LCP and the purpose of the Agriculture I zoning designation of the LCP, which is to protect lands for long-term agricultural use and to preserve prime agricultural soils.

Further, the approval of a new water well to irrigate the approved turf horse pasture raises a substantial issue regarding the protection of agriculture and other priority land uses where limited public services or public works capacity exists. The proposed well would extract water from the Toro Canyon Sub-basin of the Carpinteria Groundwater Basin. Individual groundwater wells for non-agricultural uses in the basin could deplete the groundwater resources available for agricultural uses, which is a priority use on the rural lands within the Carpinteria Valley. The County has indicated that applications for new private water wells in the County, including Toro Canyon, have increased dramatically within the last approximately two years. Given the extreme water supply jeopardy facing the area due to the current drought, the potential for cumulative, significant overdraft of groundwater exists and will intensify if the drought continues and reliance on groundwater increases to backfill missing surface water supplies. Under these conditions, agricultural wells could be adversely affected, or water rates increased. As such, the cumulative impacts of approved groundwater extractions for non-agricultural uses have the potential to adversely impact existing agriculture in the Carpinteria area, which is a priority land use. Groundwater elevations could fall due to basin depletion, driving up the cost of water extraction either directly (through the increased cost of energy to pump water from deeper levels) or indirectly through increased water rate assessments if water is supplied via the Water District. Individual wells could also result in overdraft of the groundwater resource and adversely impact sensitive riparian habitats and seeps which rely on groundwater, especially when considered cumulatively and under ongoing severe drought conditions.

A substantial issue is also raised regarding the approved development’s consistency with the ESH and water quality protection policies and provisions of the County LCP. The LCP requires a minimum buffer of 100 feet from major streams in rural areas. The approved development provides only a 10 foot buffer. The County’s staff report indicates that the 100 foot stream ESH buffer required by the LCP in rural areas is not warranted in this case because the approved horse pasture and exercise track and associated grading were sited in the existing disturbed area of the site within the same footprint as the existing row-crop agricultural field. The existing row-crop agricultural field pre-dates the effective date of the LCP and is considered a legal, non-conforming development with regard to the stream/ESH buffer. However, the approved project constitutes a change in use from agricultural row-crops to a non-agricultural equestrian pasture and track, so the approved development should comply with the existing standards of the LCP and not perpetuate the non-conformities of the prior use that is being eliminated. While the LCP provides that the minimum required buffers may be adjusted on a case-by-case basis in consideration of the site physical conditions and after consultation with the California Department Fish and Wildlife and the Regional Water Quality Control Board (Policy 9-37), the County’s findings in this case did not adequately justify the significant buffer reduction that was approved, and there is no evidence that the County consulted with the required resource agencies. The approved buffer reduction between the approved horse facility and the riparian

canopy has the potential to negatively impact the riparian ESH on the site, inconsistent with the habitat and water quality protection provisions of the LCP.

To determine whether the appeal raises a substantial issue, the Commission considers the following five factors: 1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP; 2) the extent and scope of the development as approved or denied by the local government; 3) the significance of coastal resources affected by the decision; 4) the precedential value of the local government's decision for future interpretation of its LCP; and 5) whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, the County's findings did not specifically address the development's consistency with the agricultural protection provisions of the LCP and, therefore, did not provide adequate evidence to support their conclusion that the approved development constitutes an agricultural use and that agricultural resources will not be adversely impacted. Since the County did not consider the development a change in use, the County also did not provide an adequate basis for reducing the required 100 foot riparian buffer to 10 feet, or an analysis of alternatives that could provide for the appropriate buffer from the sensitive riparian habitat. As such, there is inadequate factual evidence and legal support for the County's decision. The subject project is complete redevelopment of an agricultural property to an equestrian use that is immediately adjacent to a significant stream and riparian corridor that is considered ESH. As such, the significance of coastal resources and the extent and scope of the development is significant. The County's decision could also have significant precedential value for future CDP decisions because of the many rural, agricultural zoned properties in the County that may have similar development pressures and resource issues. Under the certified LCP, riparian habitats are specifically identified as unique, rare, and fragile habitats and specific policies are included in the LCP to provide protection of these resources. The certified LCP includes policies that require development adjacent to ESH to be designed and located in a manner that will avoid adverse impacts to habitat resources, such as adequate buffers. If development is not approved consistent with LCP policies, cumulative impacts could result in the degradation of coastal resources over time. The subject appeal not only raises local issues, but also has implications for resources of regional or statewide significance, such as the development of rural agricultural land for non-agricultural uses.

Staff recommends that the Commission find that a substantial issue exists with respect to the grounds raised by Commissioners Zimmer and Howell in the subject appeal, relative to the approved project's conformity to the policies and provisions of the certified LCP.

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APPENDIX A: Substantive File Documents

EXHIBITS

- Exhibit 1.** Vicinity Map
- Exhibit 2.** Parcel Map
- Exhibit 3.** Aerial Views
- Exhibit 4.** Site Plans
- Exhibit 5.** Final Local Action Notice
- Exhibit 6.** Appeal Form

I. APPEAL JURISDICTION AND PROCEDURES

A. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), a local government's actions on Coastal Development Permit applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Approvals of CDPs by cities or counties may be appealed if the development authorized is to be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section 30603(a)). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603(a)(4)). Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603(a)(5)).

In this case, the County's CDP approval is appealable to the Coastal Commission because the project site is located within 100 feet of a stream.

2. Grounds for Appeal

The grounds for appeal of a local government approval of development shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in the Coastal Act (See Public Resources Code Section 30603(b)(1)).

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, a substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on the substantial issue question. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side, at the Chair's discretion, to address whether the appeal raises a substantial issue. Pursuant to Section 13117 of the Commission's regulations, the only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local

government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised by the appeal.

4. De Novo Permit Hearing

Should the Commission determine that a substantial issue exists, the Commission will consider the CDP application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and, if the development is between the sea and the first public road paralleling the sea, the public access and recreation policies of the Coastal Act. Thus, the Commission's review at the de novo hearing is *not* limited to the appealable development as defined in this Section I. If a de novo hearing is held, testimony may be taken from all interested persons.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On November 17, 2014, the Zoning Administrator of the County of Santa Barbara approved Coastal Development Permit 14CDH-00000-00017 subject to multiple conditions for after-the-fact approval of unpermitted grading (6,850 cu. yds.) and the importation of 3,550 cu. yds. of sand to construct a five-acre horse pasture and exercise track. The approved project also includes installation of a new water well for irrigation of the turf pasture. The Zoning Administrator's approval of the CDP was not appealed locally (i.e. to the Planning Commission and/or the Board of Supervisors). The Notice of Final Action for the project was received by Commission staff on December 5, 2014 (**Exhibit 5**). The Commissioner's ten-working day appeal period for this action began on December 6, 2014 and concluded at 5 p.m. on December 19, 2014.

An appeal of the County's action was filed by Commissioners Zimmer and Howell on December 16, 2014, during the appeal period (**Exhibit 6**). Commission staff immediately notified the County, the applicant, and interested parties that were listed on the appeal form of the appeal, and requested that the County provide its administrative record for the permit. As of the date of this report, the administrative record has not yet been received from the County.

II. STAFF RECOMMENDATION FOR SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-STB-14-0073 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present (i.e., a tied vote results in a finding that a "substantial issue" is raised).

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-STB-14-0073 raises a **Substantial Issue** with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND PHYSICAL SETTING

On November 17, 2014, Santa Barbara County approved a coastal development permit for the after-the-fact conversion of a row-crop agricultural field to a horse pasture and exercise track, involving 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds. fill), the importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture, installation of a stormwater runoff detention basin, and installation of a new water well for irrigation of the pasture, located on a 9-acre property at 201 Toro Canyon Road, in the western portion of Carpinteria Valley, Santa Barbara County (**Exhibits 1-4**). The site is not developed with any buildings, nor were any approved in the subject permit. The subject property is zoned Agriculture I (AG-I-20) and contains prime agricultural soils.

The site has been used for agriculture since at least the 1950's, initially as an orchard and more recently to cultivate vegetable row crops. Lower Toro Creek is located along the eastern boundary of the subject property. Toro Creek is a significant stream in this area that contains Southern Coast Live Oak riparian woodland vegetation. The stream and its associated riparian habitat are designated as an Environmentally Sensitive Habitat (ESH) in the County's LCP. The previously existing row-crop agricultural field had occupied the majority of the site and was immediately adjacent to the riparian canopy of Toro Creek (**Exhibit 3**).

The approved horse pasture and exercise track and associated grading are located in the same footprint as the previously existing row-crop agricultural field. Given the development's proximity to Toro Creek, the approved project includes an animal waste management plan, as well as riparian habitat restoration within 10 feet of the stream's riparian canopy on-site. Horses that would use the approved pasture and exercise track would be stabled on an adjacent property to the west that contains an existing equestrian facility and polo field and which is under the same ownership (**Exhibit 3**). The horses would be walked to the pasture from the adjacent property by crossing Toro Creek via an existing trail. No commercial boarding or raising of horses is proposed.

B. APPELLANTS CONTENTIONS

The appeal filed by Commissioners Jana Zimmer and Erik Howell is attached as **Exhibit 6**. The appeal grounds assert that the approved development is inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) regarding the protection of agricultural resources, environmentally sensitive habitat and water quality, including Land Use Plan (LUP) Policies 2-11, 8-2, 9-37, LUA-TC-2, LUA-TC-2.1, LUA-TC-5, BIO-TC-1, BIO-TC-1.1, BIO-TC-1.4, BIO-TC-4.1, Coastal Act Sections 30231, 30240, 30241, and 30242 (as incorporated into the LCP pursuant to Policy 1-1), and Coastal Zoning Ordinance (Article II) Sections 35-64(1) and 35-97.19, as discussed below.

C. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified County of Santa Barbara Local Coastal Program (LCP). The appellants contend that the project, as approved by the County, is inconsistent with the County of Santa Barbara's LCP policies regarding the protection of agriculture, environmentally sensitive habitat, and water quality.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., Title 14, Section 13115(b)).

In evaluating the issue of whether the appeal raises a substantial issue, the Commission considers the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed below, the Commission determines that the appeal raises a substantial issue with regard to the grounds on which the appeal has been filed.

1. Agricultural Resources

The appellants assert that the proposed project fails to conform with the following LCP policies and provisions regarding protection of agriculture:

Land Use Plan Policy 1-1 states that all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County Land Use Plan as guiding policies.

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 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 non-agricultural 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) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.**

Section 30242 of the Coastal Act states:

All other lands suitable for agricultural use shall not be converted to non-agricultural 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.

Land Use Plan Policy 8-2 and Article II Zoning Ordinance Section 35-64(1):

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 with Section 30241 and 30242 of the Coastal Act.

Toro Canyon Plan Policy LUA-TC-2:

Land designated for agriculture within Toro Canyon shall be preserved and protected for agricultural use.

Toro Canyon Plan Development Standard 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.**

Toro Canyon Plan Policy LUA-TC-5:

The County should ensure that essential infrastructure for existing agricultural production is protected and maintained.

As described above, the approved development includes after-the-fact conversion of a row-crop agricultural field to a horse pasture and exercise track, involving 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds. fill), the importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture, installation of a stormwater runoff detention basin, and installation of a new water well for irrigation of the pasture.

In its approval of the permit, the County did not analyze the approved development's consistency with the agriculture protection policies and provisions of the County LCP. It appears the County staff determined that the proposed development is an agricultural use. The County's staff report only indicates that the non-commercial keeping of horses (at a density not to exceed 1 horse per 20,000 sq. ft. of land) is an allowed use within the Agriculture I zoning designation.

While the raising of animals is a permitted use within the Agriculture I zoning designation according to Section 35-68.3 of the Coastal Zoning Ordinance, the use must be agricultural in nature or allow existing agriculture to be maintained (not adversely impact agricultural production). The stated purpose of the Agriculture I designation in the LCP (Coastal Zoning Ordinance Section 35-68.1) is to protect lands for long-term agricultural use and to preserve prime agricultural soils. In its approval of the permit, the County did not address this issue.

Further, the County staff report acknowledges that the approved turf horse pasture and exercise track on the subject property is accessory to an existing private equestrian facility on the adjacent property. According to an internet property listing¹ for the subject property and the commonly owned adjacent property, the approved development appears to be described as an equestrian training track that is part of a larger equestrian and polo facility that is for private recreational use. The subject horse pasture and track is not related to the cultivation of an agricultural commodity, and therefore does not constitute an agricultural use. Coastal Zoning Ordinance Section 35-58 defines agriculture as follows:

***Agriculture:** The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Section 35-131 (General Regulations - Agricultural Sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter or any other similarly objectionable use.*

The raising and/or keeping of animals must be considered in the context of agricultural production - the cultivation (grow and/or produce) of agricultural commodities for sale, including livestock and poultry and their products; field, fruit, nut, and vegetable crops; and nursery products. Equine keeping facilities are not to cultivate food, fiber, or plant material products for sale, and are therefore not an agricultural use. As such, the approved project has resulted in the conversion of cultivated agricultural row-crops on agriculture-designated land to a non-agricultural equine pasture and exercise track for private recreation or “hobby” use.

A fundamental policy of the Coastal Act and the County LCP is the protection of agricultural lands. The Act and the LCP set a high standard for the conversion of any agricultural lands to other land uses. Coastal Act Section 30241 (which is incorporated into the LCP by Policy 1-1) protects prime agricultural land and requires that the maximum amount of prime agricultural land be maintained in production. Coastal Act Section 30242 (which is incorporated into the LCP by Policy 1-1) also protects all other lands suitable for agricultural use. The clear intent of Section 30241 is to maintain prime agricultural land in production and assure that agricultural land is not converted to non-agricultural land uses except in limited circumstances on the periphery of designated urban areas. Thus, Coastal Act Sections 30241 and 30242 prohibit the conversion of agricultural lands unless there is some basic incompatibility with immediately adjacent urban land uses that makes agricultural use no longer viable, or unless conversion would complete a logical urban area and/or help establish a stable urban-rural boundary that better protects agricultural land. Further, Policy 8-2 of the County’s certified LCP prohibits conversion of properties designated for agricultural use in the rural area unless the conversion of the property would allow for another priority use under the Coastal Act (e.g., coastal dependent industry, public recreation and access, or protection of an environmentally sensitive habitat), and is consistent with Coastal Act Section 30241 and 30242. The certified Toro Canyon Plan, which is an area plan component of the certified LCP for Toro Canyon, also contains policies and development standards (LUA-TC-2 and LUA-TC-2.1) that require land designated for agriculture be preserved and protected for agricultural use and restrict conversions to the limited circumstances described above.

¹ <http://emilykellenberger.com/200-lambert-road201-toro-canyon-road/> (accessed 12/17/14)

The subject property is located in a rural area of the County that has been used for cultivated agriculture for many decades and is adjacent to land that is used for cultivated agriculture. The California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program uses the Natural Resource Conservation Service's land capability classifications to classify and map agricultural lands as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. The map identifies the location and extent of the soils that are best suited for food, feed, fiber, forage, and oilseed crops. The best quality land is called Prime Farmland, consisting of areas with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. To qualify for this designation, the land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. According to the DOC Farmland map (2012), the western half of the subject property is designated as Prime Farmland. Unique Farmland is another DOC designation, consisting of lesser quality soils used for the production of agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. According to the DOC Farmland map (2012), the eastern half of the subject property is designated as Unique Farmland. As such, the subject property consists of prime agricultural land and land suitable for agriculture, as evidenced by the DOC and NRCS classification systems and the fact that the site has been in long-term agricultural orchard and row-crop use.

The approved conversion of the site to non-agricultural equestrian use raises a substantial issue regarding the development's consistency with the agricultural protection policies of the LCP outlined above and the purpose of the Agriculture I zoning designation of the LCP, which is to protect lands for long-term agricultural use and to preserve prime agricultural soils. Since continued agricultural use of the property appears to remain feasible, and the conversion does not allow for another priority use under the Coastal Act (e.g., coastal dependent industry, public recreation and access, or protection of an environmentally sensitive habitat), the circumstances that may permit conversion of the agricultural land to a non-agricultural use do not appear to exist in this case. Further, the County's findings did not address impacts to the long-term productivity of the agricultural soils on-site from the permitted use, grading, and the approved importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture.

Further, the approval of a new water well to irrigate the approved turf horse pasture raises a substantial issue regarding Coastal Act Section 30241 noted above, which requires that public service and facility expansions and non-agricultural development not, for example, impair agricultural viability through increased assessment costs or degraded air and water quality. The proposed well would extract water from the Toro Canyon Sub-basin of the Carpinteria Groundwater Basin. The County's staff report states that the groundwater basin is not in a state of overdraft (according to the Carpinteria Valley Water District) and an adequate supply of water is available for the proposed use. However, the State of California is currently facing one of the most severe droughts on record and given the water supply jeopardy facing the area due to the current drought, the potential for cumulative, significant overdraft of groundwater exists and may intensify if the drought continues and reliance on groundwater increases to backfill missing surface water supplies. The County has indicated that applications for new private water wells in the County, including Toro Canyon, have increased dramatically within the last approximately

two years. Individual groundwater wells for non-agricultural uses in the basin could deplete the groundwater resource for agricultural uses, which is a priority use on the rural lands within the Carpinteria Valley. Under these conditions, agricultural wells could be adversely affected, or water rates increased. As such, the cumulative impacts of approved groundwater extractions for non-agricultural uses have the potential to adversely impact existing agriculture in the Carpinteria area, which is a priority land use. Groundwater elevations could fall due to basin depletion, driving up the cost of water extraction either directly (through the increased cost of energy to pump water from deeper levels) or indirectly through increased water rate assessments if water is supplied via the Water District. The individual wells could also result in overdraft of the groundwater resource, especially when considered cumulatively. Therefore, issue is raised regarding the approved development's consistency with the policies and provisions of the County LCP regarding the protection of agriculture and other priority land uses where limited public services or public works capacity exists.

2. Environmentally Sensitive Habitat and Water Quality

The appellants assert that the approved project raises issues regarding consistency with the following LCP policies and provisions regarding environmentally sensitive habitat and water quality:

Land Use Plan Policy 1-1 states that all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County Land Use Plan as guiding policies.

Section 30231 of the Coastal Act 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, minimizing alteration of natural streams.

Section 30240 of the Coastal Act 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.**

Land Use Plan Policy 2-11 (Development Policies):

All development, including agriculture, adjacent to areas designated on the land use plan or resources 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.

Land Use Plan Definitions within the LCP Habitat Type Section for Streams:

Stream: watercourses, including major and minor streams, drainageways and small lakes, ponds and marshy areas through which streams pass. (Coastal wetlands are not included.)

Riparian Vegetation: vegetation normally found along the banks and beds of streams, creeks, and rivers.

Stream Corridor: a stream and its minimum prescribed buffer strip.

Buffer: a designated width of land adjacent to the stream which is necessary to protect biological productivity, water quality, and hydrological characteristics of the stream. A buffer strip is measured horizontally from the banks or high water mark of the stream landward.

Land Use Plan Policy 9-37 (Streams) and Article II Zoning Ordinance Section 35-97.19:

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 of 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
- 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 reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

Toro Canyon Plan Policy BIO-TC-1:

Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.

Toro Canyon Plan 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 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.

Toro Canyon Plan DevStd BIO-TC-1.4: (*COASTAL*)

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 and streams -100 feet in Rural areas and 50 feet in Urban areas and Rural Neighborhoods, as measured from the outer edge of the canopy or the top of creek bank², whichever is greater;
- Coast Live Oak Forests - 25 feet from edge of canopy;
- Monarch butterfly habitat - minimum 50 feet from any side of the habitat;
- Native grassland, minimum 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.

The buffer for Southern Coast Live Oak Riparian Forests and streams 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 in consultation with 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;
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.

Toro Canyon Plan DevStd BIO-TC-4.1: (*COASTAL*)

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 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.

LCP Policy 9-37 requires a minimum buffer of 100 feet from major streams in rural areas. The County's staff report indicates that the approved development will provide a 10 foot setback from the riparian canopy ESH, and riparian habitat restoration was proposed and approved within that buffer. The County's staff report indicates that the 100 foot stream ESH buffer required by the LCP in rural areas is not warranted in this case because the approved horse pasture and exercise track and associated grading were sited in the existing disturbed area of the site within the same footprint as the existing row-crop agricultural field. The existing row-crop agricultural field pre-dates the effective date of the LCP and is considered legal, non-conforming development with regard to the stream/ESH buffer. However, the approved project constitutes a change in use from agricultural row-crops to a non-agricultural equestrian pasture and track, so the approved development should comply with the existing standards of the LCP and not perpetuate the non-conformities of the prior use that is being eliminated (Coastal Zoning Ordinance Section 35-161).

Section 30240 of the Coastal Act, as incorporated in the LCP, requires that, when feasible, new development be designed and located in a manner that avoids adverse impacts to ESH. Toro Canyon Plan Policy BIO-TC-1 requires that Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced. Land Use Plan Policy 2-11 requires that development adjacent to ESH be regulated to avoid adverse impacts to habitat resources. And Section 30231 of the Coastal Act, as incorporated in the LCP, requires the maintenance of natural vegetation buffer areas that protect riparian habitats to protect water quality and biological productivity of coastal streams. To protect these resources, LCP Policy 9-37 requires a minimum buffer of 100 feet from major streams in rural areas. While Policy 9-37 also provides that the required buffers may be adjusted on a case-by-case basis in consideration of the site physical conditions and after consultation with the California Department Fish and Wildlife and the Regional Water Quality Control Board (Policy 9-37), the County's findings in this case did not adequately justify the significant buffer reduction that was approved, and there is no evidence that the County consulted with the required resource agencies. Adequate buffers are important to protect stream/riparian ESH from significant disruption of habitat values by providing a physical separation between development disturbance and the resource, and by providing area for infiltration of runoff, minimizing erosion and sedimentation, and minimizing the spread of invasive exotic vegetation that tends to supplant native species. The approved buffer reduction between the approved horse facility and the riparian canopy has the potential to negatively impact the riparian ESH on the site, inconsistent with the habitat and water quality protection provisions of the LCP that are stated above.

Further, the County must first analyze all feasible alternatives that would avoid adverse impacts to the riparian ESH rather than simply requiring maintenance of a non-conforming buffer and restoration within a 10 foot setback as mitigation for impacts that could otherwise be avoided. Moreover, the County's stated reason for a reduced riparian buffer in this case – that the prior non-conforming use on site had the same buffer - is not one of the bases for allowing a reduced buffer under Policy 9-37.

The approved project includes approval of a new water well to irrigate the approved turf horse pasture. Individual water wells have the potential to result in overdraft of the groundwater resource and adversely impact sensitive riparian habitats and seeps which rely on groundwater, especially when considered cumulatively and under ongoing severe drought conditions.

Therefore, a substantial issue is raised regarding the approved development's consistency with the ESH and water quality protection policies and provisions of the County LCP.

3. Substantial Issue Factors Considered by Commission

In evaluating the issue of whether the appeal raises a substantial issue, the Commission considers the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

The first factor in evaluating the issue of whether the appeal raises a substantial issue, is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. In this case, the County's findings did not specifically address the development's consistency with the agricultural protection provisions of the LCP and, therefore, did not provide adequate evidence to support their conclusion that the approved development constitutes an agricultural use and that agricultural resources will not be adversely impacted. Since the County did not consider the development a change in use, the County also did not provide an adequate basis for reducing the required 100 foot riparian buffer to 10 feet, or an analysis of alternatives that could provide for the appropriate buffer from the sensitive riparian habitat. As such, there is inadequate factual evidence and legal support for the County's decision.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. As described above, the subject project is complete redevelopment of an agricultural property to an equestrian use that is immediately adjacent to a significant stream and riparian corridor that is considered ESH. As such, the extent and scope of the development is significant.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. Two fundamental policies of the County's LCP are the protection of agricultural resources and environmentally sensitive habitat. The significance of coastal resources affected by the County's approval in this case are important

because the development will convert agricultural land to a non-agricultural use and provide an inadequate buffer from a natural stream/environmentally sensitive riparian habitat, which has the potential to result in adverse impacts to these coastal resources.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for future interpretation of its LCP. In this case, the primary issue raised relates to the approved development's consistency with the agricultural protection policies of the LCP, and the environmentally sensitive habitat/stream buffer provisions of the LCP. As such, the County's decision could have significant precedential value for future CDP decisions because of the many rural, agricultural zoned properties in the County that may have similar development pressures and resource issues. Under the certified LCP, riparian habitats are specifically identified as unique, rare, and fragile habitats and specific policies are included in the LCP to provide protection of these resources. The certified LCP includes policies that require development adjacent to ESH to be designed and located in a manner that will avoid adverse impacts to habitat resources, such as adequate buffers. If development is not approved consistent with LCP policies, cumulative impacts could result in the degradation of coastal resources over time.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. The subject appeal not only raises local issues, but also has implications for resources of regional or statewide significance, such as the development of rural agricultural land for non-agricultural uses.

In conclusion, the Commission finds that each of the factors listed above, used to evaluate whether a substantial issue exists, is satisfied in this case. For the reasons discussed in detail above, the appeal raises a substantial issue with respect to the consistency of the approved development with the policies and provisions of the County's certified LCP regarding agricultural resources, environmentally sensitive habitat, and water quality. In evaluating whether the subject appeal raises a substantial issue, the Commission has explicitly addressed several factors that play a part in identifying if the issues raised in an appeal are "significant". The Commission finds that there is not adequate factual and legal support for the County's position that the proposed project complies with LCP policies. Further, because the County has not ensured that the project conforms to the existing policies and provisions of the LCP and has not provided sufficient evidence to support its decision, the project will have adverse precedential value regarding interpretation of the County's LCP for future projects. Therefore, the Commission finds that a substantial issue exists with respect to the grounds raised by Commissioners Zimmer and Howell in the subject appeal, relative to the approved project's conformity to the policies and provisions of the certified LCP.

APPENDIX A

Substantive File Documents

Certified Santa Barbara County Local Coastal Plan; Santa Barbara County Zoning Administrator Staff Report dated October 31, 2014 (Case No. 14CDH-00000-00017) and attachments thereto; Santa Barbara County Notice of Final Action for Coastal Development Permit 14CDH-00000-00017 and attachments, dated December 2, 2014.

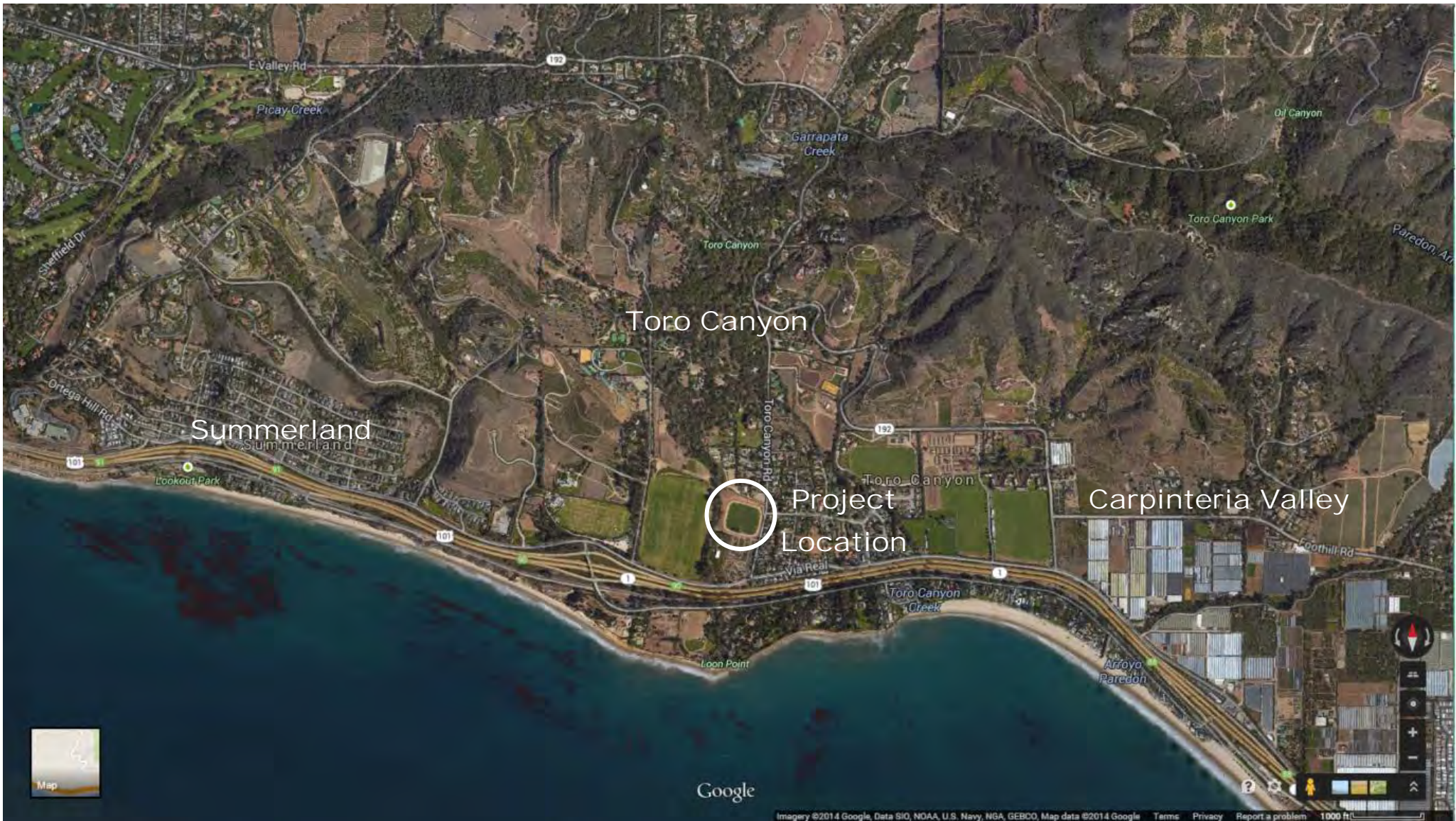


EXHIBIT 1
Vicinity Map
Appeal A-4-STB-14-0073

POR. PUEBLO LANDS

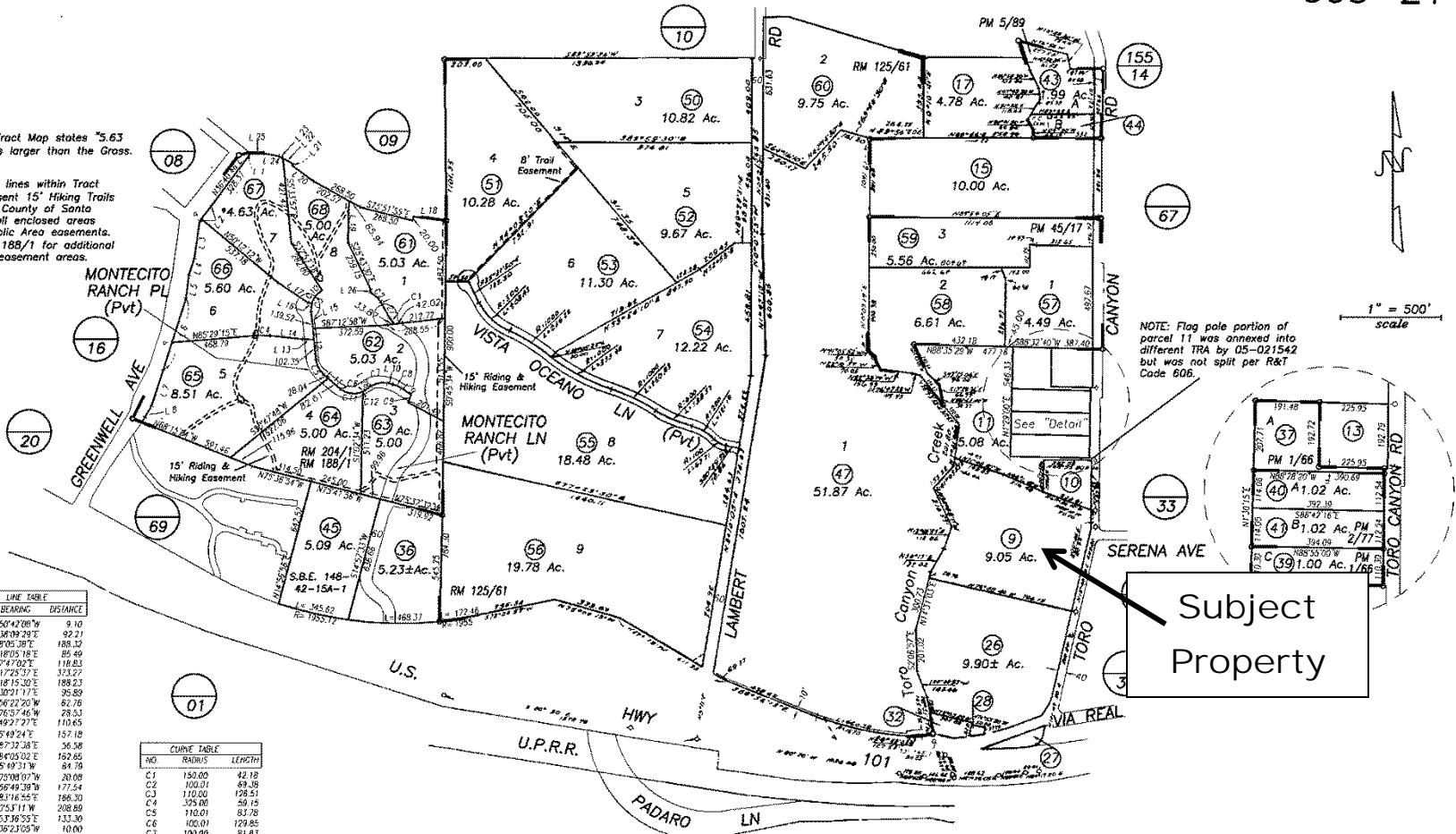
005-21

*Net Ac. on Tract Map states "5.63 Acres". This is larger than the Gross.

Note: Dashed lines within Tract 14,290 represent 15' Hiking Trails dedicated to County of Santa Barbara. Small enclosed areas represent Public Area easements. Refer to RM 188/1 for additional Open Space easement areas.

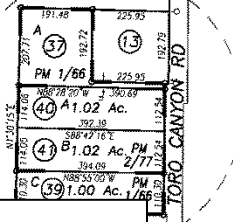
NO.	BEARING	DISTANCE
L 1	N50°42'08"W	9.10
L 2	N38°09'23"E	92.21
L 3	N8°05'39"E	188.32
L 4	N18°05'18"E	85.49
L 5	N7°47'02"E	118.83
L 6	N17°29'37"E	333.27
L 7	N12°15'30"E	188.23
L 8	N30°21'17"E	95.89
L 9	N56°22'20"W	62.76
L 10	N76°57'46"W	78.53
L 11	S49°27'27"E	110.65
L 12	S5°49'24"E	157.18
L 13	S67°32'38"E	56.58
L 14	S84°03'02"E	152.65
L 15	N5°09'31"W	84.78
L 16	N72°08'07"W	20.09
L 17	N66°44'39"W	177.54
L 18	S8°18'55"E	186.30
L 19	S0°57'11"W	208.69
L 20	S53°36'55"E	133.30
L 21	S36°23'09"W	109.69
L 22	N61°51'55"W	58.56
L 23	N61°51'55"W	29.94
L 24	S78°21'55"E	77.50
L 25	S86°38'25"E	75.08
L 26	S10°03'59"W	14.86
L 27	S28°58'18"E	88.70
L 28	S56°09'04"W	39.77

NO.	RADIUS	LENGTH
C 1	150.00	42.18
C 2	100.01	69.38
C 3	110.00	128.51
C 4	325.00	59.15
C 5	710.01	83.70
C 6	680.01	129.65
C 7	700.00	81.83
C 8	125.01	44.53
C 9	125.01	40.94
C 10	140.00	85.94
C 11	100.01	117.85
C 12	100.00	12.00



NOTE: Flag pole portion of parcel 11 was annexed into different TRA by 05-021542 but was not split per R&T Code 608.

Subject Property



Assessor's Map Bk, 005-Pg, 21
County of Santa Barbara, Calif.

LD/08 Reconfigure Montecito Ranch Ln, Add Montecito Ranch Pl.

12/20/2007 R.M. Bk. 204, Pg. 1-21 , Tract 14,290 (Amended)
11/12/2002 R.M. Bk. 188, Pg. 1-20 , Tract 14,290
02/28/1984 R.M. Bk. 125, Pg. 61-65 , Tract 13,033

EXHIBIT 2
Parcel Map
Appeal A-4-STB-14-0073



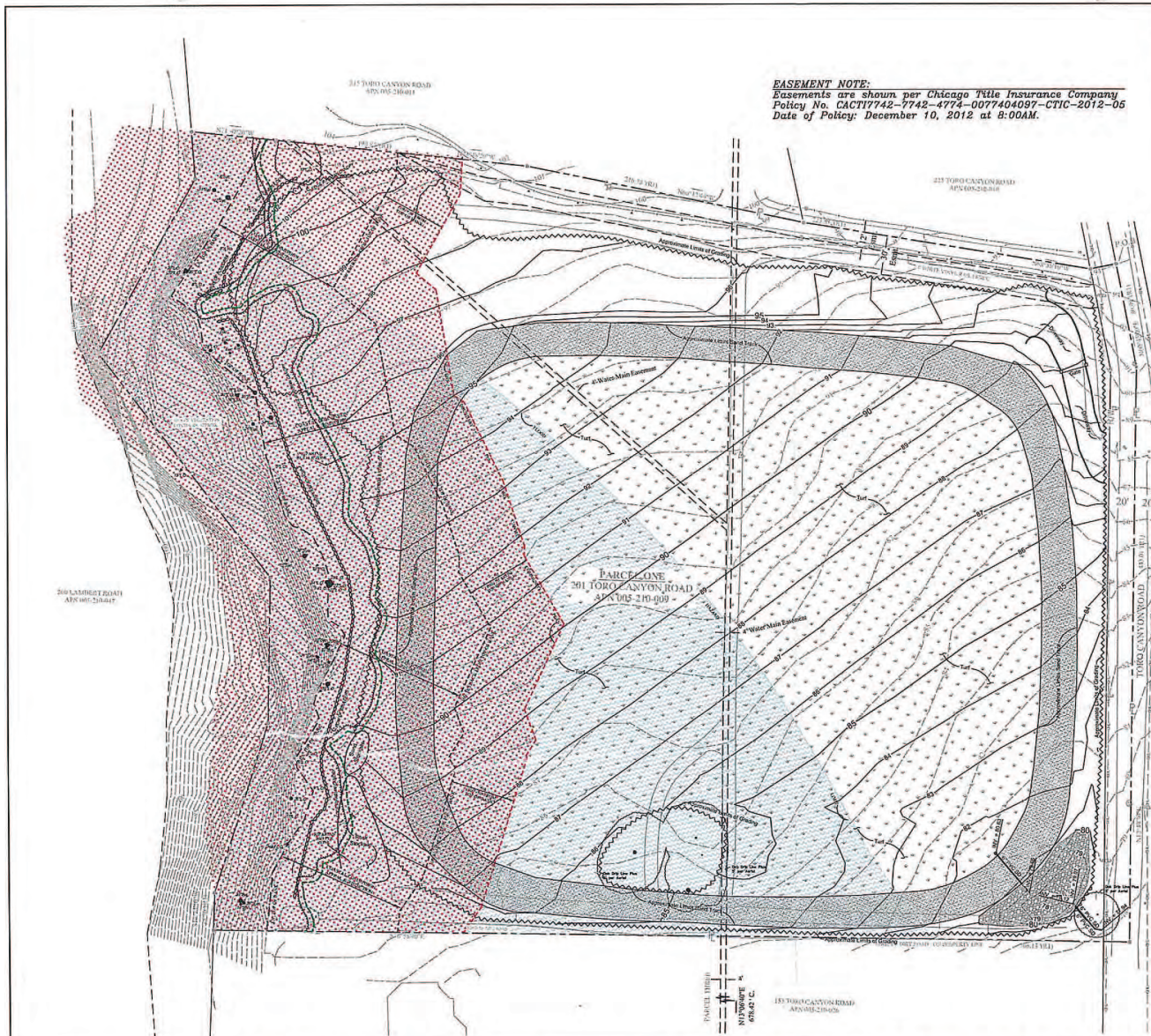
EXHIBIT 3
Aerial Views
Appeal A-4-STB-14-0073



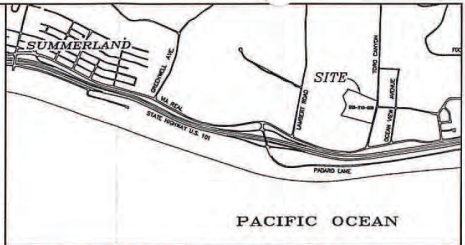
EXHIBIT 3
Aerial Views
Appeal A-4-STB-14-0073



EXHIBIT 3
Aerial Views
Appeal A-4-STB-14-0073



EASEMENT NOTE:
 Easements are shown per Chicago Title Insurance Company
 Policy No. CACTI7742-7742-4774-0077404097-CYIC-2012-05
 Date of Policy: December 10, 2012 at 8:00AM.



Notes

1. This plan was prepared by Sid Goldstien Civil Engineer to reflect the general existing conditions at this site. The background topo data was provided by the grading contractor and a cross-section (N/W to S/E) was field verified. Details at the settlement basin were based on field collected data.
2. Grading quantities were calculated based on the pre- to post grading conditions shown on this plan.
3. The grades shown across the field are relative while actual elevations may vary.
4. Tree canopies were created from google-earth images.
5. The subject parcel is shown on R/S Book 24 Page 46 and R/S Book 147 Page 97.
6. The ESH and FH overlays were obtained from Santa Barbara County Planning and Development.

TOTAL DISTURBED AREA: 305,894 S.F. (7.02 AC.)

CALCULATED EARTH WORK VOLUMES

CUT = 1,650 Cu. Yd.
 FILL = 5,200 Cu. Yd.
 NET FILL = 3,550 Cu. Yd.

LEGEND

- ENVIRONMENTALLY SENSITIVE HABITAT
 PER FIGURE 17 OF COUNTY OF SANTA BARBARA
 TORO CANYON PLAN
 DATED DECEMBER 2004
- FLOOD HAZARD AREA
 PER FIGURE 8 OF COUNTY OF SANTA BARBARA
 TORO CANYON PLAN
 DATED DECEMBER 2004
- RIPIARIAN CANOPY BUFFER ZONE
- EXISTING ROW OF ROCKS
 PER WATER SHED ENVIRONMENTAL INC.
 DISPLAY DATED 4/25/2014
- EXISTING TREE LOCATION
 PER WATER SHED ENVIRONMENTAL INC.
 DISPLAY DATED 4/25/2014
- EXISTING EDGE OF RIPIARIAN CANOPY
 PER WATER SHED ENVIRONMENTAL INC.
 DISPLAY DATED 4/25/2014
- EXISTING TREE TYPE ABBREVIATIONS
 LO = Coast Live Oak
 Sc = Sycamore
 Sc = Eucalyptus
 AW = Arroyo Willow
 PER WATER SHED ENVIRONMENTAL INC.
 DISPLAY DATED 4/25/2014



PREPARED FOR S.B. COUNTY
 CASE 13CDP-00054
 AS-BUILT GRADING PLAN
 AS OF 5-14-14

CAUTION:
 UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE
 ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR
 TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.

DATE	REVISIONS

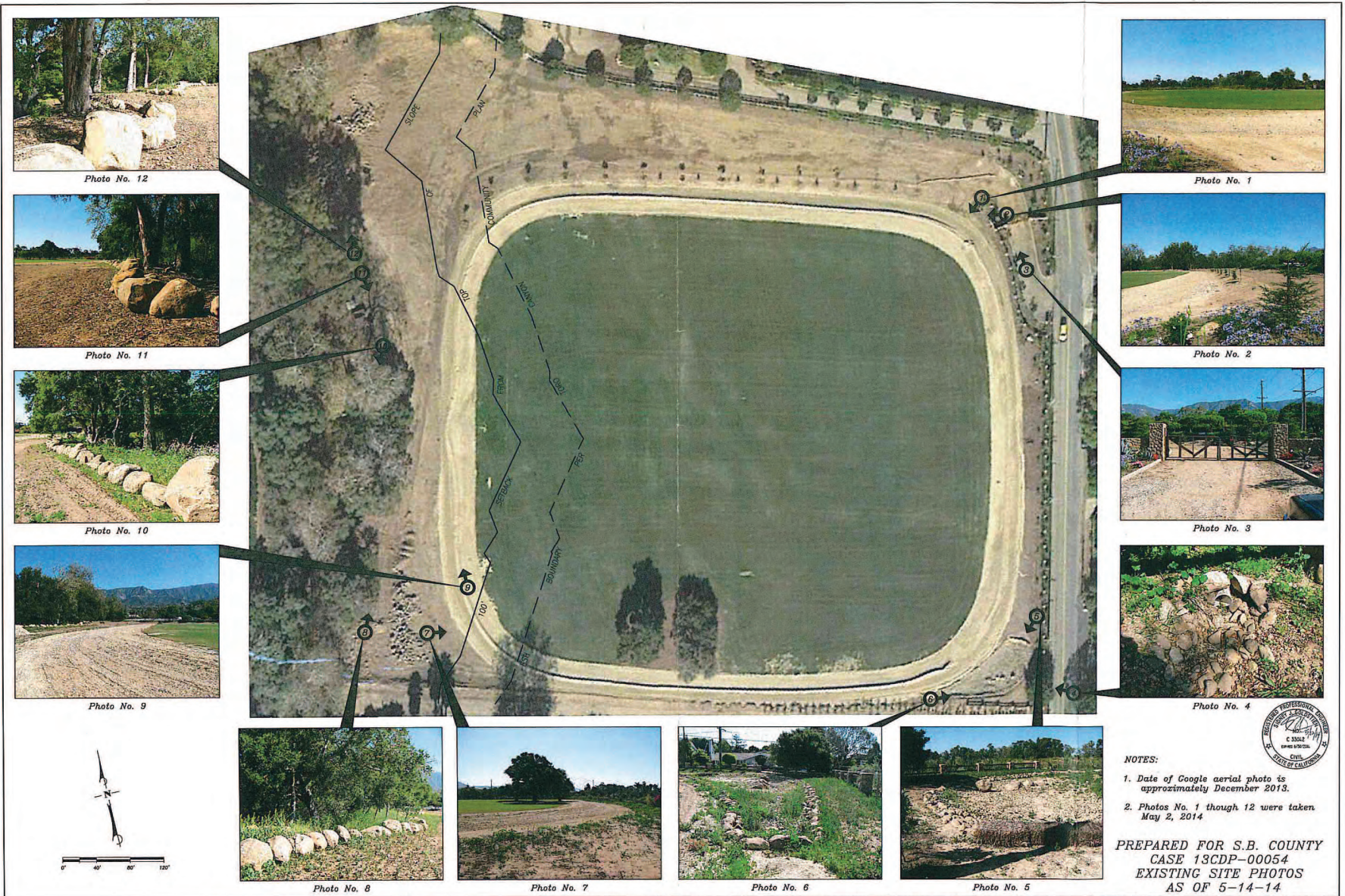
REVIEWED BY: _____
 REVIEWED BY: _____

SID GOLDSTIEN-CIVIL ENGINEER, INC.
 PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
 630 SAND PINEWOOD ROAD 800 488-1838
 SUITE 202 www.sidgoldstien.com FAX (805) 888-1833
 SUMMERLAND, CA 93083

DRAWN BY: CTF
 DATE: 5-14-14
 DISSEMINATED BY: SID GOLDSTIEN
 AS-BUILT

SCALE: 1" = 30'
 201 TORO CANYON ROAD
 COUNTY OF SANTA BARBARA
 CALIFORNIA
 APN-005-210-009

SHEET NO. 1 of 3
 FILE NO. 14-03-101



- NOTES:**
1. Date of Google aerial photo is approximately December 2013.
 2. Photos No. 1 through 12 were taken May 2, 2014.

PREPARED FOR S.B. COUNTY
 CASE 13CDP-00054
 EXISTING SITE PHOTOS
 AS OF 5-14-14

CAUTION:
 UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.

DATE:	REVISIONS

REVIEWED BY: _____
 REVIEWED BY: _____

SID GOLDSTIEN - CIVIL ENGINEER, INC.
 PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
 221 HAWK PTERRON ROAD 9200 949-428-1122
 SAN MARCO, CALIFORNIA 92078 www.sidgoldstien.com FAX (949) 588-5582
 SAN DIEGO, CA 92161

DRAWN BY: CTF DATE: 5-14-14
 DESIGNED BY: SID GOLDSTIEN
 AS-BUILT R.C.E. SB_0415
 (expires 8-30-14)

SCALE: 1" = 30'
 201 TORO CANYON ROAD
 COUNTY OF SANTA BARBARA
 CALIFORNIA
 APN-005-210-009

SHEET NO. 2 of 3
 FILE NO. 14-03-101

EXHIBIT 4
 Site Plans
 Appeal A-4-STB-14-0073



NOTES:
 1. Date of Google aerial photo is approximately April 2011.

PREPARED FOR S.B. COUNTY
 CASE 13CDP-00054
 HISTORICAL AERIAL PHOTO
 AS OF APRIL, 2011



CAUTION: UNDERGROUND UTILITIES EXIST. CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 1-800-422-4133 TWO (2) WORKING DAYS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.	REVISIONS	REVIEWED BY:	REVIEWED BY:	SID GOLDSTIEN-CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 652 AVADO PARKWAY NORTH SUITE 202 BERKELEY, CA 94704 phone: 415-854-8888 www.sidgoldstien.com FAX: (415) 854-1535	DRAWN BY: CTW	DATE: 5-14-14	SCALE: 1" = 30'	201 TORO CANYON ROAD COUNTY OF SANTA BARBARA CALIFORNIA APN-006-210-009	SHEET NO. 3 of 3 FILE NO. 14-03-101
	DATE:					DESIGNED BY: R.C.D. R.S. O'LEARY AS-BUILT			

EXHIBIT 4
 Site Plans
 Appeal A-4-STB-14-0073

4-STB-14-1071

**County of Santa Barbara
Planning and Development**

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director



NOTICE OF FINAL ACTION

DATE: December 2, 2014

CCS 05 2014 BIV

TO: California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

California Coastal Commission
South Central Coast District

On November 17, 2014 Santa Barbara County took final action on the appealable development described below:

Appealable Coastal Development Permit 14CDH-00000-00017

Project Applicant:
Christopher Price
Price Postel & Parma, LLP
200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101

Property Owner:
Scott Wood, CTS Properties
3 Allen Center
333 Clay Street
Houston, TX 77002

Project Description: Hearing on the request of Christopher Price, agent for the owner, CTS Properties, to consider Case No. 14CDH-00000-00017 [application filed on June 24, 2014], for a Coastal Development Permit in compliance with Section 35-169 of Article II, the Coastal Zoning Ordinance, on property zoned AG-I-20 to allow grading and importation of 3,550 cubic yards of sand to create a horse pasture and exercise track, and to drill a new water well for irrigation; and to determine the project is exempt pursuant to sections 15303 and 15304(a) of the State Guidelines for Implementation of the California Environmental Quality Act.

Location: The application involves AP No. 005-210-009, located at 201 Toro Canyon Road, in the Toro Canyon area, First Supervisorial District.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Julie Harris, the case planner at (805) 568-3518 if you have any questions regarding the County's action or this notice.

Julie Harris
Julie Harris, Project Planner

12/2/2014
Date

Attachment: Final Action Letter dated November 21, 2014

EXHIBIT 5
County Final Local Action Notice
Appeal A-4-STB-14-0073

cc: Case File: 14CDH-00000-00017
David Villalobos, Hearing Support

G:\GROUP\PERMITTING\Case Files\CDH\14 Cases\14CDH-00000-00017 CTS Grading\Hearing Support\nofa.doc



COURT HOUSE

COUNTY OF SANTA BARBARA CALIFORNIA

ZONING ADMINISTRATOR

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000

November 21, 2014

Christopher Price
Price Postel & Parma
200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101

ZONING ADMINISTRATOR
HEARING OF NOVEMBER 17, 2014

RE: CTS Properties Grading and New Wall, 14CDH-0000-00017

Hearing on the request of Christopher Price, agent for the owner, CTS Properties, to consider Case No. 14CDH-00000-00017 [application filed on June 24, 2014], for a Coastal Development Permit in compliance with Section 35-169 of Article II, the Coastal Zoning Ordinance, on property zoned AG-I-20 to allow grading and importation of 3,550 cubic yards of sand to create a horse pasture and exercise track, and to drill a new water well for irrigation; and to determine the project is exempt pursuant to sections 15303 and 15304(a) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 005-210-009, located at 201 Toro Canyon Road, in the Toro Canyon area, First Supervisorial District.

Dear Mr. Price:

At the regular hearing of the Santa Barbara County Zoning Administrator on November 17, 2014, Case No. 14CDH-00000-00017 marked "Officially Accepted, County of Santa Barbara November 17, 2014, Zoning Administrator Attachment D" was conditionally approved, based upon the project's consistency with the Comprehensive Plan including the Coastal Land Use Plan and Toro Canyon Plan and based on the ability to make the required findings. The Zoning Administrator also took the following action:

1. Made the required findings for the project as specified in Attachment A of the staff report dated October 31, 2014, including CEQA findings;
2. Determined the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15303 and 15304(a) of CEQA, included as Attachment C of the staff report dated October 31, 2014; and
3. Approved the project subject to the Conditions of Approval in Attachment B of the staff report dated October 31, 2014.

The Findings, Coastal Development Permit, and the Conditions of Approval reflect the action of the Zoning Administrator and are included in this letter as Attachment A and Attachment B.

- The action of the Zoning Administrator to approve, conditionally approve, or deny the project may be appealed to the Planning Commission by the applicant, or an aggrieved person, as defined under Section 35-58 of the Coastal Zoning Ordinance, adversely affected by the decision within the 10 calendar days following the date of action by the Zoning Administrator.
- An appeal, which shall be in writing, shall be filed with the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to expiration of the appeal period specified above.
- This project is defined as development that may be appealed to the Coastal Commission in compliance with Public Resources Code Section 30603(a), therefore a fee is not required to file the appeal.
- Please be advised that if a local appeal is filed, the final action on the appeal by the Board of Supervisors to approve or conditionally approve the project may be appealed to the California Coastal Commission.
- **Local appeal period expires on Monday, December 1, 2014 at 5:00 P.M.**

Sincerely,


Linda Lin
Zoning Administrator

xc: Case File:14CDH-00000-00017
Hearing Support Zoning Administrator File
Owner: Scott Wood, CTS Properties, 3 Allen Center, 333 Clay Street, Houston TX 77002
Address File:201 Toro Canyon Road, Toro Canyon,
Shana Gray, California Coastal Commission, 89 South California St., Ste 200, Ventura, CA 93001
County Surveyor's Office
Supervisor: Salud Carbajal, First District Supervisor
Planner: Julie Harris

**Attachments: Attachment A – Findings
Attachment B – Coastal Development Permit & Conditions of Approval**

LL:sf

ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS

1.1 CEQA Exemption

The Zoning Administrator finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 and 15304(a). Please see Attachment C, Notice of Exemption, herein incorporated by reference.

2.0 ADMINISTRATIVE FINDINGS

Article II Coastal Zoning Ordinance Coastal Development Permit Findings

2.A. Finding required for all Coastal Development Permits. *In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.*

As discussed in Section 5.3 of the staff report dated October 31, 2014, herein incorporated by reference, adequate services are available to serve the project. Therefore, this finding can be made.

2.B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. *In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings:*

2.B.1. The development conforms:

- a. *To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;*
- b. *With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).*

As discussed in Sections 5.3 and 5.4 of the staff report dated October 31, 2014, herein incorporated by reference, the development conforms to the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan, and with the applicable provisions of Article II. Therefore, this finding can be made.

2.B.2. The development is located on a legally created lot.

The development is located on a legally created lot as referenced by Book 16 Page 93 and Book

18 Page 118 of Record of Surveys. Therefore, this finding can be made.

- 2.B.3. *The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).*

The project is the result of zoning and grading enforcement cases (Case Nos. 13ZEV-00000-00095 and 13BDV-00000-00095). Approval and issuance of the Coastal Development Permit and a follow-up grading permit will abate the zoning and grading code violations. Applicable zoning violation enforcement fees and processing fees have been paid. Therefore, this finding can be made.

- 2.B.4. *The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.*

The project consists grading to create a pasture and exercise track for horses and drilling a water well. A split rail fence borders the site along Toro Canyon Road. The development will not obstruct public views of any public road. There are no recreation areas in the immediate vicinity of the site. Therefore, this finding can be made.

- 2.B.5. *The development is compatible with the established physical scale of the area.*

The project consists grading to create a pasture and exercise track for horses and drilling a water well. A fence with stone-clad support columns with wooden rails in between, less than five feet in height, borders the site along Toro Canyon Road and the southern property boundary. The development is compatible with the established physical scale of the area, which includes adjacent agricultural properties, rural residential development, and single family homes. Therefore, this finding can be made.

- 2.B.6. *The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.*

The development complies with the public access and recreation policies of Article II, the Comprehensive Plan and the Coastal Land Use Plan because there are no recreational uses or trails on the subject property. The site is not located adjacent to the ocean or beach where public access would be desired. A public trail located on the adjacent property to the west, near the top of the west bank of Toro Creek, would be unaffected by the project. Therefore, this finding can be made.

- 2.C. *Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH)*

***Overlay.** In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay zone the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.*

As discussed in Section 5.4 of the staff report dated October 31, 2014, herein incorporated by reference, the development meets the applicable development standards for the riparian ESH Overlay. Therefore, this finding can be made.

2.D. Additional findings required for sites within the Toro Canyon Plan area.

2.D.1. In compliance with Section 35-194.6.3 of the Article II Zoning Ordinance, upon recommendation by the Board of Architectural Review, the review authority may approve or conditionally approve an application for a Coastal Development Permit on sites within the Toro Canyon Plan area that includes an exemption to architectural review standards h. or i. of Section 35-194.6.3. 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.

The project is exempt from design review because there are no buildings proposed. Grading does not require design review. The only development above grade consists of a wood rail fence with stone clad support columns of less than five feet in height along Toro Canyon Road and the southern property line, which is exempt from permits (Article II Section 35-169.2.1.b) and design review (Article II Section 35-184.3.1.d). Therefore, this finding does not apply.

2.D.2. In compliance with Section 35-194.9 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Toro Canyon Plan that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use the review authority shall first make all of the following findings:

The project does not result in a deviation from a policy or standard of the Local Coastal Program but conforms to the applicable provisions as discussed in Sections 5.3 and 5.4 of the staff report dated October 31, 2014, herein incorporated by reference. Therefore, this finding can be made.



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 14CDH-00000-00017

Project Name: CTS Properties Grading and New Well

Project Address: 201 Toro Canyon Road

Assessor's Parcel No.: 005-210-009

Applicant Name: Scott Wood, CTS Properties

The Zoning Administrator hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Associated Case Number(s): Not applicable

Project Description Summary: Grading (1,650 cubic yards cut, 5,200 cubic yards fill) with importation of approximately 3,550 cubic yards of sand to create horse pasture and exercise track and new irrigation well.

Project Specific Conditions: See Attachment A

Permit Compliance Case: ___ Yes ___ No

Permit Compliance Case No.: Not applicable

Appeals: The approval of this Coastal Development Permit may be appealed to the County Planning Commission by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before December 1, 2014.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore, a fee is not required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on or about December 22, 2014, provided an appeal of this approval has not been filed.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to

ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

1. **Proj Des-01 Project Description.** This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Attachment D, dated November 17, 2014, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project would abate zoning and grading violations (Case Nos. 13ZEV-00000-00095 and 13BDV-00000-00095) and would permit, after-the-fact, grading over a seven-acre area to create an approximately four-acre pasture and one-acre perimeter exercise track for horses. The grading involves 1,650 cubic yards of cut and 5,200 cubic yards of fill to level an existing agricultural field previously used to grow row crops, and the importation of approximately 3,550 cubic yards of sand blended into the native soil. The project includes re-contouring the site to achieve a uniform 1% to 2% grade sloping to the southeast in order to direct runoff away from Toro Creek and into a 0.07-acre storm water detention basin. The detention basin discharges to Toro Canyon Road. No impervious surfaces or structural development is associated with the project.

Horses that would use the pasture and exercise track would be stabled on the adjacent property to the west, which is under the same ownership. The horses would be walked from the adjacent property across Toro Creek via an existing trail. No commercial boarding or raising of horses is proposed or would be allowed. The project includes an animal waste management plan to prevent horse waste from entering Toro Creek. The project includes riparian habitat buffer restoration within the buffer of Toro Creek pursuant to the recommendations of Watershed Environmental in the report dated May 15, 2014 (on file and available upon request).

The project also includes drilling a new well near the northwest corner of the property to provide water to irrigate the pasture. The new well is proposed to be approximately 800 ft. deep. An electrical supply is proposed to provide energy to operate the pump. Access to the property is from Toro Canyon Road.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions by Issue Area

3. **Aest-10 Lighting – Special.** No night-time lighting is allowed.
4. **Bio-10 Storm Water BMPs Special – Manure Management Plan.** To minimize pollutants impacting Toro Creek and downstream water bodies or habitat, the applicant shall implement the horse manure management plan (stamped received May 20, 2014). The plan shall incorporate Best Management Practices (BMPs) to prevent the introduction of sediments, manure, pollutants, and pesticides into Toro Creek and downstream water bodies or habitat. No pesticides or herbicides shall be used within the ESH or buffer except in conformance with the provisions of Toro Canyon Plan DevStd BIO-TC-1.7. The plan, stamped received May 20, 2014, shall be revised to remove wash rack design.
PLAN REQUIREMENTS AND TIMING: The plan shall be revised and submitted to P&D for approval prior to issuance of the Coastal Development Permit.
5. **Noise-02 Construction Hours (Well Drilling).** The Owner/Applicant, including all contractors and subcontractors shall limit well drilling and construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No well drilling or construction shall occur on weekends or State holidays. Non-noise generating activities are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.
PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all drilling site entries.
TIMING: Signs shall be posted prior to commencement of well drilling and maintained throughout drilling activities.
MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors shall spot check and respond to complaints.
6. **Animal Keeping – Special.** The applicant shall not keep more than a maximum of 19 horses on the nine-acre parcel at any one time.

Water Well Conditions

7. **Wells-05 Sump and Disposal Areas.** All drilling effluent shall be collected in an earthen sump (approx. 300 sq. ft. in area, 1½ to 2 feet deep) and disposed of at a location acceptable to Environmental Health Services and Planning and Development.
PLAN REQUIREMENTS: Prior to issuance of the Coastal Development Permit, the applicant shall submit plans for the sump and disposal areas to Environmental Health Services and Planning and Development for review and approval. The sump and disposal areas shall not be located within the riparian buffer of Toro Creek. The sump and disposal areas shall be depicted on final plans.
TIMING: Sump and disposal areas shall be constructed prior to commencement of well drilling.

8. **Wells-08 Water Use for Specific Lot.** Water well shall be used solely for the lot identified as APN 005-210-009. Water use on a separate lot shall require further review and the appropriate permit(s).

County Rules and Regulations

9. **Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169]
10. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
11. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
12. **Rules-10 CDP Expiration-No CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Zoning Administrator. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
13. **Rules-23 Processing Fees Required.** Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
14. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

15. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. The Owner/Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
16. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
17. **Rules-35 Limits-Except DPs.** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
18. **Rules-37 Time Extensions-All Projects.** The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



SANTA BARBARA COUNTY ZONING ADMINISTRATOR STAFF REPORT

October 31, 2014

PROJECT: CTS Properties Grading and New Well
HEARING DATE: November 17, 2014
STAFF/PHONE: Julie Harris, (805) 568-3518

GENERAL INFORMATION

Case No.

14CDH-00000-00017

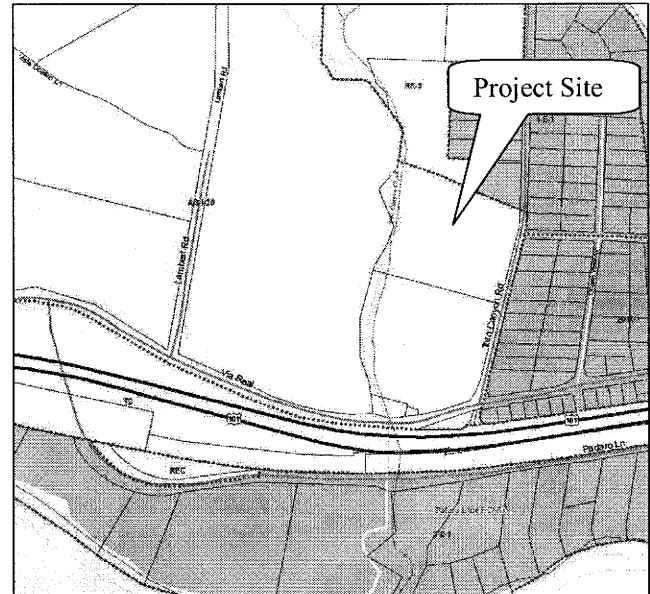
APN: 005-210-009

Applicant/Phone:

Scott Wood, CTS Properties
3 Allen Center
333 Clay Street
Houston, TX 77002
(713) 812-1800

Agent/Phone

Christopher Price
Price, Postel & Parma LLP
200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101
(805) 962-0011



1.0 EXECUTIVE SUMMARY

The proposed project would abate zoning and grading permit violations (Case Nos. 13ZEV-00000-00095 and 13BDV-00000-00095) that resulted from unpermitted grading (1,650 cubic yards cut, 5,200 cubic yards fill) and the importation of approximately 3,550 cubic yards of sand to amend the soil to create a horse pasture and exercise track. A portion of the unpermitted grading occurred within the Coastal Zone Appeal Jurisdiction associated with Toro Creek along the western property boundary. The project includes restoration on the property within the buffer of the Southern Coast Live Oak Riparian habitat associated with Toro Creek. In addition, the applicant proposes to drill a new well in the northwest corner of the property to provide irrigation for the new pasture.

2.0 REQUEST

Hearing on the request of Christopher Price, agent for the owner, CTS Properties, to consider Case No. 14CDH-00000-00017 [application filed on June 24, 2014], for a Coastal Development Permit in compliance with Section 35-169 of Article II, the Coastal Zoning Ordinance, on property zoned AG-I-20 to allow grading and importation of 3,550 cubic yards of sand to create a horse pasture and exercise track, and to drill a new water well for irrigation; and to determine the project is exempt pursuant to sections 15303 and 15304(a) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 005-210-009, located at 201 Toro Canyon Road, in the Toro Canyon area, First Supervisorial District.

3.0 RECOMMENDATION

Follow the procedures outlined below and conditionally approve 14CDH-00000-00017 as depicted on the site plans (Attachment D), based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan, and the ability to make the required findings.

The Zoning Administrator's action should include the following:

- Make the required findings for the project as specified in Attachment A of this staff report, including CEQA findings;
- Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15303 and 15304(a) of CEQA, included as Attachment C, and
- Approve the project subject to the Conditions of Approval in Attachment B.

4.0 PROJECT SPECIFICATIONS

Site Size:	9.05 acres
Comprehensive Plan Designation:	Coastal Zone, Toro Canyon Plan Area, Rural, A-I-20
Ordinance/Zoning:	Article II Coastal Zoning Ordinance, Coastal Commission Appeal Jurisdiction, AG-I-20, Environmentally Sensitive Habitat Overlay (Riparian), Flood Hazard Overlay
Surrounding Use, Zoning:	North: Rural Residential, RR-5 and 1-E-1 South: Agriculture, AG-I-20 East: Residential, 1-E-1 and 20-R-1 West: Agriculture, AG-I-20
Services/Systems:	Water: Proposed private irrigation well Sewer: Not applicable Fire: Carpinteria-Summerland Fire Protection District Access: Toro Canyon Road Police: County Sheriff
History:	The site has been used for agriculture since at least the 1950s, initially as an orchard and more recently to cultivate vegetable row crops. The site is not developed with any buildings.
Present Use and Development:	Horse pasture and exercise track

5.0 PROJECT ANALYSIS

5.1 Project Description

The proposed project would abate zoning and grading violations (Case Nos. 13ZEV-00000-00095 and 13BDV-00000-00095) and would permit, after-the-fact, grading over a seven-acre area to create an approximately four-acre pasture and one-acre perimeter exercise track for horses. The grading involves 1,650 cubic yards of cut and 5,200 cubic yards of fill to level an existing agricultural field previously used to

grow row crops, and the importation of approximately 3,550 cubic yards of sand blended into the native soil. The project includes re-contouring the site to achieve a uniform 1% to 2% grade sloping to the southeast in order to direct runoff away from Toro Creek and into a 0.07-acre storm water detention basin. The detention basin discharges to Toro Canyon Road. No impervious surfaces or structural development is associated with the project.

Horses that would use the pasture and exercise track would be stabled on the adjacent property to the west, which is under the same ownership. The horses would be walked from the adjacent property across Toro Creek via an existing trail. No commercial boarding or raising of horses is proposed or would be allowed. The project includes an animal waste management plan to prevent horse waste from entering Toro Creek. The project includes riparian habitat buffer restoration within the buffer of Toro Creek pursuant to the recommendations of Watershed Environmental in the report dated May 15, 2014 (on file and available upon request).

The project also includes drilling a new well near the northwest corner of the property to provide water to irrigate the pasture. The new well is proposed to be approximately 800 ft. deep. An electrical supply is proposed to provide energy to operate the pump. Access to the property is from Toro Canyon Road.

5.2 Environmental Review

The project can be found exempt from CEQA pursuant to CEQA Guidelines Sections 15303 and 15304(a). Please refer to Attachment C.

5.3 Policy Consistency

The project site is located within the Coastal Zone and the Toro Canyon Planning area; therefore, the following policies apply. Although the site is zoned and has been used for agriculture for many decades, it is not subject to a Williamson Act Agricultural Preserve Contract.

REQUIREMENT	DISCUSSION
<p><i>Coastal Land Use Plan (CLUP) Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p> <p><i>CLUP Policy 2-4: Within designated urban</i></p>	<p>Consistent: The property takes access directly from a public road, Toro Canyon Road. However, horses to be pastured and exercised at the site would be walked from the adjacent property to the west, where they would be stabled. Therefore, access to the site is adequate to serve the project.</p> <p>No buildings currently exist on the site and none are proposed. Therefore, sewage disposal is not required.</p> <p>The project site is located within the Montecito Water District's service area but district water is currently not available to serve the project. However, the site is not located within an urban area and, therefore, is not required to be served by a public water district. Only</p>

REQUIREMENT	DISCUSSION
<p><i>areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.</i></p>	<p>irrigation water would be required to maintain the pasture. The proposed well would provide the irrigation. The proposed well would extract water from the Toro Canyon Sub-basin of the Carpinteria Groundwater Basin. According to the Carpinteria Valley Water District, this groundwater basin is not in a state of overdraft (Q&A Carpinteria Groundwater Basin, August 20, 2014, http://www.cvwd.net). Therefore, it would provide an adequate supply for the proposed use.</p>
<p>CLUP Policy 2-11: <i>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.</i></p> <p>CLUP Policy 9-37: <i>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:</i></p> <ul style="list-style-type: none"> a. <i>soil type and stability of stream corridors;</i> b. <i>how surface water filters into the ground;</i> c. <i>slope of the land on either side of the stream; and</i> d. <i>location of the 100-year flood plain boundary.</i> <p><i>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</i></p>	<p>Consistent: The project site is located in a rural area; therefore, the minimum stream buffer is presumptively 100 feet. A portion of the pasture and exercise track were developed within the minimum prescribed buffer along with overall grading to level the site. However, agricultural cultivation has been conducted within this area for several decades, commencing prior to the certification of the County's Local Coastal Program.</p> <p>The applicant requests that the minimum prescribed buffer be adjusted downward to coincide with the riparian tree canopy plus 10 feet because the past agricultural practices had already impacted this area by removing native understory and preventing the re-establishment of riparian vegetation. In addition, the applicant proposes a riparian buffer re-vegetation plan to enhance riparian habitat within the proposed adjusted buffer (prepared by a qualified biologist, Watershed Environmental, May 15, 2014). Considering the past disturbance resulting from ongoing agricultural activities, the one-time grading that resulted from this project that would not be repeated, and the proposed restoration, allowing the buffer adjustment for this grading project would be consistent with these policies calling for protection, and restoration, of riparian environmentally sensitive habitats and buffers.</p>

REQUIREMENT	DISCUSSION
<p><i>allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.</i></p> <p><i>Toro Canyon Plan Policy BIO-TC-1:</i> <i>Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.</i></p> <p><i>Toro Canyon Plan DevStd BIO-TC-1.4:</i> <i>(COASTAL) Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH):</i></p> <ul style="list-style-type: none"> • <i>Southern Coast Live Oak Riparian Forest corridors and streams - 100 feet in Rural areas and 50 feet in Urban areas and Rural Neighborhoods, as measured from the outer edge of the canopy or the top of creek bank, whichever is greater; ...</i> <p><i>The buffer for Southern Coast Live Oak Riparian Forests and streams 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 in consultation with other County agencies, such as Environmental Health Services and the Flood Control District.</i></p> <p><i>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:</i></p> <ol style="list-style-type: none"> 1. <i>Existing vegetation, soil type and stability of the riparian corridors;</i> 2. <i>How surface water filters into the ground;</i> 3. <i>Slope of the land on either side of the</i> 	

REQUIREMENT	DISCUSSION
<p><i>riparian waterway;</i></p> <p>4. <i>Location of the 100 year flood plain boundary; and</i></p> <p>5. <i>Consistency with the adopted Local Coastal Plan or the Comprehensive Plan, particularly the Biological Resources policies.</i></p> <p><i>In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law.</i></p> <p><i>Toro Canyon Plan DevStd BIO-TC-1.5:</i> <i>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.</i></p>	
<p><i>Toro Canyon Plan DevStd BIO-TC-1.7:</i> <i>(COASTAL) Development in or adjacent to ESH or ESH Buffer shall meet the following standards:</i></p> <p>a. <i>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.</i></p> <p>b. <i>... [not applicable]</i></p> <p>c. <i>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,</i></p>	<p>Consistent: Lighting is not proposed or required for the project because no structures are proposed. Regardless, given the proximity of the pasture to the ESH and lack of buildings, any future lighting of the pasture or track would therefore not be allowed (Condition No. 3).</p> <p>The applicant proposes to use an Integrated Pest Management (IPM) system developed for horse facilities and surrounding landscape. IPM uses pesticides only as a last resort; however, to find consistency with DevStd BIO-TC-1.7, the permit would be conditioned to limit such use within and adjacent to the ESH except as allowed by this policy (Condition No. 4). The re-grading of the site to create the pasture adjusted drainage patterns to ensure that all storm water runoff that might carry pesticides would be directed to the southeast corner of the parcel, where it would enter a 0.07-acre detention basin before discharging to Toro Canyon Road.</p>

REQUIREMENT	DISCUSSION
<p><i>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.</i></p> <p>d. ... [not applicable]</p> <p>Toro Canyon Plan DevStd BIO-TC-11.1: <i>Development shall include the buffer for Southern Coast Live Oak Riparian Forest set forth in DevStd BIO-TC-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.</i></p>	
<p>CLUP Policy 3-11: <i>All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</i></p> <p>CLUP Policy 3-12: <i>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</i></p>	<p>Consistent: Based on the most recent floor hazard overlay map, the 100-year floodplain (including the floodway fringe) is located within the banks of Toro Creek. Site grading did not occur within the floodway or the floodway fringe. The grading did not cause significant changes to the elevation of the site and would not cause or contribute to flood hazards.</p>

REQUIREMENT	DISCUSSION
<i>channelizations, etc.</i>	
<p>CLUP Policy 3-19: <i>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.</i></p> <p>TCP Policy WW-TC-4: (COASTAL)</p> <p>a. <i>Development shall avoid the introduction of pollutants into surface, ground and ocean waters. Where avoidance is not feasible, the introduction of pollutants shall be minimized to the maximum extent feasible.</i></p> <p>b. <i>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.</i></p>	<p>Consistent: The applicant included an animal waste management plan including components addressing erosion associated with horses, site drainage, building and site design, wash rack design, manure management, and integrated pest management for horse facilities. Condition No. 4 requires that the plan, stamped received by P&D on May 20, 2014, be modified prior to issuance of the permit to remove references to building and site design and wash rack design as no buildings or wash racks are included in this project.</p>
<p>CLUP Policy 4-3: <i>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 viewing places.</i></p>	<p>Consistent: The well would be located in the northwest quadrant of the parcel far from Toro Canyon Road. The well would not be visibly intrusive and would not intrude into the skyline. Perimeter fences adjacent to Toro Canyon Road and along the southern property line are less than five feet in height and consist of stone-clad support columns with wooden rails in between, maintaining a rural theme to the property.</p>
<p>Toro Canyon Plan Policy GEO-TC-5: <i>Grading shall be carried out in a manner that minimizes air pollution.</i></p> <p>Toro Canyon Plan DevStd GEO-TC-5.1: <i>For any construction project that includes earth</i></p>	<p>Consistent: Although the project includes a significant amount of grading, the project is the result of a zoning violation. The grading has been completed and the turf pasture planted. Therefore, no additional grading would occur and thus, measures to control dust during</p>

REQUIREMENT	DISCUSSION
<i>moving activities, the construction contractor shall implement Air Pollution Control District (APCD) dust control measures.</i>	grading activities are not required.
<p>Toro Canyon Plan Policy HA-TC-1: <i>Archaeological resources shall be protected and preserved to the maximum extent feasible.</i></p> <p>Toro Canyon Plan DevStd HA-TC-1.1: <i>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. ...</i></p>	<p>Consistent: Planning and Development’s staff archaeologist reviewed a Phase 1 cultural resources survey conducted for the site in 1996 for a then proposed development. The survey found no cultural resources and did not recommend further study. The staff archaeologist concurred with the conclusions of the 1996 survey (September 19, 2013) and no additional investigation of protection measures are required.</p>

5.4 Article II Coastal Zoning Ordinance Consistency

The Coastal Zoning Ordinance requires a Coastal Development Permit for any grading, excavation or fill that requires a grading permit (Section 35-169.2.g). Approval and issuance of this permit and subsequent issuance of a grading permit for the project would be consistent and bring the project site into conformance with Article II. Section 35-97.19 includes the provisions for development within a riparian environmentally sensitive habitat. Specifically, Section 35-97.19.1 provides for a presumptive minimum 100-foot buffer zone for streams in the rural area, including adjustments upward or downward on a case-by-case basis. A portion of the pasture and exercise track were developed within the minimum prescribed buffer along with overall grading to level the site. However, agricultural cultivation has been conducted within this area for several decades, commencing prior to the effective date of Article II.

The applicant requests that the minimum prescribed buffer be adjusted downward to coincide with the riparian tree canopy plus 10 feet because the past agricultural practices had already impacted this area by removing native understory and preventing the re-establishment of riparian vegetation. In addition, the applicant proposes a riparian buffer re-vegetation plan to enhance riparian habitat within the proposed adjusted buffer (prepared by a qualified biologist, Watershed Environmental, May 15, 2014). Considering the past disturbance resulting from ongoing agricultural activities, the one-time grading that resulted from this project that would not be repeated, and the proposed restoration, allowing the adjustment for this grading project would be consistent with these policies calling for protection, and restoration, of riparian environmentally sensitive habitats and buffers.

Section 35-97.19.5 requires that permitted grading be carried out in such a manner as to minimize impacts associated with increased runoff, sedimentation, biochemical degradation, or thermal pollution. The project redirects the one to two percent slopes of the project site away from Toro Creek and towards Toro Canyon Road. Furthermore, the project includes a detention basin to reduce the rate of runoff and a management plan for horse waste. Therefore, no pollutants would enter the creek, consistent with this provision of Article II.

Section 35-68.3 allows the noncommercial keeping of horses on land zone AG-I-20 at a density of one horse per 20,000 sq. ft. land. Therefore, no more than 19 horses could be kept on the nine acre parcel at any one time. The commercial raising and boarding of animals and commercial riding stables may only be allowed with a Major Conditional Use Permit. Condition No. 1 clearly states than commercial raising and boarding of horses is not included in the project, and therefore, the project conforms to this requirement. The project is conditioned so as not to exceed 19 horses (Condition No. 6).

6.0 APPEALS PROCEDURE

The action of the Zoning Administrator may be appealed to the Planning Commission within the 10 calendar days following the date of the Zoning Administrator's decision by the applicant or an aggrieved person. There is no appeal fee as the project is appealable to the Coastal Commission.

The action of the Planning Commission may be appealed to the Board of Supervisors within the 10 calendar days following the date of the Planning commission's decision by the applicant or an aggrieved person. There is no appeal fee as the project is appealable to the Coastal Commission.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's Notice of Final Action.

6.0 ATTACHMENTS

- A. Findings
- B. Coastal Development Permit & Conditions of Approval
- C. CEQA Notice of Exemption
- D. Site Plan

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
 89 SOUTH CALIFORNIA STREET, SUITE 200
 VENTURA, CA 93001-4508
 VOICE (805) 585-1801 FAX (805) 641-1732

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Jana Zimmer and Commissioner Erik Howell

Mailing Address: California Coastal Commission, 89 S. California Street, Suite 200

City: Ventura, CA

Zip Code: 93001

Phone: 805-585-1800

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Barbara

2. Brief description of development being appealed:

Grading and importation of sand to create a horse pasture and exercise track, and to drill a new water well for irrigation.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

201 Toro Canyon Road, Carpinteria Valley, Santa Barbara County (APN 005-210-009)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-4-STB-14-0073

DATE FILED:

12/16/2014

DISTRICT:

South Central Coast

EXHIBIT 6

Commissioner Appeal

A-4-STB-14-0073

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: November 17, 2014

7. Local government's file number (if any): 14CDH-00000-00017

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Scott Wood, CTS Properties
3 Allen Center
333 Clay Street
Houston, TX 77002

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Christopher Price
Price Postel & Parma LLP
200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101

(2)

(3)

(4)

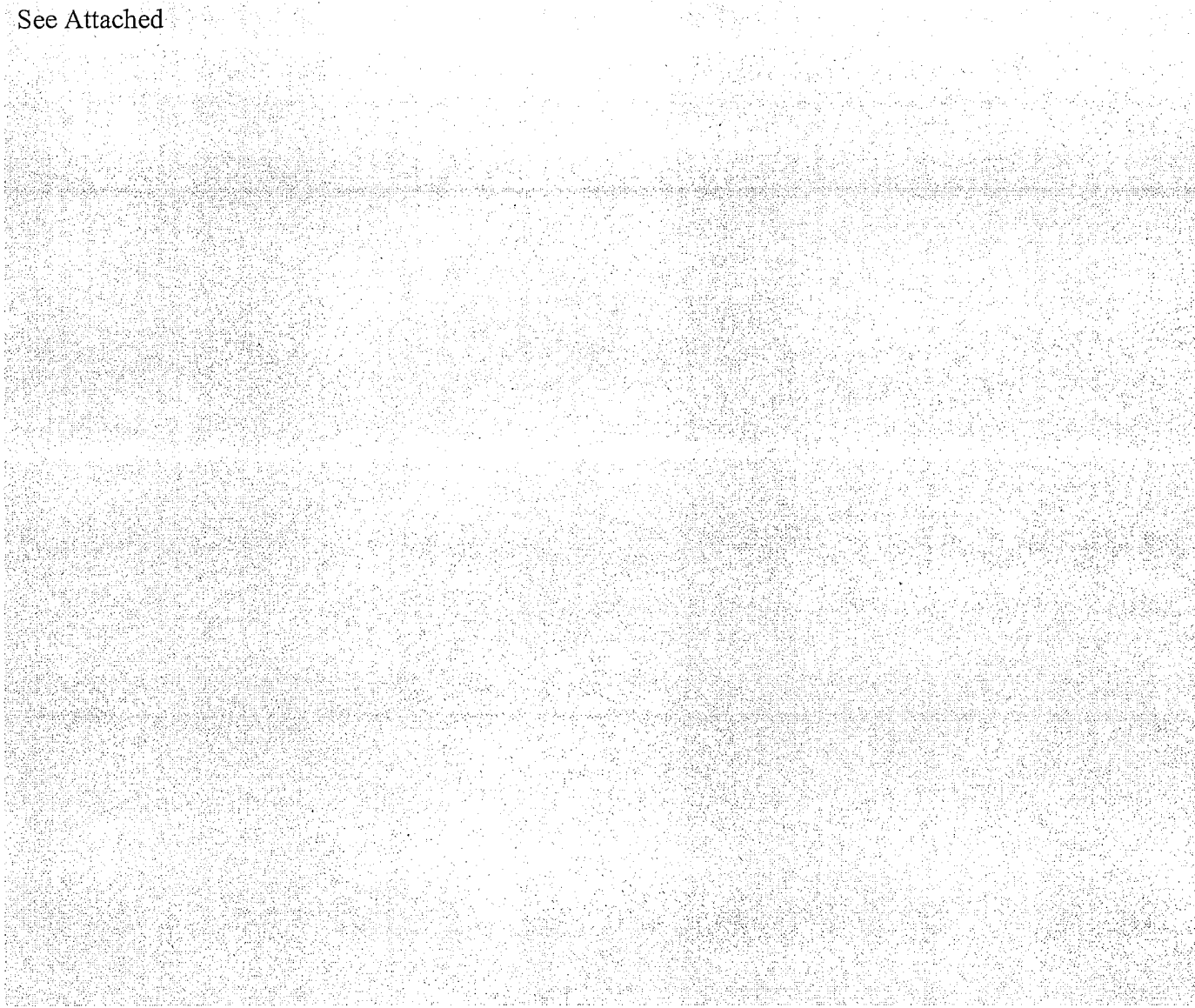
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attached



CTS Properties – 201 Toro Canyon Road (Santa Barbara County)

Section IV. Reasons Supporting The Appeal

On November 17, 2014, Santa Barbara County approved a coastal development permit for the after-the-fact conversion of a row-crop agricultural field to a horse pasture and exercise track, involving 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds. fill), the importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture, installation of a stormwater runoff detention basin, and installation of a new water well for irrigation of the pasture, located on a 9-acre property at 201 Toro Canyon Road, in the western portion of Carpinteria Valley, Santa Barbara County. The site is not developed with any buildings, nor were any approved in the subject permit. The subject property is zoned Agriculture I (AG-I-20) and contains prime agricultural soils.

The site has been used for agriculture since at least the 1950's, initially as an orchard and more recently to cultivate vegetable row crops. Lower Toro Creek is located along the eastern boundary of the subject property. Toro Creek is a significant stream in this area that contains Southern Coast Live Oak riparian woodland vegetation. The stream and its associated riparian habitat are designated as an Environmentally Sensitive Habitat (ESH) in the County's LCP. The previously existing row-crop agricultural field had occupied the majority of the site and was immediately adjacent to the riparian canopy of Toro Creek.

The approved horse pasture and exercise track and associated grading are located in the same footprint as the previously existing row-crop agricultural field. Given the development's proximity to Toro Creek, the approved project includes an animal waste management plan, as well as riparian habitat restoration within 10 feet of the stream's riparian canopy on-site. Horses that would use the approved pasture and exercise track would be stabled on an adjacent property to the west that contains an existing equestrian facility and polo field and which is under the same ownership. The horses would be walked to the pasture from the adjacent property by crossing Toro Creek via an existing trail. No commercial boarding or raising of horses is proposed.

The approved project is inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) policies regarding the protection of agriculture, environmentally sensitive habitat, and water quality, as described below.

Conversion of Agricultural Land to a Non-agricultural Use

In its approval of the permit, the County did not provide the required analysis and findings regarding the approved development's consistency with the agriculture protection policies and provisions of the County LCP. The approved turf horse pasture and exercise track on the subject property is accessory to an existing equestrian and polo facility on the adjacent property and is for private recreational use. The subject horse arena is not related to the cultivation of an agricultural commodity, and therefore does not constitute an agricultural use. Agricultural uses are uses of land directly related to the cultivation (grow and/or produce) of agricultural commodities for sale, including livestock and poultry and their products; field, fruit, nut, and vegetable crops; and nursery products. Equine keeping facilities are not to cultivate food, fiber, or plant material products for sale, and are therefore not agricultural use. As such, the approved project has resulted in the conversion of cultivated agricultural row-crops to a non-agricultural equine exercise arena, which is inconsistent with the agricultural protection policies of the LCP outlined and described below. The approved use is also inconsistent with the purpose of the

CTS Properties – 201 Toro Canyon Road (Santa Barbara County)

Section IV. Reasons Supporting The Appeal

Agriculture I zoning designation, which is to protect lands for long-term agricultural use and to preserve prime agricultural soils.

Land Use Plan Policy 1-1 states that all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County Land Use Plan as guiding policies.

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 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 non-agricultural 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) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.**

Section 30242 of the Coastal Act states:

All other lands suitable for agricultural use shall not be converted to non-agricultural 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.

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.

Land Use Plan Policy 8-2 and Article II Zoning Ordinance Section 35-64(1):

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

CTS Properties – 201 Toro Canyon Road (Santa Barbara County)
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not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

Toro Canyon Plan Policy LUA-TC-2:

Land designated for agriculture within Toro Canyon shall be preserved and protected for agricultural use.

Toro Canyon Plan Development Standard 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.**

Toro Canyon Plan Policy LUA-TC-5:

The County should ensure that essential infrastructure for existing agricultural production is protected and maintained.

Contrary to these agricultural protection policies of the LCP, an equestrian facility that represents a non-agricultural use was approved on land that is zoned for agricultural use, contains prime agricultural soils, and had been in active cultivated row-crop agricultural use for a number of decades. In its approval of the permit, the County did not provide the required analysis and findings regarding the approved development's consistency with the agriculture protection policies and provisions of the County LCP. Since continued agricultural use of the property appears to remain feasible, and the conversion does not allow for another priority use under the Coastal Act (e.g., coastal dependent industry, public recreation and access, or protection of an environmentally sensitive habitat), the circumstances that may permit conversion of the agricultural land to a non-agricultural use do not exist in this case. Further, the County's findings did not address impacts to the long-term productivity of the agricultural soils on-site from the permitted use, grading, and the approved importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture. As such, issue is raised regarding the approved development's consistency with the agricultural protection policies noted above.

CTS Properties – 201 Toro Canyon Road (Santa Barbara County)
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Further, the approval of a new water well to irrigate the approved turf horse pasture raises issue regarding Section 30241 of the Coastal Act, which requires that public service and facility expansions and non-agricultural development not, for example, impair agricultural viability through increased assessment costs or degraded air and water quality. The proposed well would extract water from the Toro Canyon Sub-basin of the Carpinteria Groundwater Basin. Individual groundwater wells for non-agricultural uses in the basin could deplete the groundwater resource for agricultural uses, which is a priority use on the rural lands within the Carpinteria Valley. Given the extreme water supply jeopardy facing the area due to the current drought, the potential for cumulative, significant overdraft of groundwater exists and will intensify if the drought continues and reliance on groundwater increases to backfill missing surface water supplies. Under these conditions, agricultural wells could be adversely affected, or water rates increased. As such, the cumulative impacts of approved groundwater extractions for non-agricultural uses have the potential to adversely impact existing agriculture in the Carpinteria area, which is a priority land use. Groundwater elevations could fall due to basin depletion, driving up the cost of water extraction either directly (through the increased cost of energy to pump water from deeper levels) or indirectly through increased water rate assessments if water is supplied via the Water District. The individual wells could also result in overdraft of the groundwater resource, especially when considered cumulatively. Therefore, issue is raised regarding the approved development's consistency with the policies and provisions of the County LCP regarding the protection of agriculture and other priority land uses where limited public services or public works capacity exists.

Environmentally Sensitive Habitat and Water Quality Impacts

Even if the approved development could be found consistent with the agricultural protection policies of the LCP, issue is raised regarding the approved development's buffer from Toro Creek and its riparian habitat, which is considered environmentally sensitive habitat (ESH) pursuant to the LCP. The County's staff report indicates that the 100 foot stream ESH buffer required by the LCP in rural areas is not warranted in this case because the approved horse pasture and exercise track and associated grading are located in the same footprint as the previously existing row-crop agricultural field. Further, the County's staff report indicates that the approved use will provide a 10 foot setback from the riparian canopy ESH, and riparian habitat restoration was approved within that buffer in order to mitigate any temporary impacts related to grading of the site to install the turf horse arena. The approved project also includes an animal waste management plan to prevent animal waste from entering the creek.

However, the approved project constitutes a change in use and substantial redevelopment of the site, so the approved development should comply with the existing standards of the LCP and not perpetuate the non-conformities of the prior use that is being eliminated. The LCP requires a minimum buffer of 100 feet from major streams in rural areas. While the LCP also states that the required buffers may be adjusted on a case-by-case basis in consideration of the site physical conditions and after consultation with the California Department Fish and Wildlife and the Regional Water Quality Control Board (Policy 9-37), the County's findings in this case did not adequately justify the significant buffer reduction that was approved and did not address the required resource agency consultations. The approved buffer reduction between the approved horse facility and the riparian canopy has the potential to negatively impact the riparian ESH on

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the site, inconsistent with the habitat and water quality protection provisions of the LCP that are stated below.

Section 30231 of the Coastal Act 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, minimizing alteration of natural streams.

Section 30240 of the Coastal Act 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.**

Land Use Plan Policy 2-11 (Development Policies):

All development, including agriculture, adjacent to areas designated on the land use plan or resources 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.

Land Use Plan Definitions within the LCP Habitat Type Section for Streams:

Stream: watercourses, including major and minor streams, drainageways and small lakes, ponds and marshy areas through which streams pass. (Coastal wetlands are not included.)

Riparian Vegetation: vegetation normally found along the banks and beds of streams, creeks, and rivers.

Stream Corridor: a stream and its minimum prescribed buffer strip.

Buffer: a designated width of land adjacent to the stream which is necessary to protect biological productivity, water quality, and hydrological characteristics of the stream. A buffer strip is measured horizontally from the banks or high water mark of the stream landward.

Land Use Plan Policy 9-37 (Streams) and Article II Zoning Ordinance Section 35-97.19:

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 of water quality of streams:

- a. soil type and stability of stream corridors;**
- b. how surface water filters into the ground;**

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- c. slope of the land on either side of the stream; and
- 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 reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

Toro Canyon Plan Policy BIO-TC-1:

Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.

Toro Canyon Plan 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 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.

Toro Canyon Plan DevStd BIO-TC-1.4: (*COASTAL*)

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 and streams -100 feet in Rural areas and 50 feet in Urban areas and Rural Neighborhoods, as measured from the outer edge of the canopy or the top of creek bank², whichever is greater;
- Coast Live Oak Forests - 25 feet from edge of canopy;
- Monarch butterfly habitat - minimum 50 feet from any side of the habitat;
- Native grassland, minimum 25 feet;
- Coastal Sage – minimum 20 feet;
- Scrub oak chaparral – 25 feet from edge of canopy;
- Wetlands – minimum 100 feet; and

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- **Buffer areas from other types of ESH shall be determined on a case-by case basis.**

The buffer for Southern Coast Live Oak Riparian Forests and streams 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 in consultation with 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;
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.

Toro Canyon Plan DevStd BIO-TC-4.1: (*COASTAL*)

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 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.

Section 30240 of the Coastal Act, as incorporated in the LCP, requires that, when feasible, new development be designed and located in a manner that avoids adverse impacts to ESH. Toro Canyon Plan Policy BIO-TC-1 requires that Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced. Land Use Plan Policy 2-11 requires that development adjacent to ESH be regulated to avoid adverse impacts to habitat resources. And Section 30231 of the Coastal Act, as incorporated in the LCP, requires the maintenance of natural vegetation buffer areas that protect riparian habitats to protect water quality and biological productivity of coastal streams. Thus, the County must first analyze all feasible alternatives that would avoid adverse impacts to the riparian ESH rather than simply requiring maintenance of a non-conforming buffer and restoration within a 10 foot setback as mitigation for impacts that could otherwise be avoided. Moreover, the County's stated reasons for a reduced riparian buffer in this case are not justifiable according to LCP Policy 9-37. Therefore, issue is raised regarding the approved development's consistency with the ESH and water quality protection policies and provisions of the County LCP.

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Jana Lemmer
Signature of Appellant(s) or Authorized Agent

Date: 12/16/2014

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

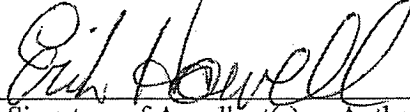
Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: December 16, 2014

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____