

CALIFORNIA COASTAL COMMISSION

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

**F14a****ADDENDUM**

DATE: August 8, 2016 [Click here to go to original staff report](#)
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item F14a, Santa Barbara County Appeal No. A-4-STB-14-0073 (CTS Properties), Friday, August 12, 2016

The purpose of this addendum is to (1) correct an inadvertent typographical error in the July 21, 2016 staff report and (2) attach one letter of correspondence in support of the staff recommendation.

1. The following three minor revisions to the findings of the report are made as follows (language to be inserted is shown **underlined** and language to be deleted is shown in ~~line-out~~):

Top of Page 2: ...fill), 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 on the southeast corner of the site, re-contouring the site to create a 1%-2% ~~grading~~ **graded** slope to the southeast to direct runoff away from Toro Creek and into the storm water detention basin...

Section III(A), first paragraph, Page 7: The applicant is requesting authorization for the after-the-fact conversion of a row-crop agricultural field to a four-acre horse pasture and one-acre exercise track, including 6,850 cu. yds. of grading (1,650 cu. yds. cut; 5,200 cu. yds. fill), 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, re-contouring the site to create a 1%-2% ~~grading~~ **graded** slope to the southeast to direct runoff away from Toro Creek and into the storm water detention basin...

Section III(C), first paragraph, Page 10: ...The as-built development required 6,850 cu. yds. of grading (1,650 cu. yds. cut; 5,200 cu. yds. fill), importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture, installation of a storm water runoff detention basin on the southeast corner of the site, re-contouring the site to create a 1%-2% ~~grading~~ **graded** slope to the southeast to direct runoff away from Toro Creek and into the storm water detention basin...

2. The letter of correspondence received in support of the staff recommendation is from M. E. Meyr and dated August 1, 2016. M. E. Meyr wishes to clarify that the trail on the applicant's property across Toro Creek that connects the horse pasture and exercise track to the polo field facilities under common ownership (see Pages 2, 8, 21 and Exhibit 7 of the Staff Report for a discussion of this trail) should not be considered pre-existing because M. E. Meyr asserts that the applicants created the trail using a bulldozer. M. E. Meyr further asserts that the trail is crossed frequently by large vehicles.

Attachment: Letter from M. E. Meyr, dated August 1, 2016. (2 pages)

8/1/2016
11:55 am

To : Megan Sinkula

FAX: (805) 641-1732

From: M. E. Meyr

FAX: (805) 684-6716

**Subject: Agenda Item F14a
August 12 Hearing**

Agenda Item: No. F14a
Appeal Number: A-4-STB-14-0073
M.E. Meyr : DENIAL

California Coastal Commission
South Central Coast District Office
69 S. California Street, Suite 200
Ventura, CA 93001-2801

Re: Appeal Number : A-4-STB-14-0073
Applicant: Scott Wood, CTS Properties

Attention: Megan Sinkula

Dear Commissioners:

The Staff Report concerning the project at 201 Toro Canyon Road (APN: 005-210-009) addresses important issues. We have owned the property immediately to the south of this project (APN: 005-210-026) since 1980. Along with neighbors who have lived here even longer, we have seen the changes to this parcel from orchards to certified organic farming to the current field.

Inherent in any analysis of an "after-the-fact" review is that key information is accepted from the parties that caused the violation although some of that information may be incorrect.

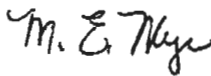
For us, the chief inaccuracy is that there has never been a trail at that point across Toro Canyon Creek - it was NOT "preexisting". It was bulldozed by the current owner and is used to transit vehicles large and small from one side of the creek to the other. The integrity of the creek's natural boundary has now been breached and in periods of heavy rain may cause problems downstream. It is doubtful that any agency would knowingly permit such degradation of the creek bed and riparian area.

We can attest that this parcel has been used for agricultural purposes since the late 1880's. This can be verified by a search of Santa Barbara County property records.

We concur that the water issues have severe consequences and have been comprehensively addressed by Staff, Mr. Theilmann and Mr. Rhodes.

We support the Staff recommendation of denial. Thank you.

Sincerely yours,



M. E. Meyr
153 Toro Canyon Road
Carpinteria, CA 93013
(805) 684-6716

8/1/2016

CALIFORNIA COASTAL COMMISSION

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



F14a

Appeal Filed: 12/16/14
49th Day: 02/03/15
SI Found: 01/07/15
Staff: M. Sinkula
Staff Report: 07/21/16
Hearing Date: 08/12/16

STAFF REPORT: APPEAL DE NOVO REVIEW

APPEAL NUMBER: A-4-STB-14-0073

APPLICANT: Scott Wood, CTS Properties

APPELLANTS: Commissioner Erik Howell and Commissioner Jana Zimmer

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: Request for after-the-fact approval of the installation of a horse pasture and exercise track including: 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 for soil amendment; installation of a storm water runoff detention basin; and a new water well for irrigation.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **DENIAL** of the proposed project on the basis that the project does not conform to the agricultural resource, environmentally sensitive habitat area, and water quality policies of the certified Local Coastal Program (LCP). The **motion** and **resolution** for the recommended action are found on **page 5**.

The standard of review for consideration of this de novo Coastal Development Permit is whether the proposed development is in conformity with the policies and provisions of the County of Santa Barbara's certified LCP (which includes the Toro Canyon Plan). The Land Use Plan (specifically, Policy 1-1) within the County's LCP incorporates all Chapter Three policies of the Coastal Act as guiding policies of the LCP.

The proposed project consists of the conversion of a row-crop agricultural field to a horse pasture and exercise track, including 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds.

fill), 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 on the southeast corner of the site, re-contouring the site to create a 1%-2% grading slope to the southeast to direct runoff away from Toro Creek and into the storm water detention basin, and installation of a new water well for irrigation of the pasture (Exhibit 4). The storm water detention basin direct storms water runoff away from Toro Creek and discharge flows to an existing culvert along the west side of Toro Canyon Road. Additionally, the applicant proposes a pest management system. The proposed project is located on a nine-acre property in the western portion of Carpinteria Valley (Exhibits 1-3). The subject property is zoned Agriculture I (AG-I-20) and contains prime agricultural soils. The site has a long history of agricultural use (documented since the 1950's but potentially dating back as far as the 1870's), initially as an orchard, and more recently as vegetable row crops (Exhibit 4).

Lower Toro Creek, a significant stream that contains Southern Coastal Live Oak Riparian Habitat and is designated as an Environmentally Sensitive Habitat Area (ESHA) by the County's LCP, is located along the western boundary of the subject property (Exhibit 3). The previously existing row-crop agricultural field occupied the majority of the site and was immediately adjacent to the riparian canopy of Toro Creek (Exhibits 3-4). The proposed horse pasture, perimeter exercise track and associated grading are located in the same footprint as the previously existing row-crop agricultural field (Exhibits 3-4). Horses that use the proposed pasture and exercise track are 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 that are walked to the proposed pasture from the adjacent equestrian facility and polo field must access the pasture by crossing over Toro Creek via a preexisting trail.

The proposed project's conversion of the property from an agricultural use to a private recreational use is inconsistent with the agriculture protection policies and provisions of the County's LCP. Although 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, the intent of Section 35-68.3 of the Coastal Zoning Ordinance is that the use is to be agricultural in nature or allow existing agriculture to be maintained. The expressly stated purpose of the Agriculture I designation in the LCP is to protect lands for long-term agriculture use and to preserve prime agricultural soils. 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 proposed project would result 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 is wholly inconsistent with the agricultural protection policies of the LCP and the stated 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 installation of the proposed water well for irrigation of the proposed turf horse pasture directly conflicts with the LCP's 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 Montecito Groundwater Basin. Individual

groundwater wells installed 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, particularly within Toro Canyon, have increased dramatically within the last several years. The subject water well is proposed to be installed within an intensely groundwater-mined portion of the Montecito Groundwater Basin. Given the extreme water supply jeopardy facing the area due to the current drought, and the fact that the Montecito Groundwater Basin is in a state of overdraft and exhibiting evidence of an increase of salt water intrusion into the coastal aquifer, the proposed well has the potential to cause significant individual and cumulative adverse impacts to the area's water resources. These impacts will intensify if the drought continues and reliance on groundwater increases to make up for dwindling surface water supplies. Under these conditions, agricultural wells could be adversely affected, or water rates increased. For example, groundwater elevations could fall due to basin depletion, driving up the cost of water extraction either directly (through 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 (particularly when considered cumulatively and under ongoing severe drought conditions) could also result in overdraft of the groundwater resource that will adversely impact sensitive riparian habitats and seeps which rely on groundwater. As such, the cumulative impacts of approved groundwater extractions for non-agricultural uses, such as the proposed project, have the potential to adversely impact existing agriculture in the Carpinteria area.

The proposed project is also inconsistent with the ESHA and water quality protection policies and provisions of the County's LCP. The LCP generally requires a minimum buffer of 100 feet from major streams and riparian ESHA in rural areas. The proposed horse pasture and exercise track provides only a 10-foot buffer from the riparian canopy where the applicant proposes to implement a riparian buffer revegetation plan to enhance riparian habitat within the proposed buffer. Although the proposed horse pasture, exercise track and associated grading would be sited entirely within the footprint of the site's previous use (row-crop agricultural field) and thus within the disturbed area of the site, the 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/ESHA buffer (Exhibit 3). The proposed project constitutes a redevelopment of the site and a change in use from agricultural row-crops to a non-agricultural equestrian pasture and exercise track for private recreational use, and as such, the proposed development must comply with the existing standards of the LCP and not perpetuate the non-conformities of the prior use.

Although the LCP provides that the 100-ft. minimum required buffer may be reduced on a case-by-case basis if warranted by a site's physical conditions and after consultation with the California Department of Fish and Wildlife and the Regional Water Quality Control Board (Policy 9-37), the proposed ESHA buffer reduction is not justified in this case. With only a 10 foot separation between the proposed development and the ESHA resources, activities and operations at the proposed facility would likely degrade the stream and riparian ESHA by increasing the quantity of dust, sediment, animal waste, invasive species, and pollutants entering the ESHA. While the proposed runoff control and manure management measures will provide some protection, these measures are not sufficient, and a greater physical separation between the proposed development and the ESHA is warranted to ensure maximum water quality and habitat

protection, especially for such an intensive site use. Additionally, water extraction from the proposed water well that is within 100 feet from the riparian corridor along Toro Canyon Creek may result in substantial interference with surface water flow and depletion of ground water supplies, thereby reducing water available for the growth and health of riparian vegetation as well as that available to wildlife. As such, the proposed development will not protect water quality, riparian habitat, or ESHA from significant degradation and disruption of habitat values, as required by the habitat and water quality protection provisions of the County's LCP.

Therefore, Staff recommends that the Commission deny the proposed project due to its nonconformity with the County LCP's agricultural, environmentally sensitive habitat area and water quality protection policies.

TABLE OF CONTENTS

I. STAFF RECOMMENDATION	6
II. PROCEDURAL HISTORY.....	6
III. FINDINGS AND DECLARATIONS	7
A. PROJECT DESCRIPTION AND BACKGROUND	7
B. STANDARD OF REVIEW	8
C. AGRICULTURAL RESOURCES	8
D. ENVIRONMENTALLY SENSITIVE HABITAT AREA AND WATER RESOURCES.....	14
E. VIOLATION.....	22
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	22

APPENDIX 1 [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.** [Dr. Jonna Engel’s Study Regarding Development Setbacks](#)
- Exhibit 7.** [Letters Regarding Trail from Ted Rhodes and Ted Theilmann](#)

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. A-4-STB-14-0073 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform to the policies of the certified Local Coastal Program for the County of Santa Barbara. Approval of this permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. PROCEDURAL HISTORY

On June 24, 2013, the County of Santa Barbara issued zoning and grading violation notices to the applicant for grading of the project site without a permit and siting of the proposed development within 100 feet of a designated Environmentally Sensitive Habitat Area. The County advised the applicant to apply for a Coastal Development Permit to address the zoning and grading violations and authorize the applicant's proposal to install a water well onsite to irrigate the proposed horse pasture. On June 24, 2014, the applicant applied for a Coastal Development Permit for the proposed project described in full below in Section 3(A).

On November 17, 2014, the County of Santa Barbara Planning Commission approved a coastal development permit (CDP No. 14CDH-00000-00017) with conditions. The City's Notice of Final Action was received by Commission staff on December 5, 2014 (Exhibit 5). The Commission's ten-working day appeal period for this action began on December 8, 2014 and concluded at 5:00 p.m. on December 19, 2014. An appeal of the City's action was filed by Commissioners Zimmer and Howell on December 16, 2014, during the appeal period. 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. On December 19, 2014, Commission staff received the administrative record from the County.

On January 7, 2015 the Commission found that the County's action approving the proposed development raised a substantial issue with respect to the project's conformance with the County of Santa Barbara's certified Local Coastal Program regarding agricultural resources, environmentally sensitive habitat area, and water quality. The Commission is now required to hold a de novo hearing on the merits of the project, which is the subject of this staff report.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is requesting authorization for the after-the-fact conversion of a row-crop agricultural field to a four-acre horse pasture and one-acre exercise track, including 6,850 cu. yds. of grading (1,650 cu. yds. cut; 5,200 cu. yds. fill), 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, re-contouring the site to create a 1%-2% grading slope to the southeast to direct runoff away from Toro Creek and into the storm water detention basin, and installation of a new water well (and electrical supply to provide energy to operate the pump) for irrigation of the four-acre pasture (Exhibit 4). Additionally, the applicant proposes a manure management plan and integrated pest management system developed for horse facilities.

The project site is located on a nine-acre property in the western portion of Carpinteria Valley, Santa Barbara County (Exhibits 1-3). 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 Carpinteria Valley is a long, narrow coastal plain paralleling the shoreline and the Santa Ynez Mountains. It is bounded by the Pacific Ocean and the coastal zone boundary to the north and south, and the Ventura County line and Toro Canyon Road to the east and west. The Toro Canyon Planning Area (Toro Canyon), within which the subject project site lies, is located in the western portion of the Carpinteria Valley between the Santa Ynez Mountains and the Santa Barbara Channel.

The subject site has been in active agricultural use dating back to the 1950's, but historical records suggest the site may have been used for agriculture since the 1870's. The site functioned as an orchard mid-century and more recently to cultivate vegetable row crops. Aerial photographs confirm that the subject site was used to cultivate vegetable row crops in 2012, and a conversion from an agricultural use (cultivation of vegetable row crops) to a private, recreational use (horse pasture to support the adjacent existing private equestrian facility) took place sometime between August 2012 and April 2013 (Exhibits 3-4).

Lower Toro Canyon Creek is located along the western boundary of the subject property (Exhibit 3). Toro Canyon Creek is a significant stream in this area that contains Southern Coast Live Oak Riparian Habitat. The watershed of Toro Canyon Creek supports stretches of relatively

undisturbed habitat serving as wildlife corridors between Los Padres National Forest and the Pacific Ocean. The stream and its associated riparian habitat are designated as an Environmentally Sensitive Habitat Area in the County's Local Coastal Program. The previously existing row-crop agricultural field had occupied the majority of the site and was immediately adjacent to the riparian canopy of Toro Canyon Creek.

The proposed horse pasture, exercise track and associated grading are located in the same footprint as the previously existing row-crop agricultural field (Exhibits 3-4). Horses that use the proposed pasture and perimeter exercise track are stabled on an adjacent property under common ownership to the west that contains an existing equestrian facility and polo field. The horses are walked to the proposed pasture and exercise track from the adjacent property by crossing over Toro Creek via a preexisting trail. No commercial boarding or raising of horses is proposed on the subject site.

B. STANDARD OF REVIEW

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of developments (including new development located within 100 feet of any stream, such as the proposed project). In this case, the proposed development was previously appealed to the Commission, which found, after a public hearing on January 7, 2015, that a substantial issue was raised by the local government's approval of the subject proposed project.

As a "de novo" application, the standard of review for the proposed project is whether the proposed development conforms to the policies and provisions of the County of Santa Barbara's certified LCP. Policy 1-1 of the LCP's Land Use Plan incorporates all Chapter Three policies of the Coastal Act as guiding policies of the LCP. Also, due to the location of the proposed project site within the Toro Canyon area of the County, the policies and development standards contained in the Toro Canyon Plan (which is a component of the County's certified Land Use Plan) are applicable in this case. The LCP consistency issues raised by the proposed development are discussed in the following sections.

C. AGRICULTURAL RESOURCES

The proposed project, which would convert land with prime agricultural soils that is zoned Agriculture I into a non-agricultural horse pasture and exercise track for private recreational use, and which would install a water well to irrigate the proposed horse pasture, does not conform to the following LCP policies and provisions for the protection of agriculture:

Land Use Plan Policy 1-1 states that all Chapter 3 policies of the Coastal Act have been adopted as guiding policies of the County's Land Use Plan.

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, in relevant part:

The long-term productivity of soils and timberlands shall be protected...

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 proposed development includes conversion of a vegetable row-crop agricultural field containing prime agricultural soils with a zoning designation of Agriculture I to a horse pasture with a perimeter exercise track (Exhibits 4-5). The as-built development required 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds. fill), importation of 3,550 cu. yds. of sand to amend the soil for planting the turf horse pasture, installation of a storm water runoff detention basin on the southeast corner of the site, re-contouring the site to create a 1%-2% grading slope to the southeast to direct runoff away from Toro Creek and into the storm water detention basin, and installation of a new water well for irrigation of the pasture (Exhibit 4).

As one of the most productive and diverse agricultural regions in the State, Carpinteria Valley is an important contributor to the State's agricultural productivity and has been in intensive agricultural use since the 1870s. In addition to agricultural production, the County's agricultural lands provide other important benefits including the filtration of rainfall and the recharging of groundwater basins, as well as the provision of valuable wildlife habitat and open space. The subject project site is located in a rural area of the County and has a long history of active cultivated agricultural use—in the midcentury as an orchard and, more recently, for vegetable row-crops (Exhibits 3-4). The subject site is also adjacent to land that is used for cultivated agriculture (orchard and row crops). 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 stated purpose of the Agriculture I designation in the County's LCP (Coastal Zoning Ordinance Section 35-68.1), and a fundamental objective of the Coastal Act (Sections 30241 and 30242), is the protection of suitable lands for long-term agricultural use and the preservation of prime agricultural soils. The LCP and the Coastal Act only allow the conversion of agricultural lands to other land uses if a suite of factors are met. Coastal Act Section 30241 (which is incorporated into the LCP by LUP Policies 1-1 and 8-2, as well as Zoning Ordinance Section 35-64(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 the same policies listed above) 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 make 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 LCP prohibits conversion of properties designated for agricultural use in rural areas 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). 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 to be preserved and protected for agricultural use and restricts conversions to the limited circumstances described above.

The conversion of the subject project site from an agricultural use to a private recreational or "hobby" use is inconsistent with the agricultural protection policies and provisions of the

County's LCP and Sections 30241 and 30242 of the Coastal Act. Evidence in the record demonstrates that the proposed turf horse pasture and perimeter exercise track on the subject property are accessories to an existing equestrian and polo facility on an adjacent property that is held in common ownership with the subject parcel. The subject project facility is not related to the cultivation of an agricultural commodity; rather, it functions as an equestrian training track for private recreational use, 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.*

Although this definition refers to the “raising and keeping of animals,” and the Coastal Zoning Ordinance (Sections 35-68.3 and 35-58) permits the non-commercial keeping of horses and the raising of animals in the Agriculture I zoning designation, these provisions must be considered in the context of the LCP as a whole. For example, the definition of “agriculture,” above, emphasizes that activities (such as growing plants or keeping animals) are “agricultural” when they are undertaken in the context of producing food and fiber or selling products derived from those activities. The LCP and the Coastal Act also both emphasize the need to maintain prime agricultural soil and other farmland for commercial production. See, e.g., Pub. Res. Code §§ 30241, 30241.5(a)(1), 30243, Toro Canyon Plan Development Standard LUA-TC-2.1.

Interpreting the definition of “agriculture” so broadly that it includes horse facilities that are ancillary to a polo field would allow lands dedicated to production of food and fiber to be replaced by private recreational resources. Such an interpretation is anathema to the LCP's and Coastal Act's goals of protecting prime agricultural soils and productive agricultural economies. For example, replacement of row crops and working dairy farms with recreational equestrian facilities such as polo fields, whether or not horses are raised or kept on the premises, is not consistent with Section 30241's mandate 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 the raising and keeping of animals that is ancillary to a recreational use such as a polo field.

In sum, the Commission would need to make the following findings in order to permit conversion of this agricultural land to non-agricultural use: that (1) continued agricultural use of the property is not feasible, (2) the non-agricultural use will preserve prime agricultural land, (3) the non-agricultural use will not have significant adverse impacts on biological or other coastal resources, and (4) conversion will allow another priority coastal use. There is insufficient evidence to support any of these required findings. First, there is no evidence that continued

agricultural use of the property is not feasible. On the contrary, the property has been in agricultural use for at least 60 years, and adjacent land remains in agricultural use, which shows that continued agricultural use of the subject parcel is likely feasible. Second, given that the proposed project includes grading, soil compaction (from use by horses), and the importation of over three thousand cubic yards of sand, it will likely degrade, rather than preserve, prime agricultural soils. Third, the non-agricultural use is inconsistent with LCP policies that protect environmentally sensitive habitat. Last, the conversion will not promote or allow other priority coastal uses. Rather than promoting public access or another priority use, the proposed grading of the project site and construction of the horse pasture and track will result in the conversion of cultivated agricultural row-crops to a non-agricultural equine pasture and exercise track for private recreational, or “hobby,” use.

In addition to the change in land use discussed above, the proposed water well is inconsistent with Section 30241 of the Coastal Act, which prohibits public service and facility expansions and non-agricultural development from impairing agricultural viability (i.e. through increased assessment costs). The proposed water well would extract water from the Toro Canyon Sub-basin of the Montecito Groundwater Basin. The County of Santa Barbara’s 2015 Environmental Thresholds Guidelines Manual’s groundwater thresholds section states that the Montecito Groundwater Basin is in a state of overdraft. Given the area’s existing water supply shortage due to the current drought, it is reasonably foreseeable that the proposed well would have individual and/or cumulative adverse effects on the ability of the already overdrafted groundwater basin to supply surrounding agricultural uses. These pressures will only intensify if the drought continues and reliance on groundwater increases to make up for dwindling surface water supplies. The County has indicated that applications for new private water wells in the County, particularly within Toro Canyon, have increased dramatically within the last several years. The cumulative impact of individual groundwater wells for non-agricultural uses in the basin, such as the proposed project, could deplete the groundwater resources for agricultural uses, which are priority uses on the rural lands within the Carpinteria Valley. Under these conditions, agricultural wells could be adversely affected, or water rates increased. 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.

Therefore, for the reasons discussed above, the proposed conversion of land containing prime agricultural soils from an agricultural use to a private recreational or “hobby” use, including project-related grading, construction of a pasture and track, and the installation of a water well to facilitate a private recreational use, is inconsistent with the agricultural protection policies of the County’s LCP and the incorporated policies of Chapter Three of the Coastal Act and must be denied.

Denial of the proposed project will not foreclose the reasonable, productive use of the applicant’s property and does not prejudice the landowner’s ability to apply for a permit for a different land use that is consistent with the County’s certified LCP. For example, prior to the unpermitted development, the subject property site served an agricultural use in conformity with the LCP’s agricultural policies, and the property could again be used for agriculture. Additionally, the LCP allows for non-agricultural development on land zoned for agriculture if agriculture is no longer feasible, the new use is a priority use under the Coastal Act, and other factors are met.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREA AND WATER RESOURCES

The change in use of the subject property site and the siting of the proposed development do not conform to the following LCP policies and provisions regarding the protection of environmentally sensitive habitat and water quality:

Land Use Plan Policy 1-1 states that all Chapter 3 policies of the Coastal Act have been adopted by 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 Policy 3-19:

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.

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;*
- *Coastal 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 bank, 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 and 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.

Lower Toro Canyon Creek is located along the western boundary of the subject property (Exhibit 3). Toro Canyon Creek is a significant stream in this area that contains Southern Coast Live Oak Riparian Habitat. The watershed of Toro Canyon Creek supports stretches of relatively undisturbed habitat that serve as wildlife corridors between Los Padres National Forest and the Pacific Ocean. Toro Canyon Creek and its associated riparian habitat are designated as Environmentally Sensitive Habitat Area (ESHA) in the County's LCP. Further, Action BIO-TC-1.1 of the Toro Canyon Plan identifies streams/creeks and Southern Coast Live Oak Riparian forest corridors as biological resources and habitats that are environmentally sensitive provided habitat present on a project site meets the Coastal Act's definition of "environmentally sensitive habitat" (Coastal Act § 30107.5) within the Coastal Zone. The applicant submitted a Biological Assessment for the subject project site which inventoried the native vegetation within the riparian canopy to include Coyote Brush (*Baccharis pilularis* subsp. *consanguinea*), Horsetweed (*Erigeron (Conyza) canadensis*), Santa Barbara Honeysuckle (*Lonicera subspicata* var. *subspicata*), eight Western Sycamore trees (*Platanus racemosa*), nineteen Coast Live Oak trees (*Quercus agrifolia*), Wild Blackberry (*Rubus ursinus*), one Arroyo Willow tree (*Salix lasiolepis*), Blue Elderberry (*Sambucus nigra (mexicana)* subsp. *caerulea*), Douglas' Nightshade (*Solanum douglasii*), and Poison Oak (*Toxicodendron diversilobum*). These species are characteristic of a Southern Coast Live Oak Riparian habitat.

Pursuant to Coastal Act Section 30107.5 and Toro Canyon Plan Action BIO-TC-1.1, in order to determine whether an area constitutes an ESHA, and is therefore subject to the ESHA protections of the County LCP, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
 - a) whether any species or habitat that is present has a special nature, OR
 - b) whether any species or habitat that is present has a special role in the ecosystem;
- 3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are “yes”, the area is ESHA.

Riparian woodlands contain the greatest overall diversity of all the native plant communities in the area, partly because of its multi-layered vegetation. Riparian woodlands have many important and special roles in the ecosystem. Native trees prevent the erosion of stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, and contribute nutrients to watersheds, as well as being important scenic elements in the landscape. Riparian habitats and their associated streams form important connecting links for biological communities from the highest elevation upper watershed down to the sea, carrying nutrients and providing areas for refuge to the benefit of many different species along the way. The health of streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure. Riparian areas provide nesting habitat, shelter, and shade for many species of animals including insects, which thrive in riparian habitats and in turn are a food source for many other animals. Creeks and associated riparian habitat serve as important corridors for plant dispersal and wildlife migration and dispersal. Large and small animals use the riparian habitat to move in search of food sources or mates.

Riparian habitats in California have suffered serious losses, and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost. Writing at the same time as Faber, Bowler asserted that, “[t]here is no question that riparian habitat in southern California is endangered.” In the intervening years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California. In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. Human-related disturbances can result in increased sedimentation rates and the introduction of non-native species, which disrupts the entire food web and impacts the diversity and suitability of habitat for native species.

Therefore, because of the essential role that riparian plant communities play in maintaining biodiversity, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, streams and their riparian habitats generally meet the definition of ESHA under the Coastal Act.

As stated previously, Toro Canyon Creek and its associated Southern Coast Live Oak Riparian vegetation is located along the western boundary of the subject property. For the reasons stated above, the subject stream and riparian vegetation is especially valuable because of its special role in the ecosystem and sensitivity to human activity. Accordingly, the Commission finds that the stream and riparian habitat on and adjacent to the project site meets the definition of ESHA pursuant to Section 30107.5 of the Coastal Act.

Coastal Act Section 30240, as incorporated in the LCP, restricts development within ESHA to only those uses that are dependent on the resource and requires development in areas adjacent to

ESHA to be sited and designed to prevent impacts that would significantly degrade such areas, and to be compatible with the continuance of such habitat areas. Toro Canyon Plan Policy BIO-TC-1 requires that ESHA shall be protected and, where appropriate, enhanced. Land Use Policy 2-11 requires that development adjacent to ESHA 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, water quality and the 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. Further, Toro Canyon Plan DevStd BIO-TC-1.4 specifically requires a buffer of 100 feet from Southern Coast Live Oak Riparian Forest corridor and stream Environmentally Sensitive Habitat.

The row-crop agricultural field that existed on the subject site prior to installation of the proposed development was located immediately adjacent to the riparian canopy of Lower Toro Canyon Creek that forms the eastern boundary of the property. That row-crop agricultural field pre-dated the effective date of the LCP and was considered legal, non-conforming development with regard to the required stream/ESH buffer. Although the proposed horse pasture, exercise track and associated grading were installed and completed within the same footprint as the row-crop agricultural field without any buffer from the adjacent riparian ESHA, the proposed development constitutes a redevelopment of the site and a change in use from agricultural row-crops to a non-agricultural equestrian pasture and exercise track, and the proposed development is therefore required to comply with the existing standards of the LCP and not perpetuate the non-conformities of the prior use that is being eliminated pursuant to Coastal Zoning Ordinance Section 35-161 of the County's LCP.

The proposed development fails to comply with the 100-foot stream and ESHA buffer that is required by Policy 9-37 and Toro Canyon Plan DevStd BIO-TC-1.4. While Policy 9-37 and Toro Canyon Plan DevStd BIO-TC-1.4 also provide that the required buffers may be adjusted on a case-by-case basis in consideration of the site's physical conditions and after consultation with the California Department of Fish and Wildlife and the Regional Water Quality Control Board, the applicant has not provided adequate justification for the proposed significant buffer reduction, nor any evidence that the required resource agencies have been consulted. The applicant requests that the required 100-foot buffer be reduced to coincide with the riparian canopy of Toro Creek plus 10 feet. The applicant asserts this reduction is justified because the prior agricultural field use had already impacted this area and that the proposed implementation of a riparian buffer revegetation plan would enhance riparian habitat within the proposed adjusted buffer (10 feet wide).

Adequate buffers are integral to the protection of stream/riparian ESHA from the disruption of habitat values by providing a physical separation between development disturbance and the resource, and minimizing the spread of invasive exotic vegetation that tends to supplant native species. According to a California Coastal Commission January 2007 report entitled, "Policies in Local Coastal Programs Regarding Development Setbacks and Mitigation Ratios for Wetlands and Other Environmentally Sensitive Habitat Areas" (attached in full as Exhibit 6), which documents and provides assessment of the resource protection policies in the Local Coastal Programs that existed in California at that time, research on the effectiveness of riparian buffers found that 30-60m (97.5-195 feet) wide riparian buffer strips will effectively protect water

resources through physical and chemical filtration processes. For the purpose of filtering nitrogen compounds, a study determined that "the most effective buffers are at least 30m (97.5 feet) or 100 feet wide composed of native forest, and are applied to all streams, including small ones."¹ Studies² of the distribution of plant and bird species in relation to variable riparian buffer dimensions within several riparian systems have found that to include 90% of streamside plants, the minimum buffer ranged from 10m (32.5 feet) to 30m (97.5 feet), depending on the stream, whereas minimum buffers of 75m (250 feet) to 175m (570 feet) were needed to include 90% of the bird species. Research suggests that recommended widths to address ecological concerns in riparian buffer strips typically are much wider than those recommended to address water quality concerns, often exceeding 100m (325 feet) in width. In general, as the goals of riparian buffers change from single function to multiple or system functions, the required buffer widths increase. For a riparian ESHA buffer to serve multiple functions, the research indicates that a 100-foot buffer is generally the absolute minimum required for protecting the habitat area and water quality from adverse environmental impacts caused by development.

Equestrian-type facilities such as the proposed project can have significant adverse environmental impacts if located within or in close proximity to ESHA, particularly riparian and stream areas. Such facilities are one of the most recognized sources of non-point source pollutants since they generate animal waste, and the amount of waste from just a few animals can be substantial. In addition, animal waste contains organic matter, nutrients such as phosphorous and nitrogen, as well as microbial pathogens such as coliform bacteria which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts adversely affecting the biological productivity of coastal waters. An adequate buffer between the development and the creek and its riparian corridor is particularly critical to absorb and filter nutrients and other pollutants that result from the facility in order to avoid or minimize impacts to water quality and significant degradation of environmentally sensitive habitat.

With only a 10-foot separation between the proposed development and the ESHA resources, activities and operations at the proposed facility would likely degrade the stream and riparian ESHA by increasing dust, sediment, and animal waste, and potentially pollutants and invasive species. While the proposed runoff control and manure management measures will provide some protection, these measures are not alone sufficient and a greater physical separation between the proposed development and the ESHA is necessary to ensure that the adjacent ESHA resources are not significantly degraded by the proposed project's intensive site use. For these reasons, it is Dr. Jonna Engel's (Commission Staff Ecologist) biological opinion that the proposed buffer reduction in this case is inadequate to protect water quality, riparian habitat, and ESHA from significant degradation and disruption of habitat values, and the Commission concurs with this determination.

In addition, the proposed development facilitates horses crossing Toro Creek through the ESHA to access the proposed pasture and exercise track from where they are stabled at an existing equestrian facility and polo field on an adjacent property on the west side of Toro Creek that is

¹ Wenger, S. J., and L. Fowler (2000), "Protecting Stream and River Corridors: Creating Effective Local Riparian Buff Ordinances." Carl Vinson Institute of Government, University of Georgia, Athens, GA.

² Spackman, S. C. and J.W. Hughes (1995), "Assessment of Minimum Stream Corridor Width for Biological Conservation: Species Richness and Distribution Along Midorder Streams in Vermont, USA." *Biological Conservation*; vol. 71, no. 3, 325-332.

under common ownership. The applicant asserts that the crossing occurs at an existing trail; however, there is no evidence in the record that establishes when and how the trail was created. Commission staff have received letters from Ted Thielmann and Ted Rhodes (dated January 4, 2015 and January 5, 2015, respectively, and attached as Exhibit 7) that assert that there was an existing trail crossing the creek for some time, but that it was much smaller prior to the applicant's ownership of the project site. This correspondence further asserts that the applicant's use of the trail for moving horses between properties has greatly expanded the intensity of use and footprint of the trail. The frequent use of a trail by horses through the riparian habitat onsite and through the streambed, has the potential for significant impacts to ESHA and water quality through the introduction of animal waste, increased erosion, and soil compaction.

In addition, 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. The proposed water well installation is intended to provide irrigation for the proposed private recreational horse pasture that spans a four-acre area and requires substantial amounts of water during this ongoing and prolonged period of significant drought. The entire State of California is currently in a severe, extended drought. Between 2012 and 2014, the State experienced the driest three-year span in its recorded history and zero groundwater recharge. Due to these severe drought conditions, Governor Brown proclaimed a State of Emergency on January 17, 2014 throughout the State. On April 25, 2014, the Governor proclaimed a Continued State of Emergency. Then, on April 1, 2015, the Governor issued Executive Order B-29-15, which mandates restrictions to achieve a 25% reduction in potable urban water usage. This Executive Order also calls for the replacement of lawns with ornamental turf and drought-tolerant landscaping and increased water efficiency standards for new and existing landscaping.

LUP Policy 3-19 of the County's LCP prohibits the "degradation of the water quality of groundwater basins [and] nearby streams." No hydrological or biological analyses have been submitted by the applicant to assess the potential impacts of the proposed water well on the groundwater basin and adjacent ESHA through an evaluation of the safe yield of the groundwater basin and whether the proposed well's operation would individually or cumulatively exceed this threshold and contribute to the depletion of groundwater levels. The applicant has also provided no information on whether the well pumpage would affect the nearby stream channel, specifically either surface flow or the sub-flow that sustains the creek and the riparian habitat directly adjacent to the proposed development. Given the proposed water wells' close proximity to Toro Canyon Creek (approximately 100 feet from the nearest point along the riparian corridor of Toro Canyon Creek), it is possible that water extraction from the well is interfering with creek surface water flows in a manner that is resulting in adverse effects to the biological productivity and the quality of the stream. Further, as private well owners have relied more heavily on local groundwater due to the ongoing drought, the Montecito Groundwater Basin has reached a state of overdraft and there is strong evidence that seawater intrusion is increasing within the groundwater basin. The aquifers that comprise the water supply for the Montecito Groundwater Basin project offshore as well, making these coastal aquifers particularly susceptible to seawater intrusion. If seawater intrusion continues to increase within the groundwater basin, it can irreversibly degrade the groundwater basin such that coastal aquifer will no longer contain freshwater groundwater resources.

Therefore, for the reasons discussed above, the Commission finds that the proposed horse pasture, and exercise track and the installation of a water well to support a private recreational use, are inconsistent with the ESHA and water quality protection policies of the County's LCP and the incorporated policies of Chapter Three of the Coastal Act and must be denied. Denial of the proposed project will not foreclose the reasonable, productive use of the applicant's property and does not prejudice the landowner's ability to apply for a permit for a different land use that is consistent with the County's certified LCP.

E. VIOLATION

Violations of the Coastal Act and the LCP exist on the subject property including, but not limited to, installation of a horse pasture and exercise track including: 6,850 cu. yds. of grading (1,650 cu. yds. cut, 5,200 cu. yds. fill); importation of 3,550 cu. yds. of sand for soil amendment; and installation of a storm water runoff detention basin. As noted above, aerial photographs confirm that the subject site was used to cultivate vegetable row crops in 2012, and a conversion from an agricultural use (cultivation of vegetable row crops) to a private, recreational use (horse pasture to support the adjacent existing private equestrian facility) took place sometime between August 2012 and April 2013.

Subsequently, on June 24, 2013, the County of Santa Barbara issued zoning and grading violation notices to the applicant for the grading noted above without a permit and siting of the proposed development within 100 feet of a designated Environmentally Sensitive Habitat Area. The County advised the applicant to apply for a coastal development permit to address the zoning and grading violations and authorize the applicant's proposal to install a water well onsite to irrigate the proposed horse pasture. On June 24, 2014, the applicant applied for a Coastal Development Permit for the proposed project described herein. The County of Santa Barbara Planning Commission approved a coastal development permit, and the coastal development permit was appealed and substantial issue found.

The applicant is requesting after-the-fact approval of the unpermitted development described above through this application. Denial of this application pursuant to the staff recommendation will result in violations remaining on the subject property. The Commission's enforcement division will consult with the County to consider options to address said violations as a separate matter.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the policies of the LCP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Santa Barbara County determined that the proposed development is exempt from further environmental review requirements of the CEQA pursuant to State CEQA Guidelines Section 15303 and 15304(a). Public Resources Code (CEQA) Section 21080(b)(5) and Sections 15270(a)

and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable part:

***CEQA Guidelines (14 CCR) Section 15042.** Authority to Disapprove Projects. A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the projects were approved as proposed...*

***Public Resources Code (CEQA) Section 21080(b)(5).** Division Application and Nonapplication...(b) This division does not apply to any of the following activities:...(5) Projects which a public agency rejects or disapproves.*

***CEQA Guidelines (14 CCR) Section 15270(a).** Projects Which are Disapproved. (a) CEQA does not apply to projects which a public agency rejects or disapproves.*

Section 13096(14 CCR) requires that a specific finding be made in conjunction with coastal development permit applications about the consistency of the application with any applicable requirements of CEQA. This report has discussed the relevant coastal resources issues with the proposed project. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 “a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.” Section 21080(b)(5) of the CEQA, as implemented by Section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project was approved as proposed. Accordingly, the Commission’s denial of the project represents an action to which CEQA, and all requirements contained therein that might not otherwise apply to regulatory actions by the Commission, do not apply.

APPENDIX 1

Substantive File Documents

Certified Santa Barbara County Local Coastal Plan; Santa Barbara County Notice of Final Action dated December 2, 2014 and Zoning Administrator Staff Report dated October 31, 2014 regarding CDP No.14CDH-00000-00017 and attachments thereto; California Coastal Commission Staff Report and Recommendation Regarding Appeal No. A-4-STB-14-0073 regarding Substantial Issue dated December 18, 2014 and Addendum dated January 5, 2015; Biological Assessment prepared by Watershed Environmental, Inc. on May 15, 2014; Santa Barbara County 2011 Groundwater Report prepared by the Public Works Department Water Resources Division Water Agency on May 1, 2012