

CALIFORNIA COASTAL COMMISSION

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**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% graded 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	23

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
Exhibit 8.	Letter Regarding Trail from M. E. Meyr

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. The de novo hearing was previously scheduled for the August 2016 Commission hearing, but was postponed by the applicant on August 9, 2016, prior to that hearing.

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% graded 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.

On August 1, 2016, a letter of correspondence from M. E. Meyr was received in support of the staff recommendation (Exhibit 8). M. E. Meyr's letter asserts that the trail on the applicant's property that crosses Toro Creek and connects the horse pasture and exercise track to the polo field facilities under common ownership should not be considered pre-existing because the applicants created the trail using a bulldozer. M. E. Meyr also stated within the letter that the trail is frequently crossed by large vehicles.

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% graded 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.

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.

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 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

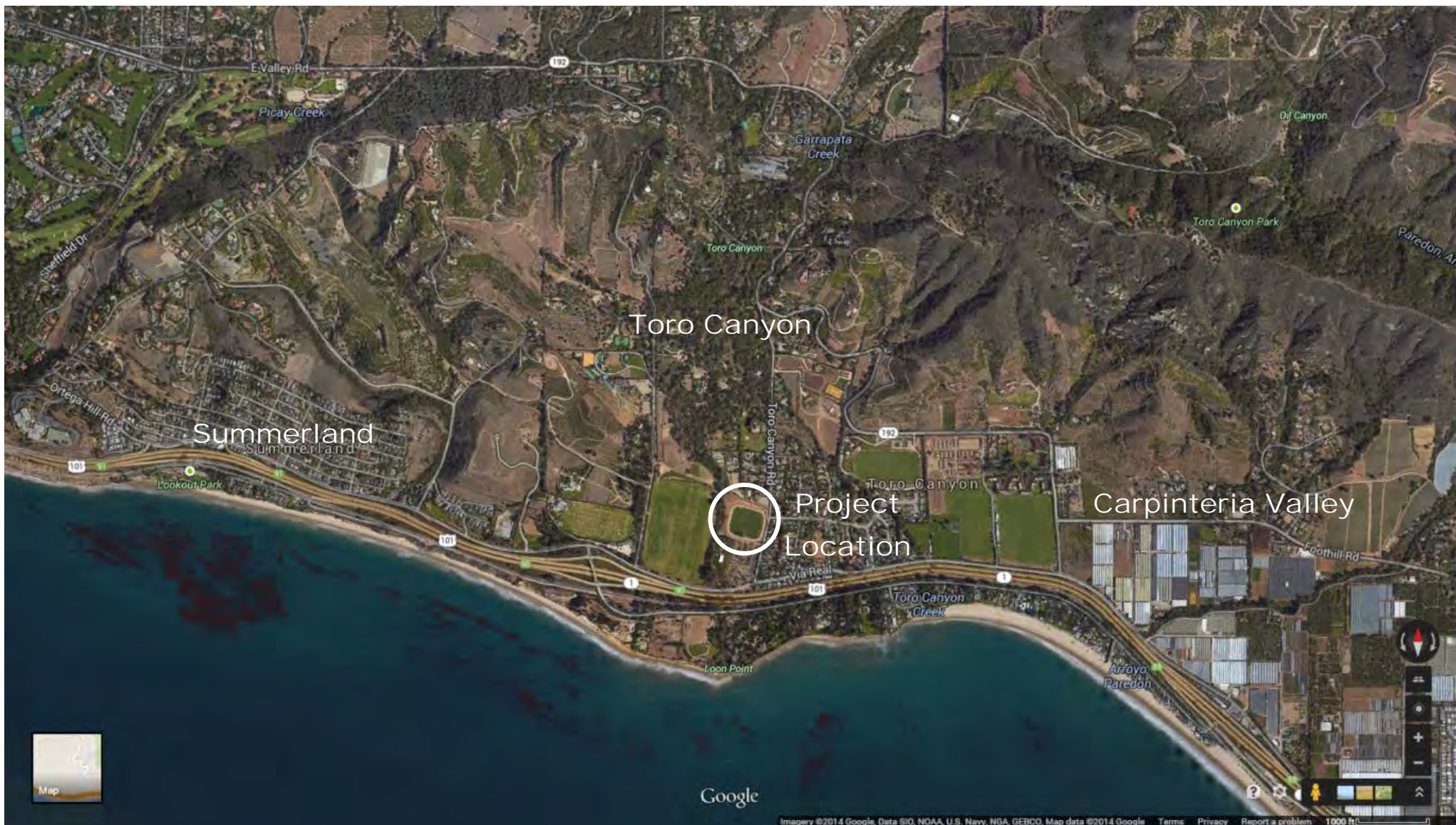


EXHIBIT 1
Vicinity Map
Appeal A-4-STB-14-0073

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°42'00"W	9.10
L 2	N38°09'39"E	92.21
L 3	N8°05'30"E	188.32
L 4	N18°05'18"E	85.49
L 5	N7°47'02"E	118.83
L 6	N17°25'37"E	373.27
L 7	N18°15'30"E	188.23
L 8	N30°21'17"E	35.89
L 9	N56°22'20"W	62.76
L 10	N76°57'46"W	78.53
L 11	S49°12'21"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	162.65
L 15	N5°09'31"W	84.78
L 16	N72°08'07"W	20.09
L 17	N66°46'39"W	177.54
L 18	S8°16'55"E	186.30
L 19	S0°53'11"W	208.89
L 20	S53°36'55"E	133.30
L 21	S36°23'05"W	10.69
L 22	N61°51'55"W	58.56
L 23	N61°51'55"W	20.94
L 24	S78°21'55"E	77.50
L 25	S86°38'25"E	75.08
L 26	S12°03'59"W	14.96
L 27	S28°58'18"E	89.70
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	485.01	129.65
C 7	100.80	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

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

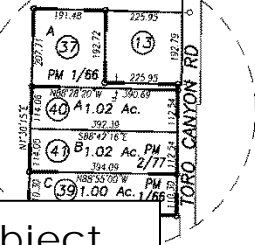
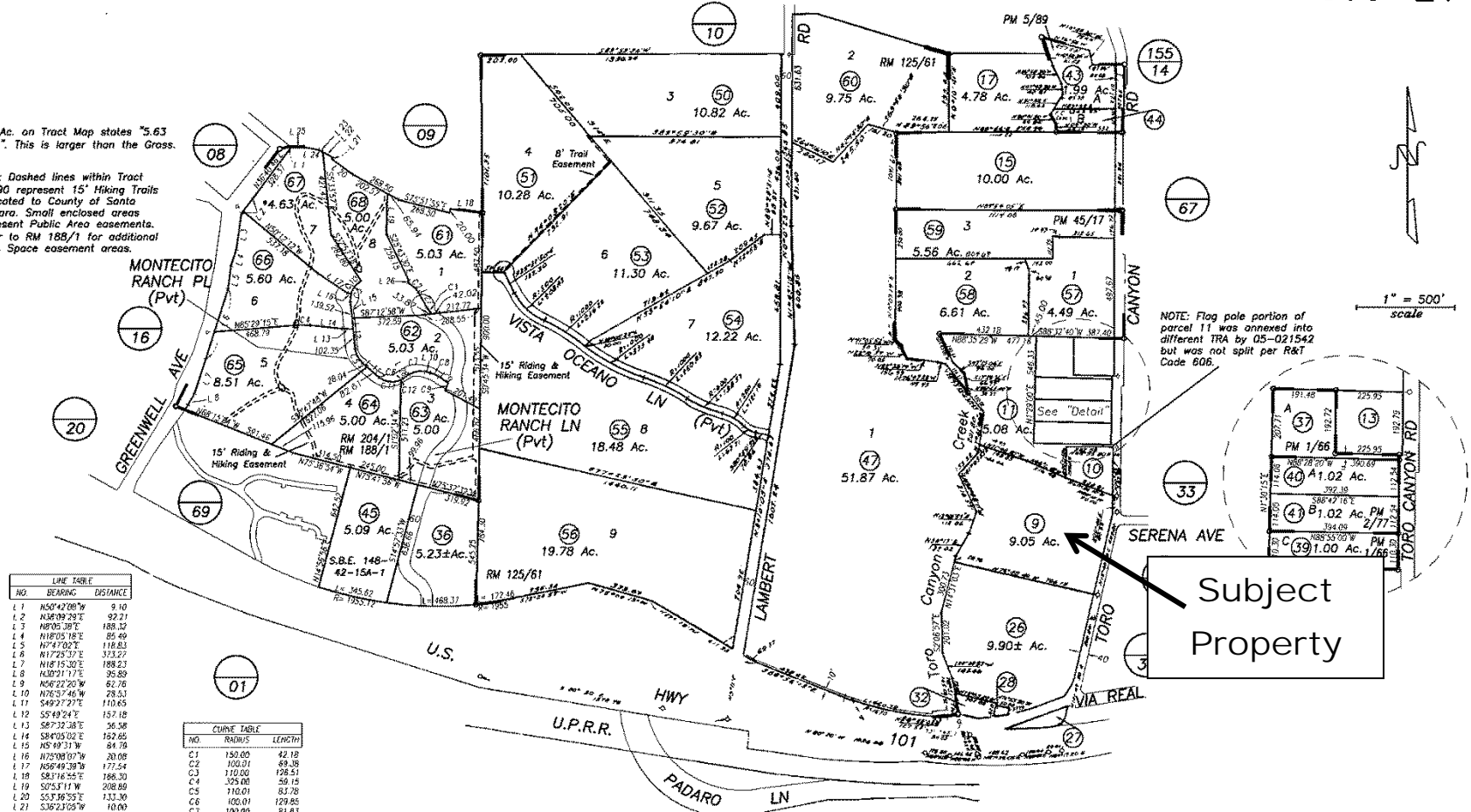




EXHIBIT 3
Aerial Views
Appeal A-4-STB-14-0073



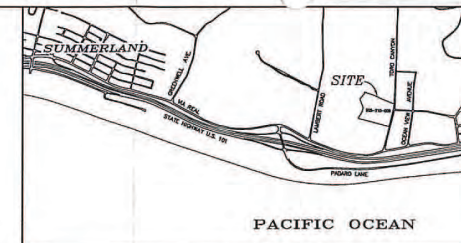
EXHIBIT 3
Aerial Views
Appeal A-4-STB-14-0073



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

Proposed Water Well Location

EASEMENT NOTE:
Easements are shown per Chicago Title Insurance Company
Policy No. CACT17742-7742-4774-00774040897-CTIC-2012-05
Date of Policy: December 10, 2012 at 8:00AM.



VICINITY MAP

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.)

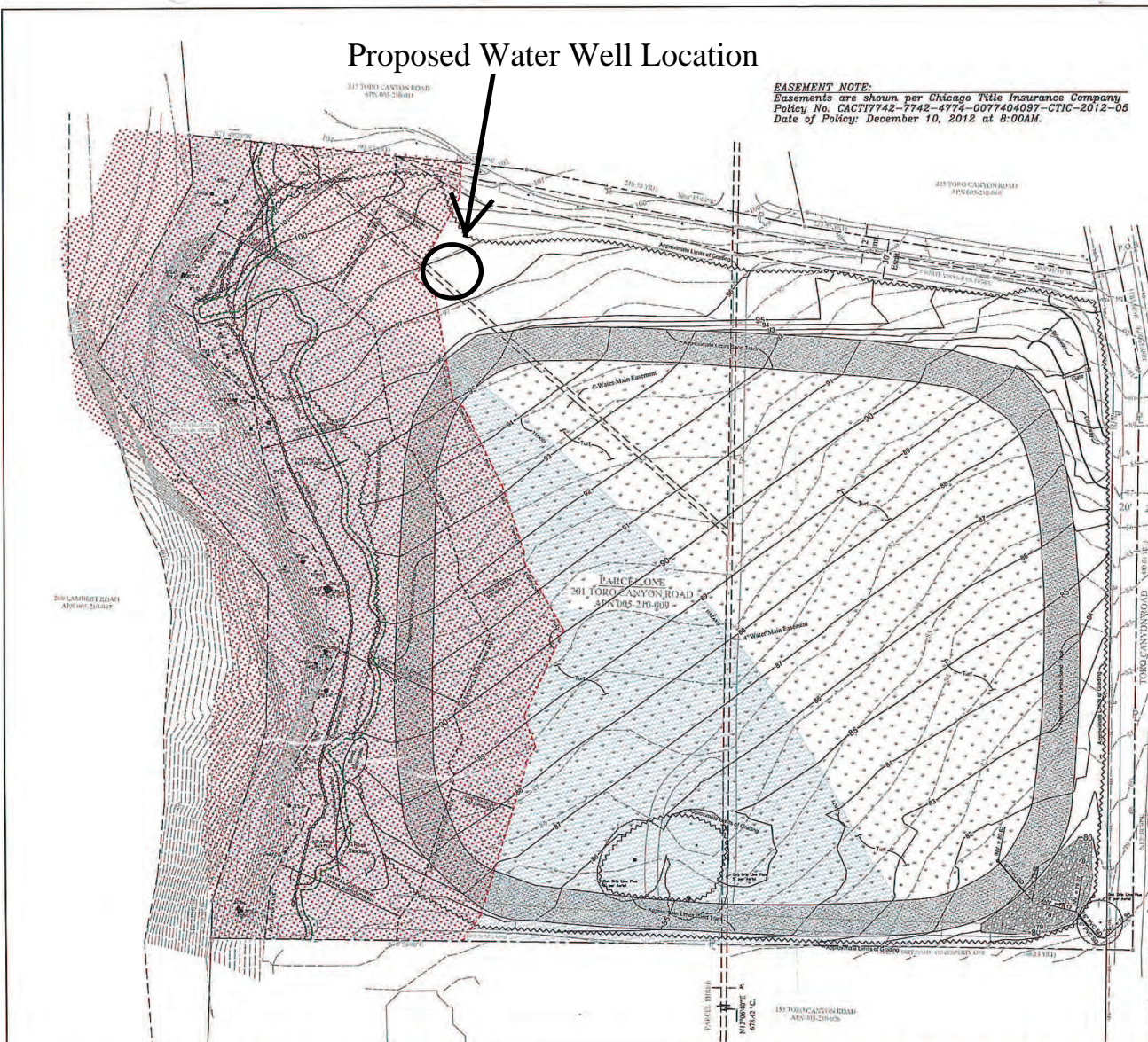
CALCULATED EARTH WORK VOLUMES

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 6 OF COUNTY OF SANTA BARBARA
TORO CANYON PLAN
DATED DECEMBER 2004
- RIPARIAN 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 RIPARIAN CANOPY
PER WATER SHED ENVIRONMENTAL INC.
DISPLAY DATED 4/25/2014
- EXISTING TREE TYPE ABBREVIATIONS
LO = Coast Live Oak
Sc = Sycamore
Eu = 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
201 JARED PLYWOOD ROAD SANTA BARBARA, CA 93101
PHONE: (805) 963-8243 FAX: (805) 963-8282
WWW.SIDGOLDSTIEN.COM

DRAWN BY:

DATE:

SCALE:

201 TORO CANYON ROAD
COUNTY OF SANTA BARBARA
CALIFORNIA
APN-005-210-009

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

EXHIBIT 4

Site Plans

Appeal A-4-STB-14-0073



Photo No. 12



Photo No. 11



Photo No. 10



Photo No. 9



Photo No. 8



Photo No. 7



Photo No. 6



Photo No. 5



Photo No. 1



Photo No. 2



Photo No. 3

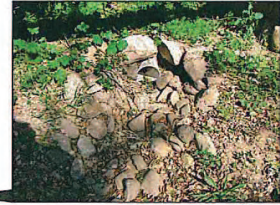


Photo No. 4



- 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 (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
201 HAWK PT. ROAD
SAN JOSE, CA 95128
PHONE (408) 688-1122
FAX (408) 688-1122
WWW.SIDGOLDSTIEN.COM

DRAWN BY: CTV
DATE: 5-14-14
DESIGNER: SID GOLDSTIEN
AS-BUILT: R.C.E. 03.04.14
(EXPIRES 5-30-14)

SCALE: 1" = 30'

201 TORO CANYON ROAD
COUNTY OF SANTA BARBARA
CALIFORNIA
APN-005-210-008

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
HIISTORICAL AERIAL PHOTO
AS OF APRIL, 2011

<p>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.</p>	<p>DATE: _____</p> <p>REVISIONS</p>	<p>REVIEWED BY: _____</p>	<p>REVIEWED BY: _____</p>	<p>SID GOLDSTIEN-CIVIL ENGINEER, INC. PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT 100 JAVIER PARKWAY ROAD SUITE 200 SANTA ANA, CA 92705 PHONE: (949) 585-1525 FAX: (949) 585-1522 WWW.SIDGOLDSTIEN.COM</p>	<p>DRAWN BY: CTW</p>	<p>DATE: 5-14-14</p>	<p>SCALE: 1" = 30'</p>	<p>201 TORO CANYON ROAD COUNTY OF SANTA BARBARA CALIFORNIA APN-006-210-009</p>	<p>SHEET NO. 3 of 3 FILE NO. 14-03-101</p>
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EXHIBIT 4

Site Plans

Appeal A-4-STB-14-0073

4-57B-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

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

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

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:

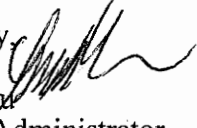
At the regular hearing of the Santa Barbara County Zoning Administrator on November 17, 2014, Case No. 14CDH-00000-00017 marked "Officially Accepted, County of Santa Barbara November 17, 2014, Zoning Administrator Attachment D" was conditionally approved, based upon the project's consistency with the 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

be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

Owner/Applicant Acknowledgement: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

<hr/>		
Print Name	Signature	Date

Date of Zoning Administrator Approval: November 17, 2014

Planning and Development Department Issuance by:

<hr/>		
Print Name	Signature	Date

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

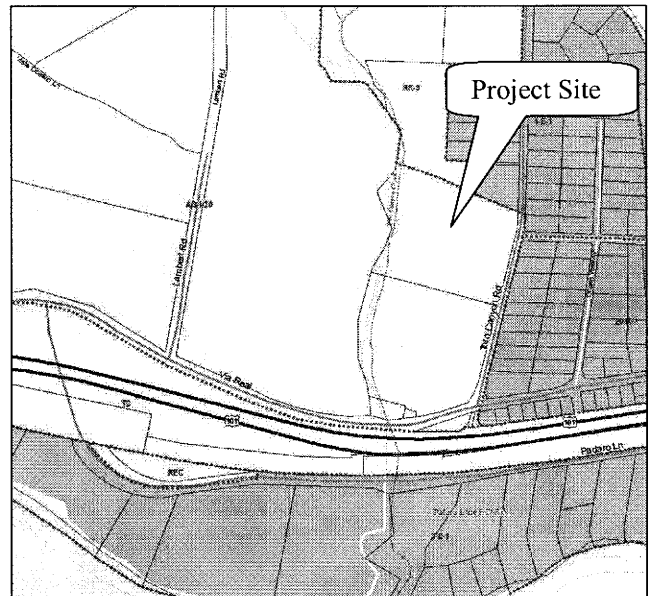
APN: 005-210-009

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:</i> <i>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:</i> <i>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"> <i>a. soil type and stability of stream corridors;</i> <i>b. how surface water filters into the ground;</i> <i>c. slope of the land on either side of the stream; and</i> <i>d. 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>Toro Canyon Plan DevStd BIO-TC-1.5: <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>Toro Canyon Plan DevStd BIO-TC-1.7: <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><i>Toro Canyon Plan Policy HA-TC-1:</i> <i>Archaeological resources shall be protected and preserved to the maximum extent feasible.</i></p> <p><i>Toro Canyon Plan DevStd HA-TC-1.1:</i> <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

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**POLICIES IN LOCAL COASTAL PROGRAMS
REGARDING DEVELOPMENT SETBACKS
AND MITIGATION RATIOS FOR WETLANDS
AND OTHER ENVIRONMENTALLY SENSITIVE
HABITAT AREAS**

**Performed Under Section 309
(Coastal Zone Enhancement Grants Program)
of the Coastal Zone Management Act**

January 2007

EXHIBIT 6

**Dr. Jonna Engel's Study
Regarding Development Setbacks
Appeal No. A-4-STB-14-0073**

TABLE OF CONTENTS

INTRODUCTION	1
BUFFER POLICIES	2
MITIGATION RATIO POLICIES	5
CONCLUSIONS	6
APPENDIX A: ESHA LISTINGS IN LCPS BY DISTRICT	7
APPENDIX B: DEVELOPMENT BUFFERS FOR THE PROTECTION OF WETLANDS AND TERRESTRIAL ENVIRONMENTALLY SENSITIVE HABITAT AREAS	9
APPENDIX C: PEER REVIEWED BUFFER RESEARCH	11
APPENDIX D: LITERATURE CITED	15
<u>TABLE 1: COMPENDIUM OF LCP BUFFER AND MITIGATION RATIO POLICIES</u>	
<u>TABLE 2: SUMMARY OF LCP BUFFER AND MITIGATION RATIO POLICIES</u>	

Introduction

Local Coastal Programs (LCPs) are prepared by local governments and reflect the unique local characteristics of both natural resources and individual coastal communities. Each LCP includes a land use plan and measures to implement the plan, such as zoning ordinances. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements. After an LCP has been approved, the Commission's coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments. (Cal.Pub.Res. Code §§ 30500, et seq.)

LCPs contain the ground rules for development and protection of coastal resources in the 74 coastal cities and counties. Therefore, LCPs need to provide strong policies for the protection of marine and freshwater wetlands and terrestrial Environmentally Sensitive Habitat Areas (ESHA)¹. Many LCPs identify particular habitat types as ESHA and some LCPs include generalized maps of ESHA. However, LCPs should always provide for site-specific assessments of ESHA, regardless of other LCP provisions that identify or map particular habitats as ESHA. Ultimately, ESHA must always be determined by assessing the existing conditions on a site, based on current knowledge of the functions and rarity of species and habitats. Strong policies relating to development setbacks (spatial buffers) around sensitive terrestrial habitats and marine and fresh water wetlands are essential. Policies that require mitigation for projects that impact wetlands and other sensitive habitats are also needed.

The purpose of this report is to document and assess the resource protection policies in the Local Coastal Programs that currently exist in the state of California. To this end, Coastal Commission staff reviewed every Local Coastal Program in California and collected the policies that relate to spatial buffers around protected habitats and to mitigation for impacts to such habitats. This information was organized by district and Local Coastal Program and is contained in Table 1. A summary presentation is contained in Table 2. The purpose of this report is to enable district offices to review the status of their policies in relation to those in other districts and to identify city and county Local Coastal Plans that need revision and updating in order to adequately protect wetlands and terrestrial environmentally sensitive habitats.

¹ "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Cal.Pub.Res. Code § 30107.5)

Buffer Policies

The general trend for commission buffer standards is that older LCPs have more general and less restrictive requirements (smaller buffer dimensions), whereas more recent LCPs have stricter (larger buffer dimensions) and more detailed policies. Even the stricter, recent LCP buffer policies still fall short of buffer distances recommended in the scientific literature (see Appendix C). The majority of city and county LCPs contain buffer policies that include a minimum required distance between a particular type of ESHA and development. A subset of the LCP's with buffer policies for ESHA have additional policies that allow for case-by-case alterations of the buffer dimensions, including an increased buffer width when the ESHA in question is particularly sensitive (Tables 1 and 2).

The most consistent buffer dimension required across city and county LCPs is 100 feet for wetlands. The majority of LCPs state that a 100-foot buffer is the minimum standard and that especially sensitive wetland habitats may require a larger buffer. A number of the LCP wetland buffer policies include the caveat that a smaller buffer may be allowed in cases where the "applicant can demonstrate that a smaller buffer will protect the resources of the habitat area." "Wetland" is a catchall term that includes both saltwater and freshwater habitats. Wetlands include sloughs, estuaries, lagoons, salt marshes, eelgrass beds, fresh water marshes, ponds, lakes, seasonal marshes, and vernal pools. The consistent 100-foot buffer requirement for wetlands comes from LCPs incorporating the recommendation put forth in the commission's 1981 "Statewide Interpretive Guidelines for Wetlands and other Wet, Environmentally Sensitive Habitats". Section VIIB (Standards for siting development adjacent to environmentally sensitive habitat areas - Criteria for establishing buffer areas) of the guidelines states that:

The width of a buffer area will vary depending upon the analysis. The buffer area should be a minimum of 100 feet for small projects on existing lots (such as one single family home or one commercial building) unless the applicant can demonstrate that 100 feet is unnecessary to protect the resources of the habitat area. If the project involves substantial improvements or increased human impacts, such as a subdivision, a much wider buffer area should be required. For this reason the guideline does not recommend a uniform width. The appropriate width will vary with the analysis based upon the standards.

The LCP exceptions to the 100-foot wetland buffer policy are found in Crescent City and Fort Bragg which require 50 feet, San Luis Obispo County Bay Area Plan and Long Beach (Los Cerritos Wetlands) which both require 25 feet, and San Clemente which includes a wetland ESHA category but does not provide a numeric buffer. The most protective buffer policies for wetlands occur in the Humboldt County, Big Sur Coast, and Morro Bay LCP's. Humboldt County's wetland buffer policies state that "Outside an urban limit line, the setback shall be between 100 feet and 200 feet depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on the wet habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland." And "Within an urban limit line, the setback shall be either 100' or the average setback of existing

development immediately adjacent as determined by the "string line method". Big Sur Coast's LCP requires a 150-foot wetland buffer. The Morro Bay LCP requires a 250-foot wetland buffer for the review area. The smallest wetland buffer requirement, 25 feet, occurs in the San Luis Obispo County LCP Bay Area Plan and the Long Beach (Los Cerritos Wetlands) LCP.

The Sonoma County LCP creates confusion by having conflicting wetland buffer policies;

- LUP Policy III-25: Prohibit construction of agricultural, commercial, industrial, and residential structures within 100' of wetlands.
- LUP Policy III-26: Prohibit construction of agricultural, commercial, industrial, and residential structures within 300' of wetlands unless wetlands would not be affected by such construction.

Local Coastal Programs also commonly contain buffer provisions for riparian habitats. Many terms are used for riparian habitats in the various city and county LCPs: riparian areas, riparian vegetation systems, riparian corridors, riparian vegetation, creeks and streams, creeks, and stream habitats. In most of the LCPs riparian habitats are a stand-alone category, but in several of the LCPs this habitat type is lumped in with other ESHA types. Several LCPs distinguish between perennial and intermittent creeks and streams and require larger buffers for perennial waterways. Other LCPs distinguish between rural and urban riparian habitats and require wider buffers for the rural, presumably more pristine habitats. The range of riparian habitat buffer dimensions is from 20 feet in the San Luis Obispo Estero Area Plan to 150 feet in the North Coast and Carmel Area sub-areas of Monterey County, Carmel City, and the Big Sur Coast LCPs. One hundred feet and 50 feet are common riparian buffer dimension policies, however 35 feet is required in the Capitola LCP and the Oceanside LCP requires a 75-foot buffer for the San Luis Rey River.

General ESHA is a term used by many LCPs. "General ESHA" is similar to the term "wetlands" in that it is a catchall category for a whole suite of environmentally sensitive terrestrial habitats and species. The LCP trend is that the more recent LCPs identify a greater number of specific types of ESHA whereas older LCPs lump environmentally sensitive habitats into the general ESHA category while singling out only a few ESHA types for specific buffer policies. In the various LCPs, general ESHA includes a variety of special vegetation types (e.g., native grasslands, oak woodlands, Monterey Pine Forest, maritime chaparral, and Torrey Pine Forest), and habitat for individual rare or important species (e.g., oak trees, Santa Cruz Long-toed salamander, monarch butterflies, and burrowing owls) (see Appendix A).

A number of LCPs have buffer standards for "General ESHA", "Other ESHA", or "Other". This is very important because it enables local governments to protect species and habitats that may be discovered or listed after an LCP has been certified. A small number of LCPs have an ESHA category for rare, threatened and endangered habitats, plants, and animals. While "General ESHA" categories capture rare, threatened and endangered habitats, plants, and animals, an ESHA

category specific to rare, threatened and endangered habitats, plants and animals, does not necessarily capture “General ESHA”. The most restrictive “General ESHA” policies are in the Mendocino County, Sonoma County, Morro Bay, San Buenaventura (Sensitive Habitat Overlay Zone), and Malibu City LCP’s which require 100-foot buffers. An example is the Sonoma County LCP general ESHA policy which states: “Generally requires minimum 100’ buffer for ESHA, streams, and wetlands, but also provides policy basis for requiring greater buffers on a case-by-case basis when necessary to protect habitat”.

A large number of LCPs identify specific ESHA types but do not have a general ESHA category. The LCP’s that fall into this category are:

Crescent City, Humboldt County, Trinidad City, Arcata, Half Moon Bay, San Mateo County, Santa Cruz County, Capitola, Watsonville (sub-area A, C, R), Monterey County (sub areas Big Sur Coast, Carmel Area, Del Monte Forest, North County – these all have an “other terrestrial habitats” category but not “General ESHA”), Pacific Grove, Pismo Beach, Grover Beach, Ventura County, Oxnard City, Los Angeles County, Newport Beach, Laguna Niguel, Dana Point, San Diego County/San Dieguito, Del Mar, National City, Chula Vista, and Imperial Beach.

This is worrisome because if additional ESHA is discovered, the LCP does not provide for its protection. Even more alarming are those LCPs that do not have ESHA policies at all. The LCPs that fall into this category include:

San Francisco, Seaside, Guadalupe City, El Segundo, Manhattan Beach (“No ESHA in coastal zone”), Redondo Beach Coastal Zone 1 (“No ESHA in coastal zone”), Marina del Rey (“No ESHA identified”), Palos Verdes Estates, Rancho Palos Verdes, Long Beach (sub areas: Alamitos Bay, Marine Stadium, Colorado Lagoon, Sims Pond), Irvine City, Aliso Viejo, and Coronado.

While it may be the case that ESHA does not presently exist in these jurisdictions, these LCPs do not provide for its future discovery (future ESHA identification is highly plausible).

Many LCPs require buffers for particular types of ESHA but do not cite a specific buffer dimension. In some instances all that the policy states is “numeric buffer not available”. In other instances the policy will state that a numeric buffer is not available and go on to provide general requirements. The appropriate buffer dimension for the respective ESHA and development in question is left to the discretion of the local government planners and contract biologists or CDFG biologists.

Buffer dimensions that stand out occur in Sonoma County which requires a 600-foot buffer for heron rookeries and in Carpinteria which requires a 300-foot buffer for trees supporting nesting raptors. The City of San Diego requires 300 feet from any nesting site of Cooper's hawks, 1,500 feet from known locations of the southern pond turtle, 900

feet from any nesting sites of northern harriers, 4,000 feet from any nesting sites of golden eagles, and 300 feet from any occupied burrow of burrowing owls.

Mitigation Ratio Policies

A mitigation ratio is the ratio of the area of habitat provided for mitigation to the area of habitat that is impacted by development. Mitigation generally takes the form of habitat restoration and protection in perpetuity. Mitigation ratios commonly vary from 1:1 to 4:1, depending on the circumstances.

Most city and county LCPs lack formal mitigation ratio policies; only 25% of the certified LCPs have mitigation ratio policies. In those that do, the prevailing mitigation ratio standards are as follows:

- 4:1 for wetlands including salt marshes and vernal pools;
- 3:1 for riparian habitats, rare habitat types, or habitats that support rare species;
- 2:1 and
- 1:1 for other ESHA and coastal resources, including coastal sage scrub and southern mixed chaparral.

For example, the Malibu LCP requires that adverse impacts in wetlands be mitigated at a 4:1 ratio for vernal pools and salt marshes and at a 3:1 ratio in seasonal wetlands, freshwater marshes and riparian areas. Long Beach requires 4:1 replacement for salt marshes and 3:1 replacement for riparian habitats. And Carlsbad policies are 4:1 for vernal pools and 3:1 for riparian areas.

Where LCP mitigation ratio policies exist, they are determined by taking into account the necessary habitat and vital processes required by the respective ESHA residing in that area. For example, in the Newport Beach LCP policy, coastal sage scrub occupied by the endangered California gnatcatchers and ["AND" OR "OR"]significant populations of other rare species are mitigated at a ratio of 3:1 whereas coastal sage scrub not hosting rare species is mitigated for on a 2:1 ratio.

Mitigation ratios are intended to replace lost habitat, account for temporal losses of habitat, and compensate for the loss of ecological functions that result when restoration efforts are only partially successful. The fact that most LCPs do not have mitigation ratio policies may reflect thinking along the lines of "development in ESHA is not permitted and therefore mitigation ratios for such development is unnecessary". However, this is not the case. Currently, there are permitted uses and takings overrides that occur in ESHA that need to be mitigated. This is something that should be amended as soon as possible in city and county LCPs where development impacts ESHA.

Conclusions

The primary objective of this report is to collate and review state-wide buffer and mitigation ratio policies contained in Local Coastal Programs. This should help to identify outdated LCPs and aid in establishing state-wide consistency for resource protection. The information in Appendix C provides some scientific background that should assist in developing protective and defensible buffer practices. Through the process of preparing this report, several important issues regarding LCP buffer and mitigation ratio policies have become apparent.

First, it is extremely important that all Environmentally Sensitive Habitat Areas be identified and protected. Listing particular rare species and vegetation types is not sufficient. There must also be policies that insure that a site-specific ESHA analysis takes place at the time of proposed development. This is necessary because both the actual abundance and condition and our scientific understanding of species is constantly changing, growing, and improving. Without an accurate delineation of ESHA, policies regarding buffers and mitigation cannot be effective.

Given the commission's mandate to protect, preserve, and enhance the natural resources found along the California coastline, appropriate buffer and mitigation ratio policies are of utmost importance. This report demonstrates that across the state LCP buffer policies fall short of the buffer dimensions recommended in the scientific literature. Although it is often not feasible to establish buffers as wide as is recommended in the scientific literature (e.g., 450-foot wetland buffers, 900 feet between human disturbance and nesting herons), the Commission can work toward updating LCP policies that are clearly inadequate by increasing the width of protective buffers. Updates in the right direction would be LCP policies requiring 100-foot buffers for all wetland and riparian habitat types with caveats to allow for larger buffers for especially sensitive areas and smaller buffers for especially low impact development. Regarding other terrestrial ESHA buffers, policies requiring buffer widths less than 50 feet should be reviewed and in most cases increased to a minimum of 50 feet. In some cases, 100 feet or wider will be warranted.

Finally, LCPs are conspicuously lacking mitigation ratio policies to direct mitigation and restoration when ESHA is impacted. Unfortunately, there is little scientific literature that could form the basis for specific ratios. However, there have been a number of studies in recent years that have evaluated the success of restoration projects that were undertaken to mitigate for development impacts. In general, these projects have not accomplished their goals, suggesting that mitigation ratios greater than 1:1 are necessary.

APPENDIX A

HABITATS IDENTIFIED AS ESHA IN LOCAL COASTAL PROGRAM BY DISTRICT

North Coast: (Del Norte, Humboldt, Mendocino Counties)

Habitats: Wetlands (including estuaries, sloughs, gulches), riparian systems, creeks, offshore rocks, intertidal areas, and sea cliffs/coastal bluffs, and CNND listed habitats

Individual species: Rare, threatened, endangered plants and animals, and waterbird rookeries

North Central Coast: (Sonoma, Marin, San Francisco, San Mateo Counties)

Habitats: Wetlands, riparian systems (rivers, creeks, streams), coastal bluffs, dune and sandy bluffs, and CNND listed habitats

Individual species: Rare, threatened, and endangered plants and animals, heron rookeries

Central Coast: (Santa Cruz, Monterey, San Luis Obispo Counties)

Habitats: Wetlands (including lagoons, estuaries, vernal pools), riparian systems, rivers, streams, creeks, Santa Cruz cypress groves, oak woodlands, marine mammal rookery and haul-out zones, rocky points, intertidal and subtidal zones, marine habitats, dune habitats, coastal bluff, coastal sage scrub, chaparral, native grasslands, butterfly habitat, wildlife corridors, "other terrestrial habitats", and CNND listed habitats.

Individual species: Rare, threatened, and endangered plants and animals including Ohlone tiger beetle, tidewater goby, burrowing owl, California brown pelican, monarch butterfly, pigeon guillemot, black swift, Santa Cruz tarplant, peregrine falcon, white-tailed kite, snowy plover, Santa Cruz long-toed salamander, black legless lizard, raptor nesting trees, individual oak trees, nesting shorebirds, seabird nesting and roosting areas, waterbird rookeries

South Central Coast: (Santa Barbara, Ventura, Los Angeles (Malibu/Santa Monica Mtns Segment) Counties)

Habitats: "General ESHA", wetlands (including lagoons, estuaries, vernal pools), riparian systems, riparian scrub, lakes, streams, creeks, oak woodlands, woodlands, coastal sage scrub, chaparral, native grasslands, butterfly habitat, wildlife corridors, "other terrestrial habitats", dune habitats, coastal bluffs, beaches, marine mammal rookery and haul-out zones, rocky points, intertidal and subtidal zones, tidepools, habitat used by sensitive, rare, threatened or endangered species, and CNND listed habitats.

Individual species: Rare, threatened, and endangered plants and animals, harbor seal rookery and haul out zones, native trees,

South Coast: (Los Angeles and Orange Counties)

Habitats: "General ESHA", wetlands (seasonal wetlands, vernal pools, freshwater marshes, salt marshes, eelgrass beds), riparian areas, coastal sage scrub, southern maritime chaparral, southern mixed chaparral, maritime succulent scrub, native grasslands, marine and tidal areas of special biological, beaches, and CNND listed habitats.

Individual species: Rare, threatened, and endangered plants and animals, California gnatcatcher

San Diego: (San Diego County)

Habitats: "Other ESHA", sensitive biological resources, wetlands (vernal pools, other seasonal wetlands, lagoons, salt marshes), riparian areas, beaches, sensitive coastal bluffs, coastal sage scrub, southern maritime chaparral, southern coastal bluff scrub, maritime succulent scrub, native grassland, oak woodlands, steep hillsides, other rare native vegetation, and CNND listed habitats.

Individual species: Rare, threatened, endangered plants and animals

APPENDIX B

DEVELOPMENT BUFFERS FOR THE PROTECTION OF WETLANDS AND TERRESTRIAL ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The American Heritage Dictionary definition of buffer is “one that lessens, absorbs, or protects against the shock of an impact; to deaden the shock of”. A buffer², in the context of the California Coastal Commission (CCC), is a barrier, “safe zone”, or bordering strip of natural habitat or land between ESHA and development or human disturbance.

Buffers are important for preserving the integrity and natural function of individual species and habitats. The purpose of a buffer is to create a zone where there will be little or no human activity. The purpose of a buffer is to “cushion” species and habitats from disturbance and allow native species to go about their “business as usual”. The CCC document; “Statewide Interpretive Guidelines for Wetlands and other Wet, Environmentally Sensitive Habitats” (1981) states that a buffer area is essential open space between development and ESHA. The guidelines go on to say that the existence of this open space ensures that the type and scale of development proposed will not significantly degrade the habitat area. The fact that a buffer area is not itself a part of the ESHA, but a “buffer” or “screen” that protects the habitat area from adverse environmental impacts caused by development is clarified by the guidelines.

A primary function of buffers is to protect against human and domestic animal disturbance, that is, to keep disturbance at a distance. Human activity immediately adjacent to sensitive species and habitats can produce disturbance in the form of noise pollution (machinery, voices, music, construction, etc.), light pollution (artificial lighting, shading, and canopy removal) and foot traffic. Just the presence of humans is disturbing and disruptive to the normal functioning of many wild animals. Domestic animals are often associated with development, and cats and dogs may hunt and otherwise disturb native organisms including pollinators, other insects, amphibians, reptiles, birds, and mammals. Additionally, landscaping irrigation around development can negatively impact the natural community and application of herbicides or pesticides for landscaping or building maintenance may be extremely harmful to native habitats. Buffers act as a barrier to both excessive water and anthropogenic chemicals. Buffers also protect against invasive plant and animal species that are often associated with humans and development. Such invasive species arrive on car tires (both during and after construction), fill soils, construction materials, and in myriad other ways throughout

² “Buffer,” “buffer zone,” and “setback” are used interchangeably by the Commission and all three equivalent terms are found in LCPs.

the life of the development. Buffers may enable invasive species detection and eradication before they invade sensitive habitats.

Protection from disturbance allows organisms to engage in the business of making a living and utilizing the ecosystem services that an intact, natural habitat provides. Pair bonding, mating, nesting or denning, foraging and feeding, rearing and feeding young, predator/prey interactions, and traveling are some of the behavioral aspects that may be negatively influenced by the stress of human and animal disturbance inherent in many types of development. A primary objective of buffers is to provide conditions where organism's normal behavior patterns are disturbed as little as possible. Buffers may also expand corridors for plant and animal dispersal and movement and reduce habitat fragmentation

A buffer is a zone that can provide ecosystem services including soil stabilization, interception of eroded materials, absorption of runoff and pollutants (pesticides, herbicides, etc.), treatment of runoff (filter mechanism), fixation of nitrogen, and storage of nutrients. Buffers can serve to slow the rate of storm water flow and encourage infiltration. In addition buffers serve to accommodate human errors in the practice of habitat delineation. Buffers also provide complementary habitat, such a source of upland pollinators for some wetland species and important foraging habitat for many birds that occupy ESHA.

APPENDIX C

PEER REVIEWED BUFFER RESEARCH

The width of a buffer needed to protect adjacent environmentally sensitive resources is a difficult number to determine. To date, most research concerned with buffers and movement corridors has taken place in wetland and riparian habitats. In addition, there have been a number of studies that have focused on the requirements of individual species, particularly rare plants, amphibians, and birds. While research in this area continues to grow, there is still much work to be done, especially for non-wetland habitats and individual plant and animal species, rare or otherwise.

The determination of appropriate buffer widths is particularly difficult because of the complexity of biological systems and the fact that individual species each have specific habitat requirements. Buffer determinations require the study of the natural history of the species and the natural processes important in maintaining the system in which that species occurs. Much research has focused on the use of buffers to reduce impacts of specific land uses such as silviculture, agriculture, and recreation. Buffer effectiveness is often measured using biological, chemical, and physical components to assess habitat and species impacts (Wong and McCuen 1982; Phillips 1989). Methodologies include monitoring water quality and quantity, examining plant and animal species distribution and abundance, monitoring habitat quality, quantity and compositions, and measuring levels of human use (Shisler et al. 1987, Shisler 1990, Zeigler 1988).

In 1988, the Habitat Management Division of the Washington State Department of Wildlife produced a report that examined buffer dimensions essential for fish and wildlife. The recommendations that came out of the report included minimum buffers of 61m (200 feet) for forested wetlands and 91m (300 feet) for non-forested wetlands such as salt marshes. The report noted that buffers associated with sensitive soils and wildlife species may need to be larger (Zeigler 1988). Palfrey and Bradley (1988), in their buffer area study, and Porter (1980), recommend a minimum buffer width of 100' from the edge of tidal and non-tidal wetlands.

Semlitsch (1998) surveyed the literature for distances from shorelines that are biologically important for wetland fauna because this information is critical for delineation of wetland buffer zones, and thus for the conservation of semi-aquatic organisms. He found that the mean distance salamanders were found from the edge of aquatic habitats was 125.3m (407 feet for adults of six species and 69.6m (226 feet) for juveniles of two of these species. Semlitsch assumed that the mean distance encompasses 50% of the population so a buffer zone encompassing 95% of the population would extend 164.3m (534 feet) from a wetland's edge into the terrestrial habitat. Data from other amphibians suggest that this buffer zone is applicable to a range of species, but caution should be taken for taxa suspected to move about more.

Semlitsch emphasizes that wetland managers and policymakers must recognize the special needs of semi-aquatic organisms during their entire life cycle, not just during the breeding season. To maintain viable populations and communities of salamanders, attention must be directed to the terrestrial areas peripheral to all wetlands.

Continuing with this research, Semlitsch and Brodie (2003) looked at the use of terrestrial habitat by 65 species of wetland associated amphibians and reptiles. They found that core habitat from the edge of the wetland or riparian site ranged from 159m (517 feet) to 290m (942 feet) for amphibians and from 127m to 289m (413 ft. – 939 ft.) for reptiles. They recommend that the minimum and maximum core habitat values, depending on the level of protection needed, be used in establishing "biologically meaningful buffers for wetland and riparian habitats." In establishing a buffer zone, they apply a 50-m (162 feet) "terrestrial buffer" in addition to the core habitat buffer. So that an actual buffer zone would be the core habitat plus the 50-m (163 feet) terrestrial buffer. Semlitsch and Brodie conclude that large areas of terrestrial habitat surrounding wetlands are critical for maintaining biological diversity.

A number of studies have been undertaken that examine the effectiveness of riparian buffers. It is generally accepted that 30-60m (97.5-195 feet) wide riparian buffer strips will effectively protect water resources through physical and chemical filtration processes (Lee & Samuel 1976; Phillips 1989; Davies & Nelson 1994; Brososke et al. 1997). For the purposes of filtering nitrogen compounds Wenger and Fowler (2000) 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." The buffer requirements for riparian systems are not as well studied or understood. Spackman and Hughes (1995) studied the distribution of plant and bird species in relation to variable riparian buffer dimensions within several riparian systems. They 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. Interestingly, virtually all non-native and ruderal plant species were restricted to the immediate streamside suggesting that annually flooded zones may serve as refugia and dispersal corridors for these groups. From their work they concluded that the distribution of species along streams varies by taxon, stream, and location of the high water mark and that "the use of a standard corridor width to conserve species is a very poor substitute for individual, stream-specific assessments of species distributions".

Haegen and DeGraaf (1996) studied predation on artificial nests located in a forested riparian buffer strip. From their work they concluded that "managers should leave more than or equal to 150m (490-foot) buffer strips along riparian zones to reduce edge-related nest predation, especially in landscapes where buffer strips are an important component of the existing mature forest".

In areas managed for timber, riparian areas are often protected with unharvested forested buffers. However, it is unclear whether these buffers contribute to the floral and faunal diversity of riparian areas. Perkins and Hunter (2006) studied the effects of riparian timber management on several species of amphibians native to riparian habitats in western Maine. They found that wood frogs (*Rana sylvatica*), eastern red-

backed salamanders (*Plethodon cinereus*), and spotted salamanders (*Ambystoma maculatum*) were sensitive to timber harvesting while American toads (*Bufo americanus*) were either unaffected or increased in abundance post harvest. They concluded that buffers ranging in width from 11 to 35m (40-110 feet) were important to preserving amphibian species sensitive to harvesting impacts.

Peak and Thompson (2006) compared species richness and densities of breeding songbirds among narrow (55-95m) and wide (400-530m) forested-riparian areas with adjacent grassland-shrub buffer strips and narrow and wide forested-riparian areas without adjacent grassland-shrub buffer strips, in northeastern Missouri, USA. More bird species occurred in wide than in narrow forested-riparian areas. Wide forested-riparian areas provided breeding habitat for more bird species than narrow forested-riparian areas, especially forest area-sensitive species. The addition of grassland-shrub buffer strips adjacent to forested-riparian areas increased species richness in those areas.

The effects on breeding birds of three stream zone widths (narrow 15-25m, medium 30-40m, and wide 50-95m) were studied in young pine (*Pinus spp.*) plantations in eastern Texas by Dickson et al. in 1995. Bird abundance was generally positively related to stream zone width. Narrow stream zones were inhabited mainly by species associated with young brush stands and habitat edge. Bird species frequenting the wide zones were mostly those associated with mature pine-hardwood and bottomland hardwood stands in the South. Species found in the medium zones were a mix of species associated with narrow and wide zones. Dickson et al. found that medium and wide stream zones maintain a greater number of species of birds in local communities and benefits species associated with mature forest.

Odonata dragonfly species are major predators in terrestrial and aquatic ecosystems that are particularly sensitive to human disturbance. Samways and Steytler (1996) studied a number of dragonfly species' distribution patterns and concluded that buffer dimensions of at least 20m to 30m (65 to 97.5 feet) would provide protection from disturbance for dragonflies along rivers in riparian habitats in South Africa.

Human disturbance has been shown to negatively impact the reproductive success of colonial nesting waterbirds through egg and nestling mortality, nest evacuation, lowered nestling body mass and slower growth, premature fledging, and modified adult behavior. Rodgers and Smith (1995) studied 15 species of colonial waterbirds at 17 colonies in north and central Florida to determine appropriate set-backs for colony protection. They examined several types of human disturbance, including walking and recreational boating. Walking elicited greater flushing distances than boating. Rodgers and Smith's results led them to conclude that wading birds required 100m (330-foot) set-backs while mixed tern/skimmer colonies required 180m (590-foot) set-backs.

Richardson and Miller (1997) reviewed buffer zone widths necessary for protecting nesting raptors from human distances. They present recommendations for 11 species of raptors (osprey, Cooper's hawk, northern goshawk, sharp-shinned hawk, golden eagle, red-tailed hawk, ferruginous hawk, bald eagle, prairie falcon, peregrine falcon, and American kestrel). The suggested buffer zones range from 50 to 1600m (164 to 5250 feet). The minimum buffer zone listed for prevention of human disturbance is

200m (656 feet). Craig (1998) presents recommendations for nest and perch buffer zones for six species of raptors found in Colorado (bald eagle, golden eagle, osprey, ferruginous hawk, red-tailed hawk, Swainson's hawk, peregrine falcon, prairie falcon, goshawk, American kestrel, merlin, rough-legged hawk, and burrowing owl). For the majority of nesting hawks Craig recommends a 1/4mile (400m (1310 feet)) buffer between nests and "surface occupancy" or human occupation. Only the burrowing owl has a lower buffer recommendation: 1/16mile. Perch buffer distances range from 75 to 300m (250 to 980 feet).

APPENDIX D

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Table 1
State-wide Buffer (Setback) and Mitigation Ratio Policies

Abbreviation definitions:

ESHA - Environmentally sensitive habitat

N/A - Not Applicable to this area

Numeric buffer N/A - Habitat variety exists, though no numeric standard or policy is proposed

LCP - Local Coastal Plan

LUP - Land Use Plan

IP - Implementation Plan

CZO - Coastal Zone Ordinance

	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
NORTH COAST	Del Norte County Certified LCP 10/12/83		Wetlands	LUP VII.D.4.f. 100' buffer. A buffer of less than 100' may be utilized where it can be determined that there is no adverse impact on the wetland.	
			Offshore Rocks; Intertidal Areas; Estuaries; Riparian Vegetation Systems; Sea Cliffs; and Coastal Sand Dunes	LUP VII.D.4.f. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.	
	Crescent City Certified LCP 3/1/83		Wetland Habitats	LUP ESHA/W&MR Policy 4 & CZZR Sections 17.72.030.A and B of Chapter 17.72:50' buffer	
	Humboldt County Certified LCP 1/0/86		Wetlands and estuaries	<p>Policy 6a. No land use or development shall be permitted in areas adjacent to coastal wetlands, called wetland buffer areas, which degrade the wetland or detract from the natural resource value. Wetland buffer area shall be defined as:</p> <ul style="list-style-type: none"> - The area between a wetland and the nearest paved road, or the 40' contour line, whichever is the shortest distance. or, - 250' from the wetland, where the nearest paved road or 40' contour exceed this distance. - Transitional agricultural lands designated agriculture exclusive shall be excluded from the wetland buffer. <p>Policy 6c. Within an urban limit line, the setback shall be either 100' or the average setback of existing development immediately adjacent as determined by the "string line method".</p> <p>Policy 6d. Outside an urban limit line, the setback shall be between 100' and 200' depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on the wet habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland.</p>	<p>Policy 6 f. All new development within the wetland buffer shall include the following mitigation measures:</p> <ul style="list-style-type: none"> - Not more than 25% of the lot surface shall be effectively impervious.
	Trinidad City Certified LCP 2/3/80		Riparian Vegetation	LUP #15: 100' buffer	
	Arcata Certified LCP 10/10/87; Certified LUP 1995		Creeks	Policy III-6: New development and redevelopments shall maintain or restore a natural vegetation buffer strip along all designated streams. This buffer strip shall be subject to the following definitions: Creek Zone - the area that is 25' outward from the top of bank, or the area bounded by the FEMA Flood Zone A line, whichever is greater, except that in no case will the creek zone on either side of a creek be wider than 100' from the avg. low flow line of that creek.	

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NORTH COAST	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
	Eureka Certified LCP 7/26/84		Rivers, creeks, sloughs, gulches and assoc. riparian habitats	LUP 6.A.19: Minimum of 100', unless applicant can demonstrate that a smaller buffer will protect the resources of the habitat area. If necessary to protect the ESHA, the City may require a buffer greater than 100'.	
			Wetlands and estuaries including riparian areas and vegetated dunes	LUP 6.A.19 Policy - same as above	
			Indian Island, Daby Island, and the Woodley Island wildlife area	LUP 6.A.19 Policy - same as above	
			Waterbird rookeries and habitat for all rare or endangered species	LUP 6.A.19 Policy - same as above	
			Grazed or farmed wetlands (i.e., diked former tidelands)	LUP 6.A.19 Policy - same as above	
	Mendocino County Certified LCP 10/10/92		General ESHA	<p>Policy 3.1-7: All buffers shall be a minimum of 100' in width and shall be larger if necessary to protect the resources of the particular habitat area from significant degradation caused by the proposed development.</p> <p>No buffers may be less than 100' unless the applicant can demonstrate, after consultation with the CDFG and city planning staff that 100' is not necessary.</p> <p>No buffer area may be less than 50' in width.</p>	1:1 Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel.
	Fort Bragg A Certified LCP 2/26/88		General ESHA - Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats	Policy IX-5: A buffer area adequate to prevent significant adverse impacts to identified environmentally sensitive habitat areas and at least 50' in width shall be provided in all developments.	Policy IX-5: Buffer areas and mitigation measures adequate to minimize habitat disruption shall be required.

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NORTH COAST	Fort Bragg A Certified LCP 2/26/88		Special vegetation	Policy IX-6: Buffer areas and mitigation measures adequate to minimize habitat disruption shall be required.	
			Riparian	E. 29. 100'. Buffer shall extend from the outer edge of the canopy of riparian vegetation.	
			Wetlands	E. 29. 100'. Buffer shall extend from the upland edge of the wetland.	
			Coastal bluff	E. 29. 100'. Buffer shall extend from the top of bluff.	
			Rare plants	E. 29. 100'. Buffer shall extend from the outer edge of the plants that comprise the rare plant community.	
			Riparian (Arena Creek)	Policy E. 5. Minimum of 100' from the outward edge of riparian vegetation on each side of the creek.	
			Mountain Beaver Area (Arena Creek)	500' from the centerline of the creek.	
			Other	Section 5.24. Mitigation for noise generating projects within 500' of occupied habitat shall include the following restrictions from Dec. 15 through June 15. A. The action and related activities shall be greater than 100' from the occupied habitat.	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
NORTH CENTRAL	Sonoma County Certified LCP 12/2/81		General ESHA	Administrative Manual Attachment M: Allows access paths and fences necessary to protect habitat and similar uses that have beneficial effects or no significant adverse effects to be located within ESHA buffers. Generally requires minimum 100' buffer for ESHA, streams, and wetlands, but also provides policy basis for requiring greater buffers on a case-by-case basis when necessary to protect habitat.	
			Riparian	LUP Policy III-9: Development prohibited within riparian corridor or 100' from lowest line of vegetation whichever is greater. LUP Policy III-13: Use of pesticides and herbicides prohibited within riparian corridor or 100' from lowest line of vegetation whichever is greater.	
			Wetland Habitats	LUP Policy III-25: Prohibit construction of agricultural, commercial, industrial, and residential structures within 100' of wetlands. LUP Policy III-26: Prohibit construction of agricultural, commercial, industrial, and residential structures within 300' of wetlands unless wetlands would not be affected by such construction. Administrative Manual Attachment J: Reduced wetland and riparian buffers allowed with Commission ED approval where: - other developed lots or roads exist between proposed development and habitat, or - "topography is such that it is highly unlikely that development could affect the wetland."	
			Coastal Bluffs	LUP Policy III-47: Prohibit development within 100' of bluff edge.	
			Heron Rookeries	LUP Policy III-66: Prohibit development within 600' of heron rookeries.	
	Marin County Certified LCP 6/3/81		Wetlands	LUP Unit 1, Ch. 2, Policy 18: To the maximum extent feasible, a buffer strip, a minimum of 100' in width, shall be maintained in natural condition along the periphery of all wetlands as delineated by the CDFG and in accordance with Section 30121 of the Coastal Act and with the criteria developed by the USFWS. No uses other than those dependent upon the resources shall be allowed within the buffer strip. LUP Unit 2, Ch. 2, Policy 4(d): A buffer strip 100' in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Where appropriate, the required buffer strip may be wider based upon the findings of the supplemental report required in (e). Development activities and uses in the wetland buffer shall be limited to those specified in (a) and (b) above.	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
NORTH CENTRAL	Marin County Certified LCP 6/3/81		Riparian (streams)	<p>LUP Unit 1, Ch. 2, Policy 3: A riparian protection area and a stream buffer area shall be established for all streams within Unit I. The riparian protection area shall include all existing riparian vegetation on both sides of the stream. The stream buffer area shall extend a minimum of 50' from the outer edge of the riparian vegetation, but in no case shall be less than 100' from the banks of the stream.</p> <p>LUP Unit 2, Ch. 2, Policy 3(c): Buffers to protect streams from the impacts of adjacent uses shall be established for each stream in Unit II. The stream buffer shall include the area covered by riparian vegetation on both sides of the stream and the area 50' landward from the edge of the riparian vegetation. In no case shall the stream buffer be less than 100' in width, on either side of the stream, as measured from the top of the stream banks.</p>	
			Dune and Sandy Beach	<p>LUP Unit 1, Ch. 2, Policy 20. Development of other shorefront lots within the Stinson Beach and Seadrift areas shall assure preservation of the natural sand dune formations in order to protect environmentally sensitive dune habitat and vegetation and to maintain the natural protection from wave run-up that such natural dunes provide. Where no dunes are evident, any new development on shorefront lots shall be setback behind the first line of terrestrial vegetation to the maximum extent feasible, in order to minimize the need for protective works, to protect sandy beach habitat, and to provide a buffer area between private and public use areas in order to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of dry sand areas.</p>	
			Wildlife Nesting and Roosting Areas	<p>LUP Unit 1, Ch. 2, Policy 23: Development adjacent to wildlife nesting and roosting areas shall be setback a sufficient distance to minimize impacts on the habitat area. Such development activities shall be timed so that disturbance to nesting and breeding wildlife is minimized and shall, to the extent practical, use native vegetation for landscaping.</p>	
			Other ESHA	<p>LUP Unit 2, Ch. 2, Policy 5(b) and (d): Other sensitive habitats include habitats of rare or endangered species and unique plant communities.</p> <p>Development in such areas may only be permitted when it depends upon the resources of the habitat area.</p> <p>Development adjacent to such areas shall be setback a sufficient distance to minimize impacts on the habitat area.</p> <p>Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife.</p> <p>Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water shall be avoided.</p>	

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NORTH CENTRAL	San Francisco City/Co. Certified LCP 3/14/86			No ESHA Policies	
	Daly City Certified LCP 3/14/84		General ESHA	LUP Habitat Area Policy 2: Minimum 10' buffer required for designated ESHA at Mussel Rock Park, Daisaku Ikeda Canyon, and Thornton State Beach.	
	Pacifica Certified LCP 6/7/94		General ESHA	Zoning Code Section 9-4.4302(f): "Buffer" shall mean an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.	
	Half Moon Bay Certified LCP 4/10/96		Riparian (and Wetlands)	<p>LUP Policy 3-11 Riparian Buffer Policy: 50' buffer for perennial streams and 30' buffer for intermittent streams. Buffer measured from limit of riparian vegetation.</p> <p>Where no vegetation exists, measure from bank edge for perennial streams and center of intermittent streams.</p> <p>100' buffer for lakes, ponds, and other wet areas except for man-made ponds and reservoirs used for agricultural purposes.</p> <p>LUP Policy 3-12 Exceptions to Riparian Buffer Policy: Riparian buffer may be reduced to 20' where no feasible alternative exists that would allow development on the site.</p> <p>No riparian buffer required for crop growing, grazing, or timber harvesting.</p>	
			Rare plants	LUP Policy 3-31: Rare Plant Buffer Policy: 50' buffer for any "rare plant population."	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
NORTH CENTRAL	San Mateo County Certified LCP 4/1/81		Wetlands	<p>LUP 7.18: Buffer zones shall extend a minimum of 100' landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50' only where:</p> <ul style="list-style-type: none"> - no alternative development site or design is possible; and - adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the CDFG. <p>A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.</p>	
			Riparian corridors	<p>LUP Policy 7.11:</p> <p>a. On both sides of riparian corridors, from the limit of riparian vegetation extend buffer zones 50' outward for perennial streams and 30' outward for intermittent streams.</p> <p>b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50' from the predictable high water point for perennial streams and 30' from the midpoint of intermittent streams.</p> <p>c. Along lakes, ponds, and other wet areas, extend buffer zones 100' from the high water point except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.</p>	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Santa Cruz County Certified LCP 1/13/83		Riparian corridors	<p>LUP 5.2.1: Designates and defines the following areas as riparian corridors:</p> <p>(a) 50' from the top of a distinct channel or physical evidence of high water mark of a perennial stream;</p> <p>(b) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams;</p> <p>(c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water;</p> <p>(d) The landward limit of a riparian woodland plant community;</p> <p>(e) Wooded arroyos within urban areas.</p> <p>[Note: a buffer policy in the sense that it defines these things as corridors (aka: buffers) and requires buffers from them – see also 5.2.4 and 5.2.5]</p>	
				<p>LUP 5.2.4. Require a buffer setback from riparian corridors in addition to the specified distances found in the definition of riparian corridor. This setback shall be identified in the Riparian Corridor and Wetland Protection ordinance and established based on stream characteristics, vegetation and slope. Allow reductions to the buffer setback only upon approval of a riparian exception. Require a 10' separation from the edge of the riparian corridor buffer to any structure.</p>	
			Wetlands	<p>LUP 5.2.5: Prohibit development within the 100' riparian corridor of all wetlands.</p> <p>16.32.0090(a)(11): For Wetlands, Estuaries and Lagoons: 100' buffer measured from the high-water mark shall be required. Distance between structures and wetland shall be maximized.</p> <p>LUP 5.7.2: Prohibit installation of septic tanks or leach fields within 100' of all natural waterways including perennial or intermittent streams, seasonal water channels and natural bodies of standing water. An exception may be made for the repair of existing systems, if the 100' setback cannot be maintained, and adequate provisions are made for water quality protection.</p>	
			Nesting Shorebirds	<p>LUP 5.3.2: Discourage all activities within 100' of shorebird nesting sites during mating season (March-July).</p> <p>16.32.0090(a)(9): For Cliff Nesting Areas: 50' buffer from bluff top at or above nesting area shall be required.</p>	
			SC Long-toed salamander	<p>16.32.0090(b)(1): For areas adjacent to SC long toed salamander habitat: Grading or filling within drip line of 24" or larger diameter trees shall be avoided.</p>	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Santa Cruz County Certified LCP 1/13/83		SC Cypress Groves	16.32.0090(b)(2): For Santa Cruz Cypress Groves: A minimum 50' buffer between cypress communities and location of development shall be required.	
	Santa Cruz City Certified LCP 5/9/85		General ESHA	<p>24.14.020.4 Setback Requirements - General. In its review of a development proposal, the zoning board may require building setbacks greater than those required by the zoning district in which a project is located, if it determines that the additional setback is necessary to achieve the purposes set forth in Section 24.14.010 of Part 1, Conservation Regulations.</p> <p>24.14.010. Purpose: The purpose and intent of the conservation regulations is to protect the public health, safety and community welfare; and to otherwise preserve the natural environmental resources of the city of Santa Cruz in areas having significant and critical environmental characteristics. The conservation regulations have been developed in general accord with the policies and principles of the General Plan, as specified in the Environmental Quality Element, the Safety Element of the General Plan, and the Local Coastal Program, and any adopted area or specific plans. It is furthermore intended that the conservation regulations accomplish the following:</p> <ol style="list-style-type: none"> 1. Minimize cut, fill, earthmoving, grading operations, and other such man-made effects on the natural terrain; 2. Minimize water runoff and soil erosion caused by human modifications to the natural terrain; 3. Minimize fire hazard and risks associated with landslides and unstable slopes by regulating development in areas of steep canyons and arroyos and known landslide deposits; 4. Preserve riparian areas and other natural habitat by controlling development near the edge of ponds, streams, or rivers; 5. Encourage developments which use the desirable, existing features of land such as natural vegetation, climatic characteristics, viewsheds, possible geologic and archaeological features, and other features which preserve a land's identity; 6. Maintain and improve to the extent feasible existing water quality by regulating the quantity and quality of runoff entering local watercourses; 7. Maintain and improve to the extent feasible existing air quality by achieving or exceeding state air quality guidelines; 8. Serve as part of the Local Coastal Implementation Plan of the Local Coastal Program. 	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Santa Cruz City Certified LCP 5/9/85		Creeks and Wetlands	Environmental Quality Policy 4.2.2: 100' setback from the center of a watercourse for riparian areas and 100' from the edge of the wetland. Include all riparian vegetation within the setback requirements, even if it extends more than 100' from the watercourse or if there is no defined watercourse present. ***The proposed citywide creeks and wetlands plan LCP amendment would change the above requirements to be specific for each reach of each creek and each wetland***	
			Sensitive species (Ohlone Tiger Beetle, Tidewater Goby, Burrowing Owl, California Brown Pelican, Monarch Butterfly, Pigeon Guillemot, Black Swift, Santa Cruz Tarplant, Peregrine Falcon)	LCP EQ Policy 4.5: Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9). LCP EQ Policy 4.5.3: Protect Monarch butterfly over-wintering sites and ensure adequate buffering of these sites.	
	Capitola Certified LCP 4/13/90		Soquel Creek	Zoning Code Sections 17.95.020(A)(B): A. No new development shall be permitted within the banks of Soquel Creek and lagoon. B. New development shall be setback at least 35' from the western shoreline of Soquel Creek lagoon.	
			Riparian Vegetation	Zoning Code Sections 17.95.030(B)(C): B. A minimum 35' setback from the outer edge of riparian vegetation shall be required for all new development. On the heavily developed east side of the lagoon and creek, the setback requirement shall be measured from the bank of Soquel Creek. C. The applicant shall be required to retain a qualified professional to determine the location of the outer edge of riparian vegetation on the site and to evaluate the potential impact of development on riparian vegetation.	
			Butterfly Habitat	Zoning Code Sections 17.95.060(B)(C): There is no specific buffer setback, just requirements to site and design new development to prevent significant impacts to butterfly habitat and to require the applicant to retain a qualified professional to determine the location of the outer edge of the monarch habitat and to report to the City potential impacts and mitigation measures for proposed development.	

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CENTRAL COAST	Watsonville Certified LCP 11/15/88	Area A	Riparian	Minimum setback from riparian habitat = 50'	
		Area C	Riparian	Minimum setback for all development or agricultural activity from riparian habitat = 100'. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an ESHA, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting.	
			Wetland	Minimum setback from wetland or transitional zone = 100' or to the edge of the development envelope depicted on LUP Figure 2A, whichever is greater. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an ESHA, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting.	
		Area R	Riparian	Minimum setback for all development or agricultural activity from riparian habitat = 100'. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an ESHA, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting.	
			Wetland	Minimum setback from wetland or transitional zone = 100' or to the edge of the development envelope depicted on LUP Figure 2A, whichever is greater. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an ESHA, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting.	
		Area E	General ESHA	50' setback of all development from ESHA as identified herein or in the County LCP.	

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CENTRAL COAST	Monterey County	Big Sur Coast Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	LUP Policy 3.3.3.B.5: The coastal lagoon and estuary buffer area shall, at a minimum, include all areas within 150' of the landward extent of hydrophytic vegetation or the average high water mark if no such vegetation exists. Development in the adjacent buffer area shall be limited to the minimum required to support low-intensity recreational, scientific or educational uses. CIP Section 20.145.020.GG states that in general, the boundary between "wetlands" and "estuary" is the line of extreme low water.	
				CIP Section 20.145.040.C.2.f: Development within the buffer area shall be limited to the minimum required to support low-intensity recreational, scientific, or educational uses, and may be permitted only if: - significant adverse habitat impacts can be prevented through appropriate site planning, design, siting and other measures, as determined through the biological survey prepared for the project; - the decision-making body finds that approval of the development does not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjacent coastal lagoon or estuary habitat.	
				The buffer area shall include, at a minimum, all area within 150' of the landward extent of either the hydrophytic vegetation or the average high water mark where no such vegetation exists. Upon recommendation in the biological survey prepared for the project, the buffer area may be wider than the minimum 150' where necessary to assure protection and long-term maintenance of the coastal lagoon and estuary habitat. The buffer area shall be mapped by the biologist, and as a condition of approval, shall be placed in open space easement.	
			Streams and rivers	LUP: Policy 3.3.3(4): Setbacks of 150' on each side of the streambank shall be required for all streams to protect riparian plant communities unless a narrower corridor can be demonstrated to be sufficient to protect existing vegetation and provide for restoration of previously disturbed vegetation. CIP: Section 20.145.040.C.1.d: All development shall be set 150' back from each bank of perennial and intermittent streams. The decision-making body may allow a reduction in the required setback if it has been conclusively demonstrated in the biological survey that the reduced setback is sufficient to protect existing riparian vegetation.	
			Other terrestrial habitats	LUP: No specific setbacks. CIP Section 20.145.040.B.5 & 6 same as for North County IP (except precludes subdivisions that create a new building site completely w/in an environmentally sensitive area).	LUP: No specific mitigation ratios required. CIP Section 20.145.060.D.6 requires 1:1 mitigation ratio for tree replacement; but has no specific mitigation ratio for total habitat area that is impacted.

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Monterey County	Carmel Area Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	LUP Policy 2.3.4.Wet.1: A setback of 100' from the edge of all coastal wetlands shall be provided and maintained in open space use. No new development shall be allowed in this setback area. The edge of wetlands shall be pursuant to Policy 2.3.3.5 (regarding field surveys), based on the wetlands definition in Policy 2.3.3.1 (lands which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats and fens) and using the U.S. Fish and Wildlife Service's classification of Wetlands and Deep Water Habitats of the United States.	
				As an exception, an additional right-turn lane from Carmel Valley Road onto northbound Highway 1 shall be allowed if it can be demonstrated that there is no reasonable alternative public safety and welfare require the project, all reasonable measures have been taken to avoid and minimize impacts, all reasonable measures have been taken to mitigate unavoidable impacts, and it can be demonstrated that the impacts will not result in a significant disruption of critical habitat values or affect the long-term survival of a species. Compensatory mitigation shall be established off-site. Mitigation shall be designed to accommodate, where possible, a 150' setback for coastal wetlands.	
				CIP Section 20.146.020.NN definition of wetlands includes: In cases of uncertainty, the U.S. Fish and Wildlife Services classification of Wetlands and Deep Water Habitats shall be followed in determining the precise boundary of the wetland. CIP Section 20.146.040.C.3.a: Same as first two sentences of Carmel LUP Policy 2.3.4.Wetland.1.	
			Streams and rivers	LUP: Policy 2.3.4. Riparian 1: Riparian plant communities shall be protected by establishing setbacks consisting of a 150' open space buffer zone on each side of the bank of perennial streams and 50' on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. No new development, including structural flood control projects, shall be allowed within the riparian corridor. CIP: Section 20.146.040.C.2.c: Same as LUP.	
			Gowen cypress habitat	LUP: Development proposed near Gowen cypress habitat shall be setback a minimum of 100' to protect this sensitive resource. No development should be allowed in this buffer area, and the natural vegetation should be retained. A maintenance program should be established for the Gowen cypress habitat.	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Monterey County	Carmel Area Certified LCP 1/12/88	Other terrestrial habitats	CIP Section 20.146.040.B.3 Requires that land uses adjacent to environmentally sensitive habitats be compatible with the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features, which protect habitat impacts and do not set precedent for continued land development with potential to degrade the habitat. New development adjacent to environmentally sensitive habitats shall be allowed at densities determined compatible with the long-term protection and maintenance of these areas. Precludes further subdivision of parcels totally within these areas and requires development to be designed so that sensitive habitat area remains intact and undisturbed. For projects in or adjacent to these areas, the County is required to refer project to CDFG for evaluation of impacts from development and suggested mitigations for those impacts.	LUP: No specific mitigation ratios required. LUP Policy 2.3.4.Wetland.1: Allows for off-site compensatory mitigation for one specific road project. LUP Policy 4.4.3.D.9: Says that the Carmel River Inn should not disturb existing riparian vegetation but if any is disturbed during construction it shall be replaced with equivalent materials on a 5:1 basis. CIP Section 20.146.060.D.6: Requires 1:1 mitigation ratio for tree replacement; but has no specific mitigation ratio for total habitat area that is impacted.
			Riparian Corridors and other Terrestrial Wildlife Habitats	LUP Chp. 2.3.4. Except as provided herein, riparian plant communities shall be protected by establishing setbacks consisting of a 150' open space buffer zone on each side of the bank of perennial streams and 50' on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. No new development, including structural flood control projects, shall be allowed within the riparian corridor. However, improvements to existing dikes and levees shall be allowed if riparian vegetation damage can be minimized and at least an equivalent amount and quality of replacement vegetation is planted. In addition, exceptions may be made for carefully sited recreational trails. The setback requirement may be modified if it can be demonstrated that a narrower corridor is sufficient to protect existing riparian vegetation. Riparian vegetation is an association of plant species which typically grows adjacent to freshwater courses and needs or tolerates a higher level of soil moisture than dryer upland vegetation.	
				As an exception, the construction of an additional right-turn lane from Carmel Valley Road onto northbound Highway 1 shall be allowed if it can be demonstrated that there is no reasonable alternative, public safety and welfare require the project, all reasonable measures have been taken to avoid and minimize impacts, all reasonable measures have been taken to mitigate unavoidable impacts, and it can be demonstrated that the impacts will not result in a significant disruption of critical habitat values or affect the long-term survival of a species. Compensatory mitigation shall be established off-site. Mitigation shall be designed to accommodate, where possible, a 50' setback for intermittent streams, and a 100' setback for perennial streams.	

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CENTRAL COAST	Monterey County	Carmel Area Certified LCP 1/12/88	Riparian Corridors and other Terrestrial Wildlife Habitats	<p>Carmel Area CIP Section 20.146.040.C.2.c. Riparian plant communities shall be protected by establishing setbacks consisting of a 150' open space buffer zone on each side of the bank of perennial streams and 50' on each side of the bank of intermittent streams or the extent of riparian vegetation, whichever is greater. The setback requirement may be modified if it can be demonstrated that a narrower corridor is sufficient to protect existing riparian vegetation.</p> <p>Staff may require that this determination of the setback and/or extent of riparian vegetation be made by a qualified biologist. (Ref. Policy 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #1).</p>	
		Del Monte Forest Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	<p>LUP Policy 27: States that a setback of 100' from the landward edge of wetlands and from the mean high water line of the ocean shall be provided. No landscape alterations will be allowed in this setback area unless accomplished in conjunction with restoration and enhancement and unless it is demonstrated that no significant disruption of environmentally sensitive habitat will result.</p> <p>LUP Policy 93.4: States that where golf course tees, greens, fairways, paths, bridges, and public access ways are developed within 100' of the restored riparian and wetland areas at Spanish Bay, they shall be designed to avoid any significant disruption (from construction and future use) of such areas; other developments should be located beyond this 100' wetland buffer area.</p> <p>CIP Section 20.147.040.C.3.a Same as DMF Policy 27.</p>	
			Streams and rivers	<p>LUP Policy 24: Protects riparian plant communities with a required 100' buffer from the centerline of intermittent streams where they occur or outer edge of the vegetation whichever is greater; narrower setback may be acceptable with biologic report; no policies for perennial streams; no provision if there is no riparian plant community.</p> <p>CIP: Section 20.147.040.C.2: Same as LUP.</p>	

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CENTRAL COAST	Monterey County	Del Monte Forest Certified LCP 1/12/88	Other terrestrial habitats	<p>LUP: No general setback policy, but some specific setback recommendations in Chapter 7, OSAC Plan.</p> <p>CIP Section 20.147.040.B.1: Requires a minimum 100' open space buffer when development is proposed on lands immediately adjoining areas shown to contain environmentally sensitive habitat. Within buffer zones, residential uses on existing legal lot of record, setback a minimum of 20' from the limit of riparian vegetation, are allowed only if no other feasible alternative exists and only if no other building site exists on the parcel.</p> <p>Uses permitted in the buffer zone shall be required to:</p> <ul style="list-style-type: none"> a) minimize removal of vegetation; b) conform to natural topography to minimize erosion potential; c) make provisions (such as catch basins) to keep run-off and sedimentation from exceeding pre-development levels; d) replant where appropriate with native and non-invasive exotic species; e) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor; and, f) require motorized machinery to be kept to less than 45 DBA at any wetland boundary. 	<p>LUP Policy 12: Requires mitigation with no specific ratios; refers to OSAC Plan; LUP Ch. 7 OSAC Plan has 1:1 replacement for Gowen Cypress at NCGA Golf Course.</p> <p>CIP Section 20.147.040.B.2: Same as DMF LUP.</p>
	Monterey County	North County Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	<p>LUP Policy 2.3.3.B.4: States that a setback of 100' from the landward edge of vegetation of all coastal wetlands shall be provided and maintained in open space use. No permanent structures except for those necessary for resource-dependent use which cannot be located elsewhere shall be constructed in the setback area. Prior to approval of all proposed structures in the setback area, it must be demonstrated that the development does not significantly disrupt the habitat resource. An exception to the 100' setback is provided to approximately 12 existing permanent structures located within the 100' setback on the west side of Moro Cojo Slough west of Highway 1. Replacement of these structures may be considered subject to field surveys by qualified individuals or agencies with recommended mitigation measures to ensure protection of sensitive habitats.</p>	

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CENTRAL COAST	Monterey County	North County Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	<p>CIP Section 20.144.040.c.2.d: States that all development shall be set a minimum of 100' back from the landward edge of vegetation associated with coastal wetlands. As an exception, permanent structures necessary for recreational, scientific, or educational use of the habitat may be permitted within the setback area where it is demonstrated that:</p> <p>1) the structure cannot be located elsewhere; and,</p> <p>2) the development does not significantly disrupt or adversely impact the habitat as determined in the biological survey prepared for the project.</p> <p>As a further exception, the permanent structures along Moss Landing Road on the west side of Moro Cojo Slough which are located within the 100' setback, may be replaced.</p> <p>Where development is proposed on any portion of a parcel containing area within a 100' setback of the landward edge of coastal wetland vegetation, the setback area shall be placed in an open space easement as a condition of project approval.</p>	
			Streams and rivers	<p>LUP Policy 2.3.3(B)(1): States that riparian plant communities shall be protected by establishing setback requirements consisting of 150' on each side of the bank of perennial streams, and 50' on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. In all cases, the setback must be sufficient to prevent significant degradation of the habitat area. The setback requirement may be modified if it can be conclusively demonstrated by a qualified biologist that a narrower corridor is sufficient or a wider corridor is necessary to protect existing riparian vegetation from the impacts of adjacent use.</p> <p>CIP: Section 20.144.0040.B.2.b: Same as LUP, but allows for wider setback if justified.</p>	
			Other terrestrial habitats	<p>LUP: No specific policies addressing setbacks from terrestrial ESHA.</p> <p>CIP Section 20.144.040(2) & (3): Precludes development & new land uses or subdivision of land on parcels within 100' of environmentally sensitive habitats, where there would be a adverse impact to the long-term maintenance of the environmentally sensitive habitat, as determined through a biological survey.</p> <p>Projects shall only be approved where sufficient conditions such as siting, location, design, setbacks, and size will mitigate impacts.</p> <p>Subsection 5: Subdivisions containing an environmentally sensitive habitat area shall incorporate techniques such as clustering, appropriate setbacks from the habitat, building envelopes, and conservation easements, in order to mitigate adverse impacts to the habitat. Precludes subdivisions that are completely within an environmentally sensitive area.</p>	<p>LUP: No specific mitigation ratios required.</p> <p>CIP Section 20.144.050.C: Requires 1:1 mitigation ratio for tree replacement; but has no specific mitigation ratio for total habitat area that is impacted.</p>

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CENTRAL COAST	Marina Certified LCP 12/17/82		ESHA (General)	Numeric Buffer N/A. General Requirements = (1) Primary habitat areas shall be protected and preserved. All development must be sited and designed so as not to interfere with the natural functions of such habitat areas.	
			Dune Habitats		
			Vernal Pools	Despite their seasonal nature the Vernal Ponds are considered to be coastal wetlands. A 100' riparian setback shall be established from the edge of all wetland vegetation.	
			Wetland Habitats	A 100' riparian setback shall be established from the edge of all wetland vegetation.	
	Sand City Certified LCP 3/14/84		ESHA (General)	Numeric Buffer N/A. General Requirements = (1) Require field surveys by qualified biologists in order to determine exact locations of ESHA and to recommend mitigation measures to minimize habitat impacts.	
			Dune Habitats		
	Seaside Certified LUP 1983			No ESHA buffer or mitigation ratio policies.	
	Monterey City Certified LUPs only	Cannery Row Community Plan Certified LUP 2004*	Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) Support CDFG regulations controlling spear fishing and kelp harvesting as well as efforts to monitor and manage sea otter populations.	
			Rocky Points & Intertidal Zones	Numeric Buffer N/A. General Requirements = (1) protect intertidal and tidepool habitat through signing as a condition of shoreline development; (2) require sensitive shoreline restoration and maintenance as a condition for any grading, excavation, demolition, or construction in conjunction with shoreline development.	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Monterey City	Del Monte Community Plan Certified LUP 2003	ESHA (General)	Numeric Buffer N/A. General Requirements = (1) All environmentally sensitive habitat shall be protected, (2) a resource survey shall be prepared to establish protocols for all sensitive species including dune plants, snowy plover, black legless lizard, and marine mammals.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = (1) Environmentally sensitive dune habitat shall be protected from development and fragmentation through: a) encouraging retention of open space via DR and OSE, b) limiting landform disturbance and vegetation removal to the minimum amount necessary, c) requiring appropriate mitigation such as setbacks, buffers, native landscape plans, drainage controls, and restoration plans, d) eliminating non-natives and revegetation with native plant species, e) requiring grading permit for > 50 cu yards of grading. A dune restoration plan shall be required in all new projects and include preservation goals, site survey, restoration area, planting plan, eradication of non-native, schedules maintenance and monitoring, performance criteria, and contingency measures.	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) Support CDFG regulations controlling spear fishing and kelp harvesting as well as efforts to monitor and manage sea otter populations.	
			Native Grasslands	Numeric Buffer N/A. General Requirements = (1) Coordinate with US Navy to preserve native dune grasses south of former wastewater treatment plant.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. oak trees, sensitive plant species)	Numeric Buffer N/A. General Requirements = (1) New development shall be sited to preserve native oak, pine, and cypress trees.	Removal of any significant tree (> 12" in diameter) will be allowed only in cases where life, property, or existing access is immediately threatened or where a diseased tree represents a threat of infection to surrounding trees.
			Rocky Points & Intertidal Zones	Numeric Buffer N/A. General Requirements = (1) Require sensitive shoreline restoration and maintenance as a condition for any grading, excavation, demolition, or construction in conjunction with shoreline development.	
			Subtidal	Numeric Buffer N/A. General Requirements = (1) New development shall not result in the degradation of coastal waters caused by polluted runoff or landscape alteration that adversely impacts the quality, quantity, and flow dynamics of coastal waters.	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	Monterey City	Harbor Community Plan Certified LUP 2003	ESHA (General)	Numeric Buffer N/A. General Requirements = (1) A resource survey shall be prepared to establish protocols for all sensitive species including dune plants, snowy plover, black legless lizard, and marine mammals.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = (1) City shall control public access in sand dune habitats to prevent damage from human use; (2) Interpretive signing and litter control shall be required; (3) Prohibit vehicles, dogs off leash, and fires; (4) Restoration of dune habitat shall occur under supervision of a qualified dune biologist and shall include eradication of non-native plants and revegetation with native coastal plant including <i>Eriogonum parvifolium</i> (buckwheat).	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) Support CDFG regulations and efforts to monitor and manage sea otter populations.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Numeric Buffer N/A. General Requirements = (1) The US Army shall be encouraged to preserve the remaining coast live oak community on the Presidio property. New development should not occur within 100' from the top of the creek bank or edge of riparian vegetation whichever is greater.	
			Rocky Points & Intertidal	Numeric Buffer N/A. General Requirements = (1) Require sensitive shoreline restoration and maintenance as a condition for any grading, excavation, demolition, or construction in conjunction with shoreline development, (2) Require informational /educational signing as a condition on permits.	
			Subtidal	Numeric Buffer N/A. General Requirements = (1) New development shall not result in the degradation of coastal waters caused by polluted runoff or landscape alteration that adversely impacts the quality, quantity, and flow dynamics of coastal waters.	
		Skyline Community Plan Certified LUP 2004	ESHA (General)	Numeric Buffer N/A. Avoid any significant disruption of environmentally sensitive habitat area in the Skyline planning area. A site specific survey shall be conducted by a qualified botanist to determine the presence of sensitive plants and animal habitats and shall recommend performance standards, building locations, lot setbacks, driveway widths, grading and landscaping as needed to minimize building site impacts. Scenic or conservation easements covering the undeveloped portions of any private parcels shall be dedicated. New land uses shall be limited to those that are dependent on the resources. Removal of indigenous vegetation and land disturbance shall be restricted to the minimum amount necessary to accommodate development.	

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CENTRAL COAST	Monterey City	Skyline Community Plan Certified LUP 2004	Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Numeric Buffer N/A.	General Requirements = (1) Removal of any significant Monterey Pine trees (living tree more than 12" in diameter/38" in circumference) shall be in accordance with the forest management plan for the site. Such a plan shall be prepared prior to any non-emergency tree removal; (2) Bishop Pine, retain all trees; (3) Coast Live Oak, same criteria as for Monterey Pine; (4) All tree removal shall be subject to the above specific forest management criteria except where life, property, or existing road access is threatened, or where a tree is determined by a qualified professional forester to be diseased or damaged to such a degree that it becomes a hazard to life, property, road access, or the rest of the forest as determined by the City.
			Wildlife Corridors	Numeric Buffer N/A. General Requirements = (1) Where feasible, contiguous areas or corridors of native vegetation shall be retained within development in order to meet the needs of wildlife and to provide a means of access to adjoining or nearby areas of undisturbed open space habitat.	
	Pacific Grove Certified LUP 1989		Butterfly Trees	Numeric Buffer N/A. General Requirements = (1) Ensure new development in proximity to butterfly trees will not adversely affect butterflies or habitat.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = (1) Development within any area mapped as extreme, high, or moderate sand dune sensitivity as shown on the habitat sensitivity map will be required to prepare a botanical survey; (2) Where botanical survey identifies populations of endangered species, all new development shall be sited and designed to cause the least possible disturbance to the endangered plants and their habitat.	
			Wildlife Corridors	Numeric Buffer N/A. General Requirements = (1) New development shall be deed restricted to include provision that restricts fencing to that which would not impact the free passage of native wildlife.	

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CENTRAL COAST	Carmel City Certified LCP 10/14/04		ESHA (General)	30'	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. oak trees, sensitive plant species)	Numeric Buffer N/A. General Requirements = (1) New development shall be sited and designed to avoid or minimize significant adverse effects to the forest. (2) No grading, compaction of soils, construction of building walls or placement of impermeable surfaces within 6' of significant trees; (3) Establish a 30' buffer along the perimeter of Mission Trails Natural Preserve.	
			Stream Habitats	Numeric Buffer N/A. General Requirements = (1) New development shall be setback from the upland edge of riparian vegetation a minimum of 100'; (2) Establish a 100' buffer measured from the edge of the riparian habitat where fertilizers, pesticides, herbicides, or other chemicals are prohibited; (3) In Pescadero Canyon establish a 50' setback or more (measured from the waterline of the creek) based on site-specific biological and soil conditions.	
			Wetland Habitats	New development shall be setback from the upland edge of riparian vegetation a minimum of 100'.	
	San Luis Obispo County Certified LCP 7/8/87		ESHA (General)	Policy 1 - Land Uses Within or Adjacent to ESHA. New development within or adjacent to locations of ESHA (within 100' unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on the resources shall be allowed within the area. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO].	
				Policy 3 – Habitat Restoration. The County or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.170 OF THE CZLUO].	
				Policy 4 – No Land Divisions in Association with ESHA. No division of parcels having ESHA within them shall be permitted unless it can be found that the buildable area (s) are entirely outside the minimum standard setback required for that habitat (100' for wetlands, 50' from urban streams, 100' from rural streams). These building areas (envelopes) shall be recorded on the subdivision or parcel map. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.170 OF THE CZLUO].	

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CENTRAL COAST	San Luis Obispo County Certified LCP 7/8/87		Wetlands	<p>Policy 5 – Protection of ESHA. Coastal wetlands are recognized as ESHA. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO].</p> <p>Policy 16 – Adjacent Development. Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment, or other disturbances. Development shall be located as far from the wetland as feasible, consistent with other habitat values on the site. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO].</p>	
				<p>Policy 17 – Wetland Buffer. In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.</p>	
				<p>The minimum buffer may be adjusted by the county if minimum setback would render the parcel physically unusable for the principally permitted use. To reduce the minimum setback standards, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standards shall be reduced only to the point at which the PPU, modified as much as practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25'. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO].</p>	
				<p>Policy 18 – Wetland Buffers Less than 100'. For buffers less than 100' (per Policy 15) mitigation measures to ensure wetland protection shall be required, and shall include (where applicable) vegetative screening, landscaping with native vegetation, drainage controls and other such measures. When the minimum buffer is adjusted, it shall be done on a case-by-case basis only after the investigation of the following factors: a. Soil type and stability of development site, including susceptibility to erosion; b. Slope of land adjacent to the wetland and ability to use natural topographic features to locate development; c. Types and amount of vegetation and its value as wildlife habitat; and, d. Type and intensity of proposed uses, lot size and configuration, and the location of existing development. [IMPLEMENTED PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO].</p>	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	San Luis Obispo County Certified LCP 7/8/87		Coastal Streams	Policy 20 – Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are ESHA and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO].	
				Policy 28 – Buffer Zone for Riparian Habitats. In rural areas (outside the USL) a buffer setback zone of 100' shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50' except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing non-structural agricultural develops in accordance with adopted BMP's.	
				Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a PP use (as modified as much as practical from a design standpoint) can be accommodated. [IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTIONS 23.07.174 OF THE CZLUO].	
		CZLUO	ESHA (General)	23.07.170 Environmentally Sensitive Habitats: The provisions of this section apply to development proposed within or adjacent to (within 100' of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title and as mapped by the Land Use Element combining designation maps.	
			Wetlands	23.07.172 Wetlands: Development proposed within or adjacent to (within 100' of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands. 23.07.172(d) Wetland setbacks: New development shall be located a minimum of 100' from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approving body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.	

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CENTRAL COAST	San Luis Obispo County Certified LCP 7/8/87	CZLUO	Wetlands	(1) Permitted uses within wetland setbacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: (i) Alternative routes are infeasible or more environmentally damaging. (ii) Adverse environmental effects are mitigated to the maximum extent feasible.	
				(2) Wetland setback adjustment: The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25'), provided that the following findings can be made: (i) The site would be physically unusable for the principal permitted use unless the setback is reduced; (ii) The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered; (iii) That the adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title.	
				(3) Requirements for wetland setback adjustment: Setbacks established that are less than 100' consistent with this section shall include mitigation measures to ensure wetland protection. Where applicable, they shall include landscaping, screening with native vegetation and drainage controls. The adjustment shall not be approved until the approval body considers the following: (i) Site soil types and their susceptibility to erosion; (ii) A review of the topographic features of the site to determine if the project design and site location has taken full advantage of natural terrain features to minimize impacts on the wetland; (iii) The biologists report required by Section 23.07.170 shall evaluate the setback reduction request and identify the types and amount of vegetation on the site and its value as wildlife habitat in maintaining the functional capacity of the wetland; (iv) Type and intensity of proposed development; and, (v) Lot size and configuration and location of existing development.	
			Coastal Streams	23.07.174(d) – Riparian Setbacks. New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50'. In the rural areas (outside the URL) this setback shall be a minimum of 100'. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.	

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CENTRAL COAST	San Luis Obispo County Certified LCP 7/8/87	CZLUO	Coastal Streams	(1) Permitted uses within the setback: Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses. All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to: (i) Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation; and (ii) Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.	
				(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 100' from a stream bank, and provided the following findings can first be made: (i) Alternative locations and routes are infeasible or more environmentally damaging; and (ii) Adverse environmental effects are mitigated to the maximum extent feasible; and (iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and (iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.	
	San Luis Obispo County Certified LCP in 7/8/87	North Coast Area Plan	ESHA (General)	Combining Designations - Sensitive Resource Areas (SRA's) 1. Site Planning - Development Plan Projects. Projects requiring Development Plan approval are to concentrate proposed uses in the least sensitive portions of properties. Native vegetation is to be retained as much as possible. 2. Site Design - Development and recreational uses, especially on bluff top, shall be designed and situated to minimize adverse impacts on marine resources. Access shall be permitted when compatible with protection of marine resources.	
			Coastal Streams	Van Gordon Creek (SRA). Standards 8 and 9 apply only to the recreation category at Van Gordon Creek, in addition to previous standards for recreation category. 9. Site Planning - Development shall be setback and buffered from the riparian vegetation along Van Gordon and "Warren" Creeks for a minimum of 100'. Uses within the buffer area shall be limited to passive recreation, (including nature study, and educational and scientific research). No permanent structures shall be allowed within the buffer. Fences and signs to limit access to the buffer and sensitive habitat area shall be constructed with any recreational development. Arroyo de la Cruz (SRA) - The following standard applies to development in or adjacent to Arroyo de la Cruz: 6. Limitation On Use - No development is permitted unless it is agriculturally related, for water diversion projects, coastal access ways, or water wells and impoundments.	

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CENTRAL COAST	San Luis Obispo County Certified LCP in 7/8/87	North Coast Area Plan	Terrestrial Habitats	Combining Designations - Sensitive Resource Areas (SRA's) 3. Habitat Protection – Piedras Blancas Dunes (SRA). Development of the Piedras Blancas Dunes for visitor-serving use shall include a habitat protection program and where feasible provide habitat restoration. Development shall be restricted to existing building areas. Changes in use shall identify public parking areas, trail locations, and types of visitor-serving use. Monterey Pine Forest (SRA) - The following standards apply to the Monterey Pine Forest areas. 4. Clustering. Clustering shall be required for new subdivisions or large scale development projects within forested areas. Where feasible, new development shall be restricted to slopes less than 20%. 5. Tree Preservation. Where development requires removal of Monterey pines greater than six inches in diameter, replacement of native stock will be required.	
		Estero Area Plan	ESHA (General)	Combining Designations - Sensitive Resource Areas (SRA's) 1. Site Planning - Development Plan Projects. Projects requiring Development Plan approval are to concentrate proposed uses in the least sensitive portions of properties. Native vegetation is to be retained as much as possible. 2. Site Design - Development and recreational uses, especially on bluff top, shall be designed and situated to minimize adverse impacts on marine resources. Access shall be permitted when compatible with protection of marine resources.	
			Wetlands	Sweet Springs and Cuesta-by-the-Sea Marsh (SRA) 2. Wetland Setback. If acquisition is not completed, a buffer area to be determined by the detail survey of the property by a qualified biologist will be required to be retained in a natural condition. This should be dedicated to the appropriate public agency or secured through open space easements. Development shall be clustered to minimize impacts on the surrounding wetland (Whitehole). Morro Bay (SRA). 5. Wetland Setbacks. The following setbacks shall be required to provide appropriate separation between development and the wetland. Setback established here supersedes the 100' setback requirement by the Coastal Zone Land Use Ordinance. However, in no case shall a setback be adjusted pursuant to Section 23.07.172 of the CZLUO to less than the following standards. Setbacks are measured between the upland extent of the wetland vegetation and development.	
				The minimum setbacks are as follows: a. For the area west of Tract 316 (APN 74-022-03): To be determined by the Coastal Zone Land Use Ordinance; b. For Tract 316 (Butte Drive Neighborhood): 50'; c. For the area between Butte Drive and Pecho Road: On the lots located between Butte Drive and Pecho Road all structures shall be located a minimum of 100' from the wetland and its riparian area. d. For the area between Pecho Road and Doris Avenue which is the south half of Cuesta Inlet (Blocks 4 and 5 Cuesta-by-the-Sea Tracts): 75'; e. For the area comprising the north half of Cuesta Inlet (Blocks 13, 14, and 35 of Cuesta-by-the-Sea Tract): 50 feet; f. For the area between Doris Avenue northeast to Tract 40 near First Street: 75'; g. For lots within Tract 40: 75' except where adjusted down to no closer than 50' from the wetland pursuant to Section 23.07.112d(2) of the CZLUO; h. For the area east and northeast of Tract 40: 50' except where adjusted pursuant to Section 23.07.172d(2) of the CZLUO. In no case shall development occur closer than 25' from the mean high tide line.	

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CENTRAL COAST	San Luis Obispo County Certified LCP in 7/8/87	Estero Area Plan	Coastal Streams	Cayucos urban area standards: 1. Setbacks - Coastal Streams. Development shall be setback from the following coastal streams the minimum distance established below. Such setbacks shall be measured from the outer limits of riparian vegetation or the top of the stream bank where no riparian vegetation exists. This may be adjusted through the procedure provided in the Coastal Zone Land Use Ordinance.	
				Cayucos Creek: 25' from either bank. Little Cayucos Creek: 20' from either bank. Old Creek: 50' from either bank. Willow Creek: 20' from either bank north of Ocean Avenue.	
				7. Setbacks - Studio Drive at Willow Creek. Residential development on the eastern portion of APN 64-275-24 (Tract 1078) (Schmitz) shall be setback and buffered from Willow Creek a minimum of 50' and shall not allow development within the 100 year flood plain. An development shall be clustered so as to minimize habitat and scenic/visual quality impacts.	
				RESIDENTIAL SUBURBAN: The following standards apply only to lands within the Residential Suburban land use category. 2. Setbacks. Maintain a minimum building setback of 50' for development on lots adjacent to riparian areas along Los Osos Creek and Eto Lake.	
			Terrestrial Habitats	Morro Bay Kangaroo Rat Habitat (SRA). 9. Setbacks. New subdivisions adjacent to public holdings on the western fringe are to provide a 25' building setback to buffer the sensitive resource and habitat areas.	
		San Luis Bay Area Plan	ESHA (General)	Combining Designations - Sensitive Resource Areas (SRA's) 1. Site Planning - Development Plan Projects. Projects requiring Development Plan approval are to concentrate proposed uses in the least sensitive portions of properties. Native vegetation is to be retained as much as possible. 2. Site Design - Development and recreational uses, especially on bluff top, shall be designed and situated to minimize adverse impacts on marine resources. Access shall be permitted when compatible with protection of marine resources.	
			Wetlands	Oceano Lagoon (SRA) 4. Permit Requirement. All uses shall require Site Plan approval unless Development Plan approval is required by the Coastal Zone Land Use Ordinance. The site shall be surveyed by a qualified biologist to determine the extent of the wetlands and riparian vegetation on site or on surrounding parcels and to recommend necessary mitigations including minimum setbacks, site restoration, etc. Setbacks shall be a minimum of 25' from the established wetlands or riparian vegetation.	
			Coastal Streams	San Luis Obispo Creek Estuary (SRA) 12. New Development. Any improvements in the flood plain shall investigate changes to allow free fish migration up and down the stream.	

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CENTRAL COAST	San Luis Obispo County Certified LCP in 7/8/87	South County Area Plan	Coastal Streams	Santa Maria River (SRA) 12. Setbacks Requirement. Oil field tailings and debris shall not be located within 100' of the wetland. Existing tailings and debris shall be removed.	
			Terrestrial Habitats	Black Lake Canyon Setbacks. Maintain at least a 20' building setback from the rim of the canyon. Guadalupe Dunes. 8. Habitat Protection. Natural buffer areas for sensitive habitat areas shall be identified and fenced, consistent with the provisions of CDP No. 4-82-30A and the stabilized dune areas. Habitat enhancement programs shall be undertaken for the following areas including programs such as stabilization of the dunes with appropriate native vegetation to protect encroachment on wetlands and surrounding agricultural land: a. Dune Lakes b. Coreopsis Hill c. Oso Flaco Lake d. Little Oso Flaco Lake. Fences or other techniques shall be maintained where needed to preclude vehicular access in such areas.	
	Morro Bay Certified LCP 10/24/84	Morro Bay Certified CZO 1997	ESHA (General)	The minimum buffer for estuaries, restricted areas and all other environmentally sensitive habitat areas shall be 100'. In some habitat areas, a buffer greater than that called for in a particular section shall be required if an initial study and/or environmental impact report prepared according to CEQA indicates that such buffers are necessary for the protection of the habitat values.	
			Dune Habitats	The minimum buffer for sand dunes shall be 100' in non-urban areas and 50' in urban areas	
			Stream Habitats	The minimum buffer for streams shall be 100' in non-urban areas and 50' in urban areas.	
			Wetland Habitats	The minimum buffer surrounding wetlands shall be 100'; review area: minimum of 250'.	
		Morro Bay Certified LUP 1982	ESHA (General)	Buffering setback areas a minimum of 100' from sensitive habitat areas shall be required. In some habitat areas setbacks of more than 100' shall be required if environmental assessment results in information indicating a greater setback is necessary for protection.	
			Dune Habitats	A buffer strip, a minimum of 50' in width in urban areas and 100' in non-urban areas shall be maintained between the dune habitat and adjacent development.	
			Stream Habitats	A minimum buffer strip along all streams shall be required as follows: 1) a minimum buffer strip of 100' in rural areas; 2) a minimum buffer strip of 50' in urban areas.	
			Wetland Habitats	The buffer area shall be 100' around all wetland areas except where biologist identify the need for a greater buffer to protect the overall wetland system or a particular resource.	

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CENTRAL COAST	Pismo Beach Certified LCP 4/13/84	Pismo Beach Certified CZO 1983; Certified LUP 1992	Butterfly Trees	Any form of development adjacent to the critical area of the butterfly habitat at the State Park property shall have a minimum setback of 50' from the habitat area or as otherwise provided in the GP/LCP. LUP policy: Development in the park adjacent to the butterfly habitat shall have a minimum setback of 50'.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Numeric Buffer N/A. General Requirements = (1) A tree protection zone shall be established for each tree that may be affected by the proposed development. The extent of this zone shall be calculated as one foot of radius for each inch of trunk diameter (measured 4.5' above natural grade).	
			Stream Habitats Pismo Creek	Numeric Buffer N/A. No significant disruption of riparian vegetation will be permitted. A minimum riparian buffer area shall be identified for each riparian habitat area at the time of development review. The minimum width of the buffer area shall be as identified by the biotic resources management plan and generally not less than 25'. Pismo Creek (west bank) minimum buffer width = 100' (Cypress St north to city limit), 25' (Cypress St to the ocean). Pismo Creek (east bank) 100' (Hwy 101 north to city limit) , 50' (Hwy 101 to Dolliver St), 25' (Dolliver to the ocean).	
			Wetland Habitats - Pismo Marsh	The wetland buffer for Pismo Marsh shall be 100', measured from the landward-most edge of the riparian vegetation or, if there is no riparian vegetation, from the top of the marsh bank.	
	Grover Beach Certified LCP 2/9/84		Pismo Lake and Meadow Creek (Northeastern Branch)	3. A natural buffer area shall be established between the riparian habitat area of Meadow Creek and the adjacent upland areas to the south. This buffer zone shall be of sufficient width to provide essential open space between the environmentally sensitive habitat area and any development. The actual width of this buffer shall be determined by precise ecological studies which define and measure the functional capacity of the Meadow Creek ecosystem. Development upland of the ESHA and its adjacent buffer shall be sited and designed to prevent impacts which would significantly degrade the Meadow Creek and downstream Pismo Lake environs, and shall be compatible with the continuance of those habitat areas. 9(b). No development shall occur within 50' of the dripline of a solid canopy oak woodland. 9(c). Areas of Shagbark Manzanita shall be left intact with other associated shrubs undisturbed. A buffer of natural vegetation 25' thick shall be maintained around the area of Shagbark Manzanita.	
			Meadow Creek (Western Branch)	5. There shall be a minimum 50' buffer, or other appropriate buffer established by a habitat restoration plan approved by the CDFG on both sides of the portion of Meadow Creek north of Grand Avenue. The purpose of this buffer is to protect and enhance the habitat values and filtration capabilities of Meadow Creek while recognizing that for most of its length north of Grand Avenue there is existing development on both sides of the creek.	

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SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	CZO For All Areas Certified 8/82	ESHA (General)	New development within 100' of ESHA shall be required to provide for setbacks or undeveloped buffer zones from these habitats. Significant biological communities shall not be fragmented into small non-viable pocked areas	DevStd BIO-GV-22.2: A minimum replacement ratio of 2:1 shall be required for significant native habitat areas eliminated. The area to be restored, acquired, or dedicated for permanent protective easement shall be of comparable biological value to that which is destroyed.
			Butterfly Trees	Development shall be setback a minimum of 50' from butterfly trees; butterfly trees shall not be removed except for serious threat to life or property; butterfly trees shall not be pruned during roosting or nesting season.	
			Dune Habitats	Numeric Buffer N/A. General Requirement = Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of approval. Use restricted to: resource dependent, scientific, educational, light recreational uses; and in certain cases sand mining or oil drilling.	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) MMR/HG shall not be altered or disturbed by recreation, industrial or any other uses during reproductive seasons; (2) recreational activities near marine mammal rookery/hauling grounds shall be monitored to ensure continued viability.	
			Native Grasslands	Numeric Buffer N/A. General Requirements = (1) grazing shall be managed to protect native grasslands and (2) development shall be sited and designed to protect native grasslands.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Numeric Buffer N/A. General Requirements = (1) oak trees shall be protected; (2) development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads and structures, runoff, and erosion on native vegetation; (3) grading and paving shall not adversely affect root zone aeration and stability of native trees (4) when sites are graded/developed, significant amounts of native vegetation shall be preserved.	
			Rocky Points & Intertidal	Numeric Buffer N/A. General Requirements = (1) no unauthorized vehicles on adjacent beaches; (2) only light recreational uses on adjacent beaches; and (3) shoreline structures should be sited or routed to avoid significant rocky points or intertidal.	
			Seabird Nesting and Roosting	Numeric Buffer N/A. General Requirement = Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance of the population.	
			Stream Habitats	100' in rural areas; 50' in urban areas; These minimum buffers may be adjusted upward or downward based on specific case-by-case factors. Riparian vegetation shall be protected and shall be included in the buffer. Where vegetation previously removed, the buffer will allow for re-establishment of riparian vegetation; Uses limited to: public trails, dams, flood control projects where no other alternative.	
			Subtidal	Numeric Buffer N/A. General Requirement = Naples Reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses as long as no depletion of marine resources.	

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SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	CZO For All Areas Certified 8/82	Vernal Pool	Numeric Buffer N/A. Presumably 100' wetland buffer applies but it is listed separately. General requirements = (1) no grass cutting w/in vernal pool or w/in 5' or greater to protect vernal pool; (2) no mosquito control except for severe nuisance; and (3) development shall be sited and designed to avoid vernal pool sites.	
			Wetland Habitats	100' buffer shall be maintained in natural condition along the periphery of all wetlands, except for lots which abut the Carpinteria Slough. Uses restricted to same as Coastal Act.	
			White-Tailed Kite	Numeric Buffer N/A. General Requirements = (1) no development within area used for roosting or nesting; (2) recreational use of roosting/nesting area shall be limited to walking, bird watching; (3) development around roosting/nesting shall be setback sufficiently to minimize impacts to the habitat area; (4) on More Mesa ravine plant community shall be preserved and the max. feasible area shall be retained as grassland.	
		Summerland Community Plan Certified 1993*	ESHA (General)	New development within 100' of ESHA shall be required to provide for setbacks or undeveloped buffer zones from these habitats. Significant biological communities shall not be fragmented into small non-viable pocked areas.	
			Butterfly Trees	50': Any construction, grading or development within 200' of known or historic butterfly roosts shall be prohibited between Nov 1 and April 1 (some exceptions); Monarch butterfly roosting habitat shall be preserved and protected. Trimming or clearing of vegetation within 50' buffer may occur only with review and approval of Planning Dept.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of approval. Use restricted to: resource dependent, scientific, educational, light recreational uses; and in certain cases sand mining or oil drilling.	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) MMR/HG shall not be altered or disturbed by recreation, industrial or any other uses during reproductive seasons; (2) recreational activities near MMR/HG shall be monitored to ensure continued viability.	
			Native Grasslands	Numeric Buffer N/A. General Requirements = (1) grazing shall be managed to protect native grasslands and (2) development shall be sited and designed to protect native grasslands.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	All new development within 100' of ESHA, including oak woodlands and coastal sage scrub shall be required to provide for setbacks or undeveloped buffer zones from these habitats.	

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SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Summerland Community Plan Certified 1993*	Rocky Points & Intertidal	Numeric Buffer N/A. General Requirements = (1) no unauthorized vehicles on adjacent beaches; (2) only light recreational uses on adjacent beaches; and (3) shoreline structures should be sited or routed to avoid significant rocky points or intertidal.	
			Seabird Nesting and Roosting	Numeric Buffer N/A. General Requirements = Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance of the population.	
			Specimen Trees (incl. known raptor nesting or key roosting sites)	Numeric Buffer N/A. General requirements = (1) trees preserved to the maximum extent feasible; (2) if not feasible, a replacement planting program required.	
			Stream Habitats	All new development within 100' of ESHA, including riparian or willow woodlands, shall be required to provide for setbacks or undeveloped buffer zones from these habitats.	
			Subtidal	Numeric Buffer N/A. General Requirements = Naples Reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses as long as no depletion of marine resources.	
			Vernal Pool	Numeric Buffer N/A. Presumably 100' wetland buffer applies but it is listed separately. General requirements = (1) No grass cutting w/in VP or w/in 5' or greater to protect VP; (2) no mosquito control except for severe nuisance; and (3) development shall be sited and designed to avoid VP sites.	
			Wetland Habitats	100' buffer shall be maintained in natural condition along the periphery of all wetlands, except for lots which abut the Carpinteria Slough. Uses restricted to same as Coastal Act.	
			White-Tailed Kite	Numeric Buffer N/A. General Requirements = (1) no development within area used for roosting or nesting; (2) recreational use of roosting/nesting area shall be limited to walking, bird watching; (3) development around roosting/nesting shall be setback sufficiently to minimize impacts to the habitat area; (4) on More Mesa ravine plant community shall be preserved and the max. feasible area shall be retained as grassland.	
			Wildlife Corridors	In rural areas, new development shall provide for "escape routes", for wildlife where appropriate and shall not interrupt major wildlife travel corridors.	
	Montecito Community Plan Certified 1993		ESHA (General)	New development w/in 100' of ESHA shall be required to include setbacks or undeveloped buffer zones from these habitats as part of the proposed development except where buffer would preclude reasonable use of parcel. The following communities shall be protected as ESHA: riparian woodland corridors, monarch butterfly roosts, sensitive native flora, coastal sage scrub.	

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State-wide Buffer (Setback) and Mitigation Ratio Policies

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Montecito Community Plan Certified 1993	Butterfly Trees	50': Any construction, grading or development within 200' of known or historic butterfly roosts shall be prohibited between Nov 1 and April 1 (some exceptions); Monarch butterfly roosting habitat shall be preserved and protected. Trimming or clearing of vegetation within 50' buffer may occur only with review and approval of Planning Dept.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of approval. Use restricted to: resource dependent, scientific, educational, light recreational uses; and in certain cases sand mining or oil drilling.	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) MMR/HG shall not be altered or disturbed by recreation, industrial or any other uses during reproductive seasons; (2) recreational activities near MMR/HG shall be monitored to ensure continued viability.	
			Native Grasslands	Numeric Buffer N/A. General Requirements = (1) grazing shall be managed to protect native grasslands and (2) development shall be sited and designed to protect native grasslands.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Minimum 25' buffer around oak woodland. Oak woodlands are stands of oaks & other trees native to oak woodlands which form a closed canopy of a min. of 1 acre and are not surrounded by or heavily influenced by urban development (and where the understory has not been permanently disturbed. Grading and other site preparation activities shall not be allowed w/in 6' of an oak woodland except where preclude reasonable use. Min. 10' vegetated buffer from coastal sage scrub. Areas of 1 or more acres of coastal sage scrub shall be preserved to the maximum extent feasible. Development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease.	
			Rocky Points & Intertidal	Numeric Buffer N/A. General Requirements = (1) no unauthorized vehicles on adjacent beaches; (2) only light recreational uses on adjacent beaches; and (3) shoreline structures should be sited or routed to avoid significant rocky points or intertidal.	
			Seabird Nesting and Roosting	Numeric Buffer N/A. General Requirements = Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance of the population.	
			Specimen Trees (incl. known raptor nesting or key roosting sites)	A buffer (as determined by Planning Dept on a case-by-case basis) shall be established around trees serving as raptor nesting sites or key roosting sites except in cases where such a buffer would preclude reasonable use of the parcel.	

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	Santa Barbara County Certified LCP 8/11/82	Montecito Community Plan Certified 1993	Stream Habitats	100' in rural areas; 50' in urban areas; These min. buffers may be adjusted upward or downward based on specific case-by-case factors. Riparian vegetation shall be protected as part of a stream or creek buffer.	
			Subtidal	Numeric Buffer N/A. General Requirements = Naples Reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses as long as no depletion of marine resources.	
			Vernal Pool	Numeric Buffer N/A. Presumably 100' wetland buffer applies but it is listed separately. General requirements = (1) No grass cutting w/in VP or w/in 5' or greater to protect VP; (2) no mosquito control except for severe nuisance; and (3) development shall be sited and designed to avoid VP sites.	
			Wetland Habitats	100' buffer shall be maintained in natural condition along the periphery of all wetlands, except for lots which abut the Carpinteria Slough. Uses restricted to same as Coastal Act.	
			White-Tailed Kite	Numeric Buffer N/A. General Requirements = (1) no development within area used for roosting or nesting; (2) recreational use of roosting/nesting area shall be limited to walking, bird watching; (3) development around roosting/nesting shall be setback sufficiently to minimize impacts to the habitat area; (4) on More Mesa ravine plant community shall be preserved and the max. feasible area shall be retained as grassland.	
			Wildlife Corridors	In rural areas and where major wildlife corridors are present in urban areas, new development shall not interrupt major wildlife travel corridors.	
		Goleta Community Plan Certified 1994	ESHA (General)	New development w/in 100'. of ESHA shall be required to include setbacks or undeveloped buffer zones from these habitats consistent with those detailed in specific habitat protection policies as part of the proposed development except where buffer would preclude reasonable use of parcel. The following communities shall be protected as ESHA: riparian woodland corridors, monarch butterfly roosts, sensitive native flora, coastal sage scrub, oak woodlands, vernal pools, native grasslands, wetlands, raptor/turkey vulture roosts, critical wildlife habitat. Significant biological communities shall not be fragmented into small non-viable pocked areas.	
			Butterfly Trees	50': Any construction, grading or development within 200' of known or historic butterfly roosts shall be prohibited between Nov 1 and April 1 (some exceptions); Monarch Butterfly roosting habitat shall be preserved and protected. Trimming or clearing of vegetation within 50' buffer may occur only with review and approval of Planning Dept.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of approval. Use restricted to: resource dependent, scientific, educational, light recreational uses; and in certain cases sand mining or oil drilling.	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Goleta Community Plan Certified 1994	Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) MMR/HG shall not be altered or disturbed by recreation, industrial or any other uses during reproductive seasons; (2) recreational activities near MMR/HG shall be monitored to ensure continued viability.	
			Native Grasslands	Min. 10' vegetated buffer from native grasslands; Development shall avoid impacts to native grasslands that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	25' buffer from native woodlands in urban and inner rural areas and existing developed rural neighborhoods; 50' buffer from native woodlands in areas zoned Mountainous-Goleta; General Requirements = development or vegetation clearing should be avoided within the woodland and buffer to the extent feasible; Minimum 10' vegetated buffer from coastal sage scrub. Areas of one or more acres of coastal sage scrub shall be preserved to the maximum extent feasible. Development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease.	
			Rocky Points & Intertidal	Numeric Buffer N/A. General Requirements = (1) no unauthorized vehicles on adjacent beaches; (2) only light recreational uses on adjacent beaches; and (3) shoreline structures should be sited or routed to avoid significant rocky points or intertidal.	
			Seabird Nesting and Roosting	Numeric Buffer N/A. General Requirements = Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance of the population.	
			Specimen Trees (incl. known raptor nesting or key roosting sites)	A buffer (as determined by Planning Dept on a case-by-case basis) shall be established around trees serving as raptor nesting sites or key roosting sites except in cases where such a buffer would preclude reasonable use of the parcel.	
			Stream Habitats	25' from edge of riparian veg or top of bank, whichever is further, for non-structural agricultural expansion where evidence of historic legal agricultural use within the previous ten-year period; 50' from top of bank for new agricultural buildings; 50' from top-of-bank or edge of riparian veg, whichever is further for development w/in urban, inner rural and existing developed rural neighborhoods. 200' from edge of existing riparian veg on parcels zoned Mountainous-Goleta. These min. buffers may be adjusted upward or downward based on specific case-by-case factors.	
			Subtidal	Numeric Buffer N/A. General Requirements = Naples Reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses as long as no depletion of marine resources.	

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SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Goleta Community Plan Certified 1994	Vernal Pool	Numeric Buffer N/A. Presumably 100' wetland buffer applies but it is listed separately. General requirements = (1) No grass cutting within vernal pool or within 5' or greater to protect vernal pool; (2) no mosquito control except for severe nuisance; and (3) development shall be sited and designed to avoid vernal pool sites.	
			Wetland Habitats	100' buffer shall be maintained in natural condition along the periphery of all wetlands, except for lots which abut the Carpinteria Slough. Uses restricted to same as Coastal Act.	
			White-Tailed Kite	Numeric Buffer N/A. General Requirements = (1) no development within area used for roosting or nesting; (2) recreational use of roosting/nesting area shall be limited to walking, bird watching; (3) development around roosting/nesting shall be setback sufficiently to minimize impacts to the habitat area; (4) on More Mesa ravine plant community shall be preserved and the max. feasible area shall be retained as grassland.	
			Wildlife Corridors	In rural areas and where major wildlife corridors are present in urban areas, new development shall not interrupt major wildlife travel corridors.	
		Toro Canyon Plan Certified 2004	ESHA (General)	Significant biological communities not designated ESHA should not be fragmented into small non-viable pocked areas. The conversion of vacant land in ESHA, ESHA buffer, or on slopes over 30% to new crop, orchard, vineyard, or other agricultural use shall not be permitted. Existing, legally established agricultural uses shall be allowed to continue.	
			Butterfly Trees	50' from any side of the habitat.	
			Dune Habitats	Numeric Buffer N/A. General Requirements = Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of approval. Use restricted to: resource dependent, scientific, educational, light recreational uses; and in certain cases sand mining or oil drilling.	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A. General Requirements = (1) MMR/HG shall not be altered or disturbed by recreation, industrial or any other uses during reproductive seasons; (2) recreational activities near MMR/HG shall be monitored to ensure continued viability.	
			Native Grasslands	25' vegetated buffer from native grassland.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	25' from edge of canopy of coast live oak forests; 20' vegetated buffer from coastal sage scrub.	

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SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Toro Canyon Plan Certified 2004	Rocky Points & Intertidal	Numeric Buffer N/A. General Requirements = (1) no unauthorized vehicles on adjacent beaches; (2) only light recreational uses on adjacent beaches; and (3) shoreline structures should be sited or routed to avoid significant rocky points or intertidal.	
			Seabird Nesting and Roosting	Numeric Buffer N/A. General Requirements = Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance of the population.	
			Specimen Trees (incl. known raptor nesting or key roosting sites)	Non-native trees and forests (e.g. eucalyptus groves and windrows) that provide known raptor nesting or major and recurrent roosting sites shall be protected.	
			Stream Habitats	100' in Rural areas and 50' in Urban, Inner-rural areas, and Existing Developed Rural Neighborhoods (EDRN)/Rural Neighborhoods, as measured from the outer edge of the canopy or the top of creek bank, whichever is greater. These min. buffers may be adjusted upward or downward based on specific case-by-case factors.	
			Subtidal	Numeric Buffer N/A. General Requirements = Naples Reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses as long as no depletion of marine resources.	
			Vernal Pool	Numeric Buffer N/A. Presumably 100' wetland buffer applies but it is listed separately. General requirements = (1) No grass cutting w/in VP or w/in 5' or greater to protect VP; (2) no mosquito control except for severe nuisance; and (3) development shall be sited and designed to avoid VP sites.	
			Wetland Habitats	100'	
			White-Tailed Kite	Numeric Buffer N/A. General Requirements = (1) no development within area used for roosting or nesting; (2) recreational use of roosting/nesting area shall be limited to walking, bird watching; (3) development around roosting/nesting shall be setback sufficiently to minimize impacts to the habitat area; (4) on More Mesa ravine plant community shall be preserved and the max. feasible area shall be retained as grassland.	
			Wildlife Corridors	Development shall not interrupt major wildlife travel corridors.	
	Guadalupe City Certified LCP 5/9/91 - 50 acres, 1/2 of a single parcel			No policy or standards	No policy or standards
	City of Goleta No Certified LCP			No policy or standards	No policy or standards

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SOUTH CENTRAL COAST	UCSB Certified LRDP 1990		Wetlands	100'	
	UCSB (LRDP Amendment 1-06, Approved but not yet officially certified by UCSB)		Wetlands	Buffer of 100' for everywhere but North parcel where 25'. Lost wetlands or wetlands with less than 100' buffer shall be mitigated at 4:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.	Lost wetlands or wetlands with less than 100' buffer shall be mitigated at 4:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.
			ESHA - Including Riparian, Coastal Bluff Scrub, Native Grasslands, Monarch Butterfly Aggregation or Significant Roosting Areas; Dune Habitat; Beaches; etc.	Buffer 100' except North Parcel where is 10' for native grassland, 50' for riparian, and 25' from monarch habitat. Lost ESHA or ESHA with less than a 100' buffer shall be mitigated at 3:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.	Lost ESHA or ESHA with less than a 100' buffer shall be mitigated at 3:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.
	Santa Barbara City No Certified LCP	Buffer Policies: LUP and CZO Certified 1981 and 1986 respectively	Stream Habitats	The city shall require a setback buffer for native vegetation between the top of bank and an proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project. A 25' setback is generally encouraged. Development shall not be permitted within 25' of the top of bank of Mission Creek or the Central Drainage Channel. Setbacks for Sycamore Creek and Arroyo Burro Creek shall be assessed in the future.	
			Wetland Habitats	Numeric Buffer N/A.	
			ESHA (General)	Remaining coastal perennial grasslands, Goleta Slough, environmentally sensitive habitat areas, and trees of horticultural value shall be preserved and protected.	
		Buffer Policies: Goleta Slough Component LUP and IP Certified 1982 and 1991 respectively	Wetland Habitats	A buffer strip a minimum of 100' in width shall be maintained in a natural condition along the periphery of the wetland communities as identified on the habitat map for Goleta Slough and which include open water, coastal salt marsh, salt flats, seasonal wetland meadow, riparian woodland, shrub-scrub thicket, and wetland transitional habitats. Existing facilities shall be retained and maintained in a normal fashion.	
		Mitigation Ratios: LUP and CZO Certified 1981 and 1986 respectively	Stream Habitats		Any tree removed within the creek setback area shall be replaced on a 2:1 basis with an appropriate species except trees removed which are deemed a hazard by flood control do not have to be replaced

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SOUTH CENTRAL COAST	Carpinteria Certified LCP 1/6/82	CZO Certified 1/6/82	Butterfly Habitat	Minimum 50'	
			ESHA (General)	ESHA Overlay district that applies to all parcels designated ESHA, any parcel that meets the criteria for ESHA, and all parcels located within 250' of a parcel so designated or determined to be ESHA.	
			Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Numeric Buffer N/A. Oak trees shall be protected. All land use activities shall be carried out in such a manner as to avoid damage to native oak trees. Structures shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, run-off and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A. Limits activities on public beaches that include or are adjacent to such areas to light recreational use. Prohibits unauthorized vehicles on beaches adjacent to intertidal areas. Permitted shoreline structures must avoid rocky points and intertidal areas	
			Creeks and Riparian Habitats	Superseded by creeks preservation program standards.	
			Subtidal Reef	Numeric Buffer N/A. The marine resources of Carpinteria Reef shall be protected.	
			Wetland Habitats	100' buffer shall be maintained in natural condition along the upland limit of all wetlands. No structures other than those required to support light recreational, scientific, and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts.	
		Updated LUP Certified 2002	Butterfly Habitat	Minimum setback 50' from the dripline of butterfly trees. Adjacent development shall be designed and setback far enough to protect the quality of the habitat.	
			Carpinteria Bluffs (windrows)	Minimum 10' setback from the dripline of windrow trees. Development shall not result in compacting of soil or other potential damage to the trees' root system or water source.	
			Carpinteria Bluffs (other)	Preserve all coastal bluff scrub habitat designated as open space with an appropriate buffer.	
			Habitat used by Sensitive, Rare, Threatened or Endangered Species	New development in or adjacent to habitat shall be setback sufficiently far as to minimize impacts on the habitat area.	

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SOUTH CENTRAL COAST	Carpinteria Certified LCP 1/6/82	Updated LUP Certified 2002	Nesting and Roosting Trees used by Sensitive, Rare, Threatened or Endangered Raptors on the Carpinteria Bluffs or on parcels adjacent to Carpinteria Creek	Minimum setback of 300'. In addition, the maximum feasible area surrounding nesting and roosting sites shall be retained in grassland and to the extent feasible shall be sufficient to provide adequate forage for nesting success. New development in or adjacent to trees shall be setback sufficiently far as to minimize impacts on the habitat area.	
			ESHA (General)	ESHA Overlay district that applies to all parcels designated ESHA, any parcel that meets the criteria for ESHA, and all parcels located within 250' of a parcel so designated or determined to be ESHA.	
			Harbor Seal Rookery & Hauling Grounds	Minimum 35' buffer area on beach around any animal or area where seals have congregated year round. 750' buffer on either side of the area during pupping season (Dec 1 - May 31) or such greater period as is established by Council Resolution. Minimum 30' setback from the edge of the bluff overlooking the hauling grounds for trails and gathering areas to reduce the visibility of humans and human movement along the bluff edge, except for a designated screen/blind.	
			Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Numeric Buffer N/A. Oak trees and oak woodlands, as well as walnut, sycamore, and other native trees, shall be protected through appropriate development standards. Structures shall be sited and designed to minimize the impact of grading, paving, construction of roads, runoff and erosion on native vegetation.	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A. Limits activities on public beaches that include or are adjacent to such areas to light recreational use (e.g., hiking, biking, and jogging). Prohibits vehicles on beaches except for emergency or lifeguard services. Such vehicular activities shall avoid sensitive habitat areas to the maximum extent feasible. Prohibits the encroachment of above-ground structures, except for public health and safety purposes (such as lifeguard facilities) and recreational facilities of a temporary nature (e.g. volleyball nets) on any dry sandy beach. Permitted piers, groins, breakwaters, drainages, seawalls, pipelines, and other shoreline structures must avoid significant rocky points and intertidal areas. Stringline standard for private beachfront development.	

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SOUTH CENTRAL COAST	Carpinteria Certified LCP 1/6/82	Updated LUP Certified 2002	Creeks and Riparian Habitats	50' from the top of the upper bank of creeks or the existing edge of riparian vegetation (dripline), whichever is further. This setback may be increased to account for site-specific conditions. The following factors shall be used to determine the extent of an increase in setback requirements: soil type and stability of the stream corridor; how surface water filters into the ground; types and amount of riparian vegetation and how such vegetation contributes to soil stability and habitat value; slopes of the land on either side of the stream; location of the 100 year floodplain boundary; consistency with other applicable adopted plans, conditions, regulations and/or policies concerning protection of resources. Disaster rebuilds of existing structures within setback allowed; must be of the same or lesser size and in the same general footprint; reconstructions must be started within 24 months of time of damage.	
				The following development is allowed within the setback: fish and wildlife habitat improvements, development necessary for flood control purposes (where no other method to protect existing structures in the floodplain is feasible and where protection is necessary for public safety); and bridges and trails (where no alternative route is feasible and, when supports are located within setbacks, such locations minimize impacts on critical habitat).	
			Subtidal Reef	Numeric Buffer N/A. Protect the marine resources of the Carpinteria tidepools and reef and other rocky reefs and intertidal areas.	
			Wetland Habitats	100' buffer shall be maintained in natural condition along the upland limit of all wetlands. No structures other than those required to support light recreational, scientific, and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts. The minimum setback may be adjusted upward to account for site-specific conditions affecting avoidance of adverse impacts.	
		Previous LUP Certified in 1980	Wetland Habitats	100' buffer shall be maintained in natural condition along the upland limit of all wetlands. No structures other than those required to support light recreational, scientific, and educational uses shall be permitted within the setback, where such structures are consistent with all other wetland development policies and where all feasible measures have been taken to prevent adverse impacts.	
			ESHA (General)	ESHA Overlay district that applies to all parcels designated ESHA, any parcel that meets the criteria for ESHA, and all parcels located within 250' of a parcel so designated or determined to be ESHA.	

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SOUTH CENTRAL COAST	Carpinteria Certified LCP 1/6/82	Previous LUP Certified in 1980		Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Numeric Buffer N/A. Oak trees shall be protected. All land use activities shall be carried out in such a manner as to avoid damage to native oak trees. Structures 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.	
		Updated LUP Certified 2002		Rocky Points & Intertidal Areas	Numeric Buffer N/A. Limits activities on public beaches that include or are adjacent to such areas to light recreational use. Prohibits unauthorized vehicles on beaches adjacent to intertidal areas. Permitted shoreline structures must avoid rocky points and intertidal areas	
				Subtidal Reef	Numeric Buffer N/A. The marine resources of Carpinteria Reef shall be protected.	
		Creeks Preservation Program Certified 2004		Habitat used by Sensitive, Rare, Threatened or Endangered Species	New development in or adjacent to habitat shall be setback sufficiently far as to minimize impacts on the habitat area.	
				Nesting and Roosting Trees used by Sensitive, Rare, Threatened or Endangered Raptors on the Carpinteria Bluffs or on parcels adjacent to Carpinteria Creek	Minimum setback of 300'. In addition, the maximum feasible area surrounding nesting and roosting sites shall be retained in grassland and to the extent feasible shall be sufficient to provide adequate forage for nesting success. New development in or adjacent to trees shall be setback sufficiently far as to minimize impacts on the habitat area.	
				Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Minimum 50' setback from edge of riparian canopy (dripline) as described under Creeks and Riparian Habitat below.	

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SOUTH CENTRAL COAST	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
	Carpinteria Certified LCP 1/6/82	Bluffs Master Program Certified 1996	Carpinteria Bluffs (windrows)	10' buffer, measured from the dripline, around open space areas containing tamarisk and eucalyptus windrows.	
			Carpinteria Bluffs (other)	25' buffer around open space areas on the Carpinteria Bluffs containing existing coastal sage scrub habitat. The buffer may be reduced to 20' for the area of coastal sage scrub adjacent to the riparian habitat in Bluffs Area II, provided the equivalent square footage of habitat to equal the 25' buffer is compensated for through in-kind restoration of coastal sage scrub within the Bluffs. Light recreation, revegetation projects, and specifically permitted trail development allowed within buffer zones.	
			Harbor Seal Rookery & Hauling Grounds	Minimum 35' buffer area on beach around any animal or area where seals have congregated year round. 750' buffer on either side of the area during pupping season (Dec 1 - May 31) or such greater period as is established by Council Resolution. Minimum 30' setback from the edge of the bluff overlooking the hauling grounds for trails and gathering areas to reduce the visibility of humans and human movement along the bluff edge, except for a designated screen/blind. Dogs not permitted within the bluff top and beach buffer zones.	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A. Limits activities on public beaches that include or are adjacent to such areas to light recreational use. Prohibits unauthorized vehicles on beaches adjacent to intertidal areas. Permitted shoreline structures must avoid rocky points and intertidal areas	
	Ventura County Certified LCP 10/26/83	North Coast	Tidepools and Beaches	Coastal Area Plan (North Coast), A.7. The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.	Coastal Area Plan (North Coast), A.3. Shoreline protection structures, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal-dependent land use, and public beaches. Any structures built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore habitat losses and impacts on local shoreline and sand supply.
			Creek Corridors	Coastal Area Plan (North Coast), B.1. All projects on land either in a stream or creek corridor or within 100' of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.	Statewide Interpretive Guidelines for Wetlands and other Wet, Environmentally Sensitive Habitats (1981). Policy VI. B. 1. All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects.
		Central Coast	Coastal Dunes	Numeric buffer N/A.	
			Wetlands	Coastal Area Plan (Central Coast), B.1. All projects on land either in a designated wetland or within 100' of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233 (a) of the Coastal Act.	Coastal Area Plan (Central Coast), B.4. Habitat mitigation will include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement as specified in the California Coastal Commission 'Interpretive Guidelines for Wetlands' and a plan for spoils consistent with Policy B.5.

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Ventura County Certified LCP 10/26/83	Central Coast	Wetlands	Coastal Area Plan (Central Coast), B.1. All projects on land either in a designated wetland or within 100' of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233 (a) of the Coastal Act.	Statewide Interpretive Guidelines for Wetlands and other Wet, Environmentally Sensitive Habitats (1981). Policy IV. D. b. If the project involves diking or filling of a wetland, required minimum mitigation measures are the following: 1. If an appropriate restoration site is available, the applicant shall submit a detailed restoration plan which includes provisions for purchase and restoration of an equivalent area of equal or greater biological productivity and dedication of the land to a public agency or otherwise permanently restricts its use for open space purposes. The site shall be purchased before the dike or fill development may proceed.
					Policy D. b. 2. The applicant may, in some cases, be permitted to open equivalent areas to tidal action or provide other sources of surface water. This method of mitigation would be appropriate if the applicant already owned filled, diked areas which themselves were not environmentally sensitive habitat areas but would become so, if such areas were opened to tidal action or provided with other sources of surface water. Policy D. b. 3. However, if no appropriate restoration sites under option 1 and 2 are available, the applicant shall pay an in-lieu fee of sufficient value to an appropriate public agency for the purchase and restoration of an area of equivalent productive value, or equivalent surface area.
	Ventura County Certified LCP 10/26/83	South Coast	Coastal Dunes	Numeric buffer N/A.	
			Tidepools	Coastal Area Plan (South Coast), A.6. The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.	Coastal Area Plan (South Coast), A.4. Shoreline protection structures, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal-dependent land use, and public beaches. Any structures built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore habitat losses and impacts on local shoreline and sand supply.
			Creek Corridors	Coastal Area Plan (South Coast), C.2. All projects on land either in a stream or creek corridor or within 100' of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.	Statewide Interpretive Guidelines for Wetlands and other Wet, Environmentally Sensitive Habitats (1981). Policy VI. B. 1. All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects.

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SOUTH CENTRAL COAST	Ventura County Certified LCP 10/26/83	South Coast	Santa Monica Mountains	Coastal Area Plan (South Coast), D.6. All identified ESHA and/or slopes over 30% shall be permanently maintained in their natural state through an easement or other appropriate means and shall be recorded on the final tract or parcel map or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30% slope.	
			Mugu Lagoon and San Nicholas Island		Coastal Area Plan (South Coast), E.3. Projects which adversely impact habitat should include mitigation measures such as timing of the project to avoid disruption of breeding and/or nesting of birds and fishes , minimal removal of native vegetation, reclamation or enhancement programs.
	San Buenaventura Certified LCP 1/2/84	CZO Certified 1982	Streams/Riparian Habitat	Sensitive Habitat Overlay Zone: Minimum 100' buffer from the boundaries of sensitive habitat areas.	
			ESHA (General)	Same as above.	
	San Buenaventura Certified LCP 1/2/84	LUP Certified 1990	Streams/Riparian Habitat	100' setback from the top of the banks of blue-line streams, as identified in Figure 6.3-1 of the Comprehensive Plan Update Master EIR (April 1989).	
			ESHA (General)	Establishes Sensitive Habitat Overlay Zone, to include wetlands, dune vegetation, natural vegetation buffers, and riparian habitats. Requires buffers but does not specify size. Designated Sensitive Habitat Areas include the Alessandro Lagoon, the Spinnaker Lagoon, and the Ventura River mouth.	
		Downtown Specific Plan Certified 1994	Streams/Riparian Habitat	100' setback and buffer from riparian habitats or the maximum setback feasible as determined by the City Council or their designee at a public hearing. Only in very limited circumstances should a setback and buffer of less than 100' be allowed. Driveways and walkways shall be excluded from the 100' setback. The setbacks of buildings and all development, including driveways and walkways, shall be required to minimize impacts, unless it can be demonstrated by a resource specialist that other environmental mitigation methods would be effective.	

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SOUTH CENTRAL COAST	Oxnard City Certified LCP 4/10/85; Certified LUP 1982/2000		Wetlands, Estuaries. Streams, Riparian Habitats, Lakes	<p>Section 3.2.2. A buffer of 100' in width shall be provided adjacent to all resource protection areas. The buffer may be reduced to a minimum of 50' only if it can be demonstrated that the large buffer is unnecessary to protect the resources of the habitat area.</p> <p>All proposed development shall demonstrate that the functional capacity of the resource protection area is maintained. The standards to determine the appropriate width of the buffer area are:</p> <ol style="list-style-type: none"> 1) Biological significance of the area, 2) Sensitivity of species to disruption, 3) Susceptibility to erosion, 4) Use of natural and topographic features to locate development, 5) Parcel configuration and location of existing development, 6) Type and scale of development proposed, 7) Use of existing cultural features to locate buffer zones 	Section 3.2.2. Wetland Mitigation - Acre-for-acre basis
	Port Hueneme Certified LCP 11/28/84	J Street Canal	ESHA (General)	<p>LCP Amendment No. 1-98. Policy 5.b. The west bank of the "J" Street Canal may have eroded and encroached into Hueneme Beach Park. All diking, dredging, and filling activities that may occur along the western bank of the "J" Street Canal in the City of Port Hueneme shall conform to the provisions of Sections 30233 and 30607.1 of the Coastal Act to address the marine environment, riparian habitat, and adjacent wetlands.</p> <p>In addition, a buffer strip, a minimum of 100' in width shall be maintained from the "J" Street Canal wherein no permanent structures shall be permitted except structures of minor nature, such as fences, interpretive signs or viewing platforms, and existing unpaved access roads.</p>	
	L.A. Co./Malibu Mtns. No Certified LCP			No Buffer Policies.	No Mitigation Ratio Policies.
	Malibu City Certified LCP 9/13/02		Wetlands, Streams/Riparian, Woodlands, Coastal Bluffs, Coastal Sage Scrub, Chaparral, Other	Section 4.6. Minimum of 100' buffer from each. However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25% grade or steeper.	Section 4.8. Wetland Mitigation - Adverse impacts will be mitigated at a ratio of 3:1 for seasonal wetlands, freshwater marsh and riparian areas, and at a ratio of 4:1 for vernal pools and saltmarsh, unless the applicant provides evidence establishing, and the City finds, that creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts of the dike or fill project

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Malibu City Certified LCP 9/13/02		Native Trees	Section 4.6. Minimum of 100' buffer from each. However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25% grade or steeper.	Where the removal of native trees cannot be avoided through the implementation of project alternatives or where development encroachments into the protected zone of native trees results in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee. based on the type, size and age of the tree(s) removed.

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SOUTH COAST	Los Angeles County	Santa Catalina Island Certified LCP 1/9/90	Marine and tidal areas of special biological significance	25' from MHTL or beach	No policy or standard
			Catalina Harbor	100m (meter) buffer	No policy or standard
			Significant Ecological Areas	Most of island covered by an open space conservation easement managed by The Catalina Conservancy	No policy or standard
			Riparian areas	100'	No policy or standard
	Los Angeles City No Certified LCP			No ESHA buffers policies	No Mitigation Ratio Policies.
	Los Angeles City	Venice Beach No Certified LCP	Beach	No policy or standard	No policy or standard
			Canals	10' - 15'	
			Ballona Lagoon	East bank - 40'; West bank - 10' - 25'	
	Santa Monica No Certified LCP; LUP			No ESHA buffers policies	No Mitigation Ratio Policies.
	El Segundo Certified LCP 12/4/82			No ESHA buffers policies	No Mitigation Ratio Policies.

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH COAST	Manhattan Beach Certified LCP 5/12/95		No ESHA in coastal zone	No policy or standard	No policy or standard
	Hermosa Beach No Certified LCP; LUP		No ESHA identified in the City.	No policy or standard	No policy or standard
	Redondo Beach	Coastal Zone 1 Certified LCP 9/1103	No ESHA in coastal zone	No policy or standard	No policy or standard
	Redondo Beach	Coastal Zone 2 - "Heart of the City" No Certified LCP		No policy or standard	No policy or standard
	Marina del Rey/Ballona Certified LCP 12/13/90		No ESHA identified.	No policy or standard	No policy or standard
	Torrance No Certified LCP				

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH COAST	Playa Vista No Certified LCP		Wetland	<p>Pending: Two LCP modifications related to wetland/ESHA:</p> <p>100' buffer between wetlands and environmentally sensitive habitat areas and development</p> <p>50' structural setback from the buffer area. Buffer and setbacks do not apply to the existing gas company facility and to those portions of the bluffs south of Cabora Drive extending from approx. the dedicated, unimproved right-of-way of Hastings Ave. westerly to Zayanta Dr. and from Falmouth Ave. westerly to Pershing Dr.</p> <p>Within 100' of the 209 acre Habitat Management Area (ecological support areas, combined with the wetlands, the buffers and the site for the interpretive center) there is a height limit of 35' and a structural setback of 50', except as noted above.</p>	No mitigation ratios
	Palos Verdes Estates Certified LCP 12/12/91			No buffer policies	
	Rancho Palos Verdes Certified LCP 4/27/83			No buffer policies	
	Long Beach Certified LCP 5/21/81	Alamitos Bay		No policy or standard	No policy or standard
		Marine Stadium			
		Colorado Lagoon			
		Sims Pond			
		SEADIP Subarea 29		100' from wetlands; 50' from riparian	4:1 for saltmarsh; 3:1 for riparian
		Los Cerritos Wetlands		25' from wetland (not certified)	1:1 (not certified)

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SOUTH COAST	Avalon Certified LCP 5/21/81		Wrigley Botanical Gardens	No policy or standard	No policy or standard
	Orange County	Newport Coast	General ESHA	Newport Coast LCP (Orange County) covers an area that has extensive CSS, gnatcatcher habitat, and some wetlands and riparian areas. The LCP does not contain specified buffers or mitigation ratios except riparian habitat = 50' setback from the edge of the habitat. The LCP is a project specific document and the areas of open space and areas for development were negotiated and impacts to ESHA were authorized and offset with the dedication of a large open space area.	
	Seal Beach No Certified LCP, LUP, or IP			No policy or standard	No policy or standard
	Huntington Beach Certified LCP 3/15/84		Wetlands	Minimum 100': However a lesser buffer may be permitted if existing development or site configuration precludes a 100' buffer or conversely a greater buffer zone may be required if substantial development or significant increased human impacts are anticipated.	No numerical standard identified.
			Other ESHA	No numerical standard identified	"No net loss" at a minimum (i.e. 1:1)
	Costa Mesa No Certified LCP, LUP, or IP			No policy or standard	No policy or standard
	Newport Beach (No Certified LCP or IP; Certified LUP 02/8/06)		Terrestrial ESHA	Minimum buffer width of 50' wherever possible; smaller buffers may be allowed only where can be demonstrated that a 50' wide buffer is not possible due to site specific circumstances and that the proposed narrower buffer would be amply protective of the biological resources.	
			Coastal Sage Scrub		2:1
			Coastal Sage Scrub occupied by California gnatcatchers or significant populations of other rare species		3:1

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SOUTH COAST	Newport Beach No Certified LCP or IP; Certified LUP 2/8/06		Southern Maritime chaparral		3:1
			Maritime succulent scrub		3:1
			Native grassland		3:1
			Southern mixed chaparral		1:1
			Wetlands	Minimum 100' wherever possible; smaller wetland buffers may be allowed only where it can be demonstrated that a 100' wide buffer is not possible due to site specific constraints and the proposed narrower buffer would be amply protective of the wetland	No less than 2:1
			Seasonal wetlands		3:1
			Freshwater marsh		3:1
			Riparian		3:1
			Vernal pools		4:1
			Saltmarsh		4:1
			Eelgrass		1.2:1
	Irvine City Certified LCP 3/2/82	UC Irvine not certified	Wetlands	No policy or standard	
	Laguna Beach Certified LCP 1/13/93		General ESHA	8G: When subdivision or fuel modification proposals are situated in areas designated as "High Value" habitats on the Biological Values Maps and where these are confirmed by subsequent on-site assessment, require that these habitats be preserved to the greatest extent possible.	
				8H: When subdivision or fuel modification proposals are situated in areas designated as "Very High Value" habitats on the Biological Values Maps and where these are confirmed by subsequent on-site assessment, require that these habitats be preserved and, when appropriate, that mitigation measures be enacted for immediately adjacent areas.	

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SOUTH COAST	Laguna Beach Certified LCP 1/13/93		General ESHA	8I: Environmentally Sensitive Areas (ESA's) as defined in Section 30107.5 of the California Coastal Act shall be identified and mapped on a Coastal ESA Map. The following areas shall be designated as Environmentally Sensitive Areas: those areas shown on the Biological Resource Values Maps in the Open Space/Conservation Element as "Very High" habitat value, and streams on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series and any other areas which contain environmentally sensitive habitat resources as identified through an on-site biological assessment process, including areas of "High" and "Moderate" habitat value on the Biological Resources Values Maps and areas which meet the definition of ESA's in Section 30107.5 of the Coastal Act, including streams, riparian habitats, and areas of open coastal waters, including tidepools, areas of special biological significance, habitats of rare or endangered species, near-shore reefs and rocky intertidal areas and kelp beds.	
				8J: Detailed biological assessments shall be required for all new development proposals located within areas designated as Environmentally Sensitive Areas on the Coastal ESA Map. To protect these resources, the following shall be required: 1. No new development proposals shall be located in areas designated as "Environmentally Sensitive Areas" on the Coastal ESA Map except for uses dependent upon such resources. 2. When new development proposals are situated in areas adjacent to areas designated as "Environmentally Sensitive Areas" on the Coastal ESA Map and where these are confirmed by subsequent on-site assessment, require that development be designed and sited to prevent impacts which would significantly degrade such areas.	
				3. Where development is proposed on an existing subdivided lot which is otherwise developable (i.e., able to be served by utilities and access, and on slopes able to accommodate development consistent with City provisions on slope/density, grading, hazards, subdivisions and road access), and is consistent with all other policies of this Land Use Plan except for its location entirely within an identified ESA as confirmed by a site-specific assessment, the following shall apply:	
				a) Resource Management uses including estuaries, nature centers and other similar scientific or recreational uses are permitted subject to a Conditional Use Permit to assure that uses are sited and designed to prevent degradation of the resource value; or alternatively; b) Transfer of a density bonus to another property in the vicinity able to accommodate increased density consistent with the policies of the Land Use Plan concurrent with the recordation of an open space easement or other similar instrument over the habitat area of the parcel.	

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SOUTH COAST	Laguna Beach Certified LCP 1/13/93		General ESHA	c) Existing dwellings shall be designated as nonconforming uses but shall be allowed to be rebuilt or repaired if damaged or destroyed by natural disaster provided however, that the floor area, height and bulk of the structure not exceed that of the destroyed structure by more than 10 %; and d) No new parcels shall be created which are entirely within a Coastal ESA or which do not contain a site where development can occur consistent with the ESA policies of this Plan.	
				8K: As a condition of new development in South Laguna, require the identification of environmentally sensitive areas, including chaparral and coastal sage scrub. Intrusion into these areas for wildlands fuel modification programs should not be permitted.	
				9C: a) Streams on the Major Watershed and Drainage Courses Map which are also "blue-line" streams as identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25' from the top of the stream banks shall be required in all new developments.	
				A greater setback may be necessary in order to protect all riparian habitat based on a site-specific assessment. No disturbance of major vegetation, or development, shall be allowed within the setback area. This provision shall not apply to channelized sections of streams without significant habitat value. Where development is proposed on an existing subdivided lot which is otherwise developable consistent with all City ordinances and other policies of this Plan except that application of this setback would result in no available building site on the lot, the setback may be reduced provided it is maintained at a width sufficient to protect all existing riparian habitat on the site and provided all other feasible alternative measures, such as modifications to the size, siting and design of any proposed structures, have been exhausted.	
				b) Require a setback of a minimum of 25' measured from the centerflow line of all natural drainage courses other than streams referenced in 9-C (a) above. Such setback shall be increased upon the recommendation of the City Engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. At no time shall grubbing of vegetation, elimination of trees, or disturbance of habitat be allowed within the setback area before or after construction.	

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SOUTH COAST	Aliso Viejo Certified LCP 9/29/83			No ESHA policies	
	Laguna Niguel Certified LCP's for South Laguna & Aliso Creek 11/14/90		Riparian Vegetation	All development except for public trails shall maintain a 100' setback from riparian vegetation. Public trails may be located within the riparian setback only if located and constructed so as to permanently protect riparian vegetation. Development shall maintain a minimum 50' setback from any public trails.	
	Dana Point Certified LCP 9/13/89		Wetland	City's coastal wetland resources, a minimum 100' buffer area around all identified wetlands shall be provided as part of all allowable development within or adjacent to wetlands, unless both the California Department of Fish and Game and the U.S. Fish and Wildlife Service provide a written determination that a lesser buffer will provide adequate protection..	
	San Clemente No Certified LCP; Certified LUP 1996		General ESHA	General policies requiring identification and protection of ESHA including using buffers and setbacks, however, no numerical standard identified.	
			Wetland	Same as above.	
			Coastal Sage Scrub	Not less than 15' from CSS vegetation.	No numerical standard identified
			Riparian Vegetation	Not less than 50' from riparian vegetation.	No numerical standard identified

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SAN DIEGO COAST	San Diego County/San Dieguito No Certified LCP		Lagoons and Riparian Habitat	Ecological Resource Area (ERA) designation applies to lagoons and riparian habitat and their adjacent uplands, extending to 100' upland of the 100-year floodplain; uses within ERA limited to those allowed in wetlands per Section 30233. No specific buffer or mitigation ratio policies.	
	Oceanside Certified LCP 3/11/86	City of Oceanside	Sensitive habitat areas including wetlands, riparian areas, and rare and endangered plants	<p>LCP Policy II. B. 1. A buffer zone shall be established around all sensitive habitats.</p> <p>The buffer zone shall be generally 100' for small projects on existing lots.</p> <p>If the project requires substantial improvements or increased human impacts, a much wider buffer area shall be required. Likewise, a reduced buffer area will be considered if, in consultation with the State Department of Fish and Game it can be demonstrated that 100' is unnecessary to protect the resources of the habitat area.</p> <p>The biological significance of adjacent lands, sensitivity of species to disturbance, and susceptibility of parcel to erosion shall all be factors taken into consideration in the determination of the adequate width of the buffer zone. Such evaluations shall be made on a case-by-case basis.</p> <p>Where feasible, existing cultural features, such as roads and dikes, should be used to buffer habitat area.</p>	LCP Policy II. B. The following mitigation measures are intended to protect sensitive habitat areas from adverse environmental impacts caused by adjacent development. Any development proposed in an undeveloped area within a distance of up to 500 feet from a sensitive habitat area will be considered adjacent to that habitat area. All required mitigation measures will be provided at applicants expense.
				For a wetland, the buffer area should be measured from the landward edge of the wetland. For a watercourse, the buffer zone should be measured from the landward edge of riparian vegetation of, if no vegetation exists, from the top edge of the bank. No principal structures shall be permitted within a buffer zone. Development shall be limited to access paths, fences necessary to protect the habitat area and similar developments which have beneficial effects or no significant adverse effects.	

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SAN DIEGO COAST	Oceanside Certified LCP 3/11/86	San Luis Rey River LUP Supplement & Implementation Phase for the San Luis Rey River – State Hwy 76	General ESHA and Riparian habitat	A. Biological Resources. 5. A 75' wide buffer area will be constructed if possible between the expressway and the riparian habitat along the river by over-covering the riparian boulders on the downslope with top soil and planting native vegetation.	A. Biological Resources. 2. Mitigation shall be provided for any destruction of riparian habitat or other environmentally sensitive habitat on an in-kind, one-acre-replaces to one-acre-destroyed, basis. Replacement species shall be maintained through a management program for a period of five years following replanting to assure successful revegetation; should any portion of the revegetation plan prove unsuccessful, replanting shall be provided within the five year management period.
			Wetlands	A. Biological Resources. 10. A buffer strip adequate to protect coastal wetlands shall be provided around the perimeter of all areas, and shall be maintained in a natural state. Such buffers shall generally be of 100' in width unless a more narrow area is determined adequate for resource protection in consultation with the CDFG.	
	Carlsbad Certified LCP - major amendment 2003 - HMP		Coastal sage scrub	20'	2:1 Mitigation (including onsite preservation) for coastal sage scrub occupied by the California gnatcatcher, and 1:1 for unoccupied coastal sage scrub, mixed coastal sage scrub/chaparral and chaparral other than southern maritime chaparral.
			Other rare native vegetation: southern maritime chaparral, southern coastal bluff scrub, maritime succulent scrub, and native grassland	20'	3:1 For Southern maritime chaparral, southern coastal bluff scrub, maritime succulent scrub and native grassland.
			Riparian areas	50'; if a riparian area is associated with steep slopes (>25%), the 50' buffer shall be measured from the top of the slope.	3:1
			Oak woodlands	20'	
			Vernal pools, other seasonal wetlands, and saltmarsh	100'	4:1

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SAN DIEGO COAST	Carlsbad Certified LCP - major amendment 2003 - HMP		Steep slopes	For steep slopes not associated with a riparian area, and for non-steep areas (<25%) with native vegetation, a minimum 20' buffer shall be required. For steep slopes, the buffer shall be measured from the top of the slope. No development may be located within the buffer except as otherwise specified herein. However, if brush management is required for fire protection, Zone 3 (to a maximum of 20') may be located within the buffer area if allowed by the fire management authority.	
			Other	No development, grading or alterations, including clearing of vegetation, shall occur in the buffer area, except for: fuel modification Zone 3 to a maximum of 20' for upland and non-riparian habitat. No fuel mod shall take place within 50' of riparian areas, wetlands, or oak woodland. Recreation trails and public access pathways may be permitted in the required buffer area within the 15' closest to the adjacent developable area, provided that the construction of the trails and/or pathways and their proposed uses are consistent with the preservation goals for adjacent habitat, and that appropriate measures are taken for their physical separation from sensitive areas alterations.	The second HMP addendum provides that in the coastal zone, there will be no net loss of coastal sage scrub, maritime succulent scrub, southern maritime chaparral, southern mixed chaparral, native grassland, or oak woodland.
	Encinitas Certified LCP 5/11/95		Lagoon Wetlands	Resource Management Policy 10.6/Implementation Plan Section 30.34.040B3- 100' - Buffers may be reduced if the applicant demonstrates the wetland resources will be protected based on site specific information after consultation with USFWS and CDFG.	Resource Management Policy 10.6 For wetlands, minimum greater than 1:1 when permitted use and unavoidable. Goal is no net loss.
			Riparian Wetlands	Resource Management Policy 10.6/Implementation Plan Section 30.34.040B3- 50'. Buffers may be reduced if the applicant demonstrates the wetland resources will be protected based on site specific information after consultation with USFWS and CDFG.	
			Other ESHA		Resource Management Policy 10.5RM Policy 10.5. All new development shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Act. Compliance with these goals and requirements shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.

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SAN DIEGO COAST	Solana Beach No Certified LCP				
	Del Mar Certified LCP 9/11/01		Wetlands	I.P. Regulation 30.52.060 prohibits encroachments onto steep slopes, the only area of the City that has native upland habitat. There are some exceptions for constrained lots and public works projects. I.P. Regulation 30.53.100 requires 100' wetland buffers, with a provision to reduce them to a 50' minimum if recommended by CDFG.	
	City of San Diego IP effective 1/2000		Sensitive biological resources	San Diego Municipal Code - Regulation 143.0141. a). State and federal law precludes adverse impacts to wetlands or listed non-covered species habitat. The applicant shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the development proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. Grading or construction permits shall not be issued for any project that impacts wetlands or Listed non-covered species habitat until all necessary federal and state permits have been obtained.	
				b.) Outside and inside the MHPA, impacts to wetlands, including vernal pools in naturally occurring complexes, shall be avoided. A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland. In the Coastal Overlay Zone the applicant shall provide a minimum 100' buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net=loss and retain in-kind functions and values.	
			Steep hillsides	SDMC 143.0142 a). 2. outside of the MHPA, the allowable development area includes all portions of the premises without steep hillsides. Steep hillsides shall be preserved in their natural state, except that development is permitted in steep hillsides if necessary to achieve a maximum development area of 25% of the premises.	

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SAN DIEGO COAST	City of San Diego IP effective 1/2000		Steep hillsides	SDMC 143.0142 a). 3. Outside of the MHPA and outside the Coastal Overlay Zone, up to an additional 15% development area is permitted only as follows and as long as the total development area does not exceed 40% of the premises, pursuant to the Steep Hillside Guidelines in the Land Development Manual.	
				SDMC 143.0142 a). 4. E. In the approval of any Coastal Development Permit for a subdivision, and any other division of land, including lot splits, no encroachment into steep hillsides containing sensitive biological resources, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted, and the decision maker shall require a minimum 30' setback for Zone 1 brush management for coastal development from such steep hillsides.	
			Sensitive coastal bluffs	SDMC 143.0143 f. All development including buildings, accessory structures, and any additions to existing structures shall be setback at least 40' from the coastal bluff edge except as follows:	
				SDMC 143.0143 f. 1). The City Manager may permit structures to be located between 25' and 40' from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the development at the proposed distance from the coastal bluff edge and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the primary structures, and no shoreline protection is required.	
			Other	Any development inside the MHPA which identifies the occurrence of the following species must include an impact avoidance area of 300' from any nesting site of Cooper's hawk (<i>Accipiter cooperii</i>), 1,500' from known locations of the southern pond turtle (<i>Clemmys marmorata pallida</i>), 900' from any nesting sits of northern harriers (<i>Circus cyaneus</i>), 4,000' from any nesting sites of golden eagles (<i>Aquila chrysaetos</i>), and 300' from any occupied burrow of burrowing owls (<i>Speotyto cunicularia hypugaea</i>).	

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SAN DIEGO COAST	Coronado Certified LUP 1/11/84			No ESHA buffer or mitigation ratio policies	
	National City Certified LCP 4/9/91; LUP updated 1988, 1998		Wetlands	<p>100' set back from landward edge of wetland. 100' buffer may be increased or decreased in consultation with the CDFG.</p> <p>National City Harbor District Specific Area Plan - Policy 3.3.3.3 b. All habitat buffer, landscaping, and/or revegetation plans for areas within 200' of Paradise Marsh and other delineated wetlands shall be prepared in consultation with the USFWS and CDFG, and with respect to habitat buffer plans, shall be prepared according to all habitat buffer standards set forth in Section 3.4.</p> <p>City of National City - 3.3.3.1 a. (Updated in 1998) New development is generally required to maintain at least a 100' setback from Paradise Marsh and the Harbor District's delineated wetlands mapped in Figure 3.1.</p> <p>National City Harbor District Specific Area Plan - Policy 3.3.3.7. d. In Subarea B, to the west of Paradise Marsh, north of 32nd Street, all habitable structures shall be set back at least 200' from the Paradise Marsh/National Wildlife Refuge boundary, and shall be steeped back, consistent with the height limits set forth in Chp. 4, not to exceed 35', to minimize visibility from the marsh floor.</p>	
	Chula Vista Certified LCP 9/27/85; Certified LUP 1993		Wetlands	<p>Policy EM.1.G Midbayfront North/Northwest Interface Area.</p> <p>Wetland Buffer - 100' plus Primary Zone Buffer at 100' with variable height berm to prevent visual disturbance of wildlife in refuge (200 ft. total), Public Park (active) Width varies - additional 100' minimum prior to residential use.</p>	
	Imperial Beach Certified LCP 9/26/84		Tijuana River Natural Estuarine Research Reserve	<p>CO-5 Estuary. A). Assist in the implementing the Estuaries Resource protection program which includes the following development restrictions: "A buffer area will be established for each development adjacent to wetlands.</p> <p>The width of a buffer area will vary depending upon an analysis.</p> <p>The buffer area should be a minimum of 100' unless the applicant can demonstrate to the satisfaction of the CDFG and USFWS that 100' is unnecessary to protect the resources of the habitat area.</p> <p>If the project involves substantial improvements or increased human impacts, such as a subdivision, a wider buffer area may be required.</p> <p>For a wetland, the buffer area should be measured from the landward edge of the wetland."</p>	

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NORTH COAST	Del Norte County Certified LCP 10/12/83		Wetlands	100'	
			Offshore Rocks; Intertidal Areas; Estuaries; Riparian Vegetation Systems; Sea Cliffs; and Coastal Sand Dunes	Numeric Buffer N/A	
	Crescent City Certified LCP 3/1/83		Wetland Habitats	50'	
	Humboldt County Certified LCP 1/0/86		Wetlands and estuaries	Between 100' and 200'	Not more than 25% of the lot surface shall be effectively impervious.
	Trinidad City Certified LCP 2/3/80		Riparian Vegetation	100'	
	Arcata Certified LCP 10/10/87; Certified LUP 1995		Creeks	Numeric Buffer N/A	
	Eureka Certified LCP 7/26/84		Rivers, creeks, sloughs, gulches and assoc. riparian habitats	Minimum of 100'. If necessary to protect the ESHA, the City may require a buffer greater than 100'.	
			Wetlands and estuaries including riparian areas and vegetated dunes	Minimum of 100'. If necessary to protect the ESHA, the City may require a buffer greater than 100'.	
			Indian Island, Daby Island, and the Woodley Island wildlife area	Minimum of 100'. If necessary to protect the ESHA, the City may require a buffer greater than 100'.	
			Waterbird rookeries and habitat for all rare or endangered species	Minimum of 100'. If necessary to protect the ESHA, the City may require a buffer greater than 100'.	
			Grazed or farmed wetlands (i.e., diked former tidelands)	Minimum of 100'. If necessary to protect the ESHA, the City may require a buffer greater than 100'.	
	Mendocino County Certified LCP 10/10/92		General ESHA	100', no less than 50'	1:01
	Fort Bragg A Certified LCP 2/26/88		General ESHA - Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats	At least 50'	Numeric mitigation ratio N/A
			Special vegetation	Numeric Buffer N/A	

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NORTH COAST	Point Arena Certified LCP 2/3/81		General ESHA	Minimum of 100'. No buffer area may be less than 50'	
			Riparian	100'	
			Wetlands	100'	
			Coastal bluff	100'	
			Rare plants	100'	
			Riparian (Arena Creek)	100'	
			Mountain Beaver Area (Arena Creek)	500' from the centerline of the creek	
			Other		Mitigation for noise generating projects within 500' of occupied habitat shall include the following restrictions from Dec. 15 through June 15. A. The action and related activities shall be greater than 100' from the occupied habitat.

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NORTH CENTRAL COAST	Sonoma County Certified LCP 12/2/81		General ESHA	Minimum of 100'	
			Riparian	Development prohibited within riparian corridor or 100' from lowest line of vegetation whichever is greater.	
			Wetland Habitats	100'	
			Coastal Bluffs	100'	
			Heron Rookeries	600'	
	Marin County Certified LCP 6/3/81		Wetlands	100'	
			Riparian (streams)	The stream buffer area shall extend a minimum of 50' from the outer edge of the riparian vegetation, but in no case shall be less than 100' from the banks of the stream.	
			Dune and Sandy Beach	Numeric Buffer N/A	
			Wildlife Nesting and Roosting Areas	Numeric Buffer N/A	
			Other ESHA	Numeric Buffer N/A	
	San Francisco City/Co. Certified LCP 3/14/86			No ESHA Policies	
	Daly City Certified LCP 3/14/84		General ESHA	Minimum 10' buffer required for designated ESHA at Mussel Rock Park, Daisaku Ikeda Canyon, and Thornton State Beach.	
	Pacifica Certified LCP 6/7/94		General ESHA	Numeric Buffer N/A	
	Half Moon Bay Certified LCP 4/10/96		Riparian (and Wetlands)	50' buffer for perennial streams and 30' buffer for intermittent streams. 100' buffer for lakes, ponds, and other wet areas except for man-made ponds and reservoirs used for agricultural purposes. Riparian buffer may be reduced to 20' where no feasible alternative exists that would allow development on the site.	
			Rare plants	50'	

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NORTH CENTRAL COAST	San Mateo County Certified LCP 4/1/81		Wetlands	100' landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50' only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the CDFG. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.	
			Riparian corridors	50' outward for perennial streams and 30' outward for intermittent streams. b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50' from the predictable high water point for perennial streams and 30' from the midpoint of intermittent streams. c. Along lakes, ponds, and other wet areas, extend buffer zones 100' from the high water point except for manmade ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.	

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CENTRAL COAST	Santa Cruz County Certified LCP 1/13/83		Riparian corridors	50' from the top of a distinct channel or physical evidence of high water mark of a perennial stream; (b) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams; (c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water; (d) The landward limit of a riparian woodland plant community; (e) Wooded arroyos within urban areas.	
			Wetlands	100'	
			Nesting Shorebirds	Discourage all activities within 100' of shorebird nesting sites during mating season (March-July). For Cliff Nesting Areas: 50' buffer from bluff top at or above nesting area shall be required.	
			SC Long-toed salamander	Numeric Buffer N/A	
			SC Cypress Groves	50'	
	Santa Cruz City Certified LCP 5/9/85		General ESHA	Numeric Buffer N/A	
			Creeks and Wetlands	100'	
			Sensitive species (Ohlone Tiger Beetle, Tidewater Goby, Burrowing Owl, California Brown Pelican, Monarch Butterfly, Pigeon Guillemot, Black Swift, Santa Cruz Tarplant, Peregrine Falcon)	Numeric Buffer N/A	

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CENTRAL COAST	Capitola Certified LCP 4/13/90		Soquel Creek	No new development shall be permitted within the banks of Soquel Creek and lagoon. New development shall be setback at least 35' from the western shoreline of Soquel Creek lagoon.	
			Riparian Vegetation	35'	
			Butterfly Habitat	Numeric Buffer N/A	
	Watsonville Certified LCP 11/15/88	Area A	Riparian	Minimum 50'	
		Area C	Riparian	100'	
			Wetland	100'	
		Area R	Riparian	100'	
			Wetland	100'	
		Area E	General ESHA	50'	
	Monterey County	Big Sur Coast Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	150'	
			Streams and rivers	150'	
			Other terrestrial habitats	Numeric Buffer N/A	1:1 mitigation ratio for tree replacement
		Carmel Area Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	100'	
			Streams and rivers	150' open space buffer zone on each side of the bank of perennial streams and 50' on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater.	
			Gowen cypress habitat	100'	
			Other terrestrial habitats	Numeric Buffer N/A	Carmel River Inn should not disturb existing riparian vegetation but if any if disturbed during construction it shall be replaced with equivalent materials on a 5:1 basis. 1:1 mitigation ratio for tree replacement;
			Riparian Corridors and other Terrestrial Wildlife Habitats	150' open space buffer zone on each side of the bank of perennial streams and 50' on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater.	
		Del Monte Forest Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	100'	
			Streams and rivers	100'	
			Other terrestrial habitats	Minimum 100' open space buffer when development is proposed on lands immediately adjoining areas shown to contain environmentally sensitive habitat. Within buffer zones, residential uses on existing legal lots of record, setback a minimum of 20' from the limit of riparian vegetation, are allowed only if no other feasible alternative exists and only if no other building site on the parcel.	1:1 replacement for Gowen Cypress at NCGA Golf Course

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CENTRAL COAST	Monterey County	North County Certified LCP 1/12/88	Coastal lagoons, estuaries, and wetlands	100'	
			Streams and rivers	150' on each side of the bank of perennial streams, and 50' on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater.	
			Other terrestrial habitats	100'	1:1 mitigation ratio for tree replacement
	Marina Certified LCP 12/17/82		ESHA (General)	Numeric Buffer N/A	
			Dune Habitats	Numeric Buffer N/A	
			Vernal Pools	100'	
			Wetland Habitats	100'	
	Sand City Certified LCP 3/14/84		ESHA (General)	Numeric Buffer N/A	
			Dune Habitats	Numeric Buffer N/A	
	Seaside Certified LUP 1983			No ESHA buffer or mitigation ratio policies	
	Monterey City Certified LUPs only	Cannery Row Community Plan Certified LUP 2004*	Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Rocky Points & Intertidal Zones	Numeric Buffer N/A	
	Monterey City	Del Monte Community Plan Certified LUP 2003	ESHA (General)	Numeric Buffer N/A	
			Dune Habitats	Numeric Buffer N/A	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Grasslands	Numeric Buffer N/A	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. oak trees, sensitive plant species)	Numeric Buffer N/A	Removal of any significant tree (> 12" in diameter) will be allowed only in cases where life, property, or existing access is immediately threatened or where a diseased tree represents a threat of infection to surrounding trees.
			Rocky Points & Intertidal Zones	Numeric Buffer N/A	
			Subtidal	Numeric Buffer N/A	

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CENTRAL COAST	Monterey City	Harbor Community Plan Certified LUP 2003	ESHA (General)	Numeric Buffer N/A	
			Dune Habitats	Numeric Buffer N/A	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	The US Army shall be encouraged to preserve the remaining coast live oak community on the Presidio property. New development should not occur within 100' from the top of the creek bank or edge of riparian vegetation whichever is greater.	
			Rocky Points & Intertidal	Numeric Buffer N/A	
			Subtidal	Numeric Buffer N/A	
		Skyline Community Plan Certified LUP 2004	ESHA (General)	Numeric Buffer N/A	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Numeric Buffer N/A	(1) removal of any significant Monterey pine trees (living tree more than 12" in diameter / 38" in circumference) shall be in accordance with the forest management plan for the site. Such plan shall be prepared prior to any non-emergency tree removal; (2) Bishop Pine, retain all trees; (3) Coast Live Oak, same criteria as for Monterey pine.
			Wildlife Corridors	Numeric Buffer N/A	
			Butterfly Trees	Numeric Buffer N/A	
	Pacific Grove Certified LUP 1989		Dune Habitats	Numeric Buffer N/A	
			Wildlife Corridors	Numeric Buffer N/A	
			ESHA (General)	30'	
	Carmel City Certified LCP 10/14/04		Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. oak trees, sensitive plant species)	No grading, compaction of soils, construction of building walls or placement of impermeable surfaces within 6' of significant trees. Establish a 30' buffer along the perimeter of Mission Trails Natural Preserve.	
			Stream Habitats	Minimum of 100'; In Pescadero Canyon establish a 50' setback	
			Wetland Habitats	100'	
			ESHA (General)	100' for wetlands, 50' from urban streams, 100' rural streams	
	San Luis Obispo County Certified LCP 7/8/87		Wetlands	100'	
			Coastal Streams	100'	

TABLE 2 - Summary Table
State-wide Buffer (Setback) and Mitigation Ratio Policies

Abbreviation definitions

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	San Luis Obispo County Certified LCP in 7/8/87	CZLUO	ESHA (General)	Numeric Buffer N/A	
			Wetlands	100'	
			Coastal Streams	In the urban areas (inside the URL) this setback shall be a minimum of 50'. In the rural areas (outside the URL) this setback shall be a minimum of 100'.	
	San Luis Obispo County Certified LCP in 7/8/87	North Coast Area Plan	ESHA (General)	Numeric Buffer N/A	
			Coastal Streams	100'	
			Terrestrial Habitats	Numeric Buffer N/A	
	San Luis Obispo County Certified LCP in 7/8/87	Estero Area Plan	ESHA (General)	Numeric Buffer N/A	
			Wetlands	For Tract 316 (Butte Drive Neighborhood): 50'; c. For the area between Butte Drive and Pecho Road: On the lots located between Butte Drive and Pecho Road all structures shall be located a minimum of 100' from the wetland and its riparian area. d. For the area between Pecho Road and Doris Avenue which is the south half of Cuesta Inlet (Blocks 4 and 5 Cuesta-by-the-Sea Tracts): 75'; e. For the area comprising the north half of Cuesta Inlet (Blocks 13, 14, and 35 of Cuesta-by-the-Sea Tract): 50 feet; f. For the area between Doris Avenue northeast to Tract 40 near First Street: 75'; g. For lots within Tract 40: 75' except where adjusted down to no closer than 50' from the wetland pursuant to Section 23.07.112d(2) of the CZLUO; h. For the area east and northeast of Tract 40: 50' except where adjusted pursuant to Section 23.07.172d(2) of the CZLUO. In no case shall development occur closer than 25' from the mean high tide line.	
			Coastal Streams	Cayucos Creek: 25' from either bank. Little Cayucos Creek: 20' from either bank. Old Creek: 50' from either bank. Willow Creek: 20' from either bank north of Ocean Avenue.	
				50'	
			Terrestrial Habitats	Morro Bay Kangaroo Rat Habitat (SRA) - 25'	
			ESHA (General)	Numeric Buffer N/A	
	San Luis Obispo County Certified LCP in 7/8/87	San Luis Bay Area Plan	Wetlands	25'	
			Coastal Streams	Numeric Buffer N/A	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
CENTRAL COAST	San Luis Obispo County Certified LCP in 7/8/87	South County Area Plan	Coastal Streams	100'	
			Terrestrial Habitats	20'	
	Morro Bay Certified LCP 10/24/84	Morro Bay Certified CZO 1997	ESHA (General)	100'	
			Dune Habitats	100' in non-urban areas and 50' in urban areas.	
			Stream Habitats	100' in non-urban areas and 50' in urban areas.	
			Wetland Habitats	100'; review area: minimum of 250'.	
	Morro Bay Certified LCP 10/24/84	Morro Bay Certified LUP 1982	ESHA (General)	Minimum of 100'	
			Dune Habitats	50' in urban areas; 100' in rural areas	
			Stream Habitats	1) a minimum buffer strip of 100' in rural areas; 2) a minimum buffer strip of 50' in urban areas.	
			Wetland Habitats	100'	
	Pismo Beach Certified LCP 4/13/84	Pismo Beach Certified CZO 1983; Certified LUP 1992	Butterfly Trees	50'	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	A tree protection zone shall be established for each tree that may be affected by the proposed development. The extent of this zone shall be calculated as one foot of radius for each inch of trunk diameter (measured 4.5' above natural grade).	
			Stream Habitats Pismo Creek	Minimum of 25'. Pismo Creek (west bank) minimum buffer width = 100' (Cypress St north to city limit), 25' (Cypress St to the ocean). Pismo Creek (East bank) 100' (Hwy 101 north to city limit), 50' (Hwy 101 to Dolliver St), 25' (Dolliver to the ocean).	
			Wetland Habitats - Pismo Marsh	100'	
	Grover Beach Certified LCP 2/9/84		Pismo Lake and Meadow Creek (Northeastern Branch)	No development shall occur within 50' of the dripline of a solid canopy oak woodland. Areas of Shagbark Manzanita shall be left intact with other associated shrubs undisturbed. A buffer of natural vegetation 25' thick shall be maintained around the area of Shagbark Manzanita.	
			Meadow Creek (Western Branch)	50'	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	CZO For All Areas Certified 8/82	ESHA (General)	100'	2:1
			Butterfly Trees	50'	
			Dune Habitats	Numeric Buffer N/A	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Grasslands	Numeric Buffer N/A	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Numeric Buffer N/A	
			Rocky Points & Intertidal	Numeric Buffer N/A	
			Seabird Nesting and Roosting	Numeric Buffer N/A	
			Stream Habitats	Minimum 100' in rural areas; Minimum 50' in urban areas	
			Subtidal	Numeric Buffer N/A	
			Vernal Pool	Presumably 100' wetland buffer applies but it is listed separately.	
			Wetland Habitats	100'	
		Summerland Community Plan Certified 1993*	ESHA (General)	100'	
			Butterfly Trees	50'	
			Dune Habitats	Numeric Buffer N/A	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Grasslands	Numeric Buffer N/A	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	100'	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Summerland Community Plan Certified 1993*	Rocky Points & Intertidal	Numeric Buffer N/A	
			Seabird Nesting and Roosting	Numeric Buffer N/A	
			Specimen Trees (incl. Known raptor nesting or key roosting sites)	Numeric Buffer N/A	
			Stream Habitats	100'	
			Subtidal	Numeric Buffer N/A	
			Vernal Pool	100'	
			Wetland Habitats	100'	
			White-Tailed Kite	Numeric Buffer N/A	
			Wildlife Corridors	Numeric Buffer N/A	
	Santa Barbara County Certified LCP 8/11/82	Montecito Community Plan Certified 1993	ESHA (General)	Numeric Buffer N/A	
			Butterfly Trees	50'	
			Dune Habitats	Numeric Buffer N/A	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Grasslands	Numeric Buffer N/A	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	Minimum. 25'.	
			Rocky Points & Intertidal	Numeric Buffer N/A	
			Seabird Nesting and Roosting	Numeric Buffer N/A	
			Specimen Trees (incl. Known raptor nesting or key roosting sites)	Numeric Buffer N/A	
			Stream Habitats	100' in rural areas; 50' in urban areas.	
			Subtidal	Numeric Buffer N/A	
			Vernal Pool	100'	
			Wetland Habitats	100'	
			White-Tailed Kite	Numeric Buffer N/A	

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SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Montecito Community Plan Certified 1993	Wildlife Corridors	Numeric Buffer N/A	
		Goleta Community Plan Certified 1994	ESHA (General)	Numeric Buffer N/A	
			Butterfly Trees	50'	
			Dune Habitats	Numeric Buffer N/A	
			Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Grasslands	Minimum 10' vegetated buffer from native grasslands.	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	25' buffer from native woodlands in urban and inner rural areas and existing developed rural neighborhoods; 50' buffer from native woodlands in areas zoned Mountainous- GolMin. 10' vegetated buffer from coastal sage scrub. Areas of one or more acres of coastal sage scrub shall be preserved to the maximum extent feasible.	
			Rocky Points & Intertidal	Numeric Buffer N/A	
			Seabird Nesting and Roosting	Numeric Buffer N/A	
			Specimen Trees (incl. Known raptor nesting or key roosting sites)	Numeric Buffer N/A	
			Stream Habitats	25' from edge of riparian veg or top of bank, whichever is further, for non-structural agricultural expansion where evidence of historic legal ag use within the previous ten- year period; 50' from top of bank for new ag buildings; 50' from top-of-bank or edge of riparian veg, whichever is further for development w/in urban, inner rural and existing developed rural neighborhoods. 200' from edge of existing riparian veg on parcels zoned Mountainous- Gol.	
			Subtidal	Numeric Buffer N/A	
			Vernal Pool	100'	
			Wetland Habitats	100'	
			White-Tailed Kite	Numeric Buffer N/A	
			Wildlife Corridors	Numeric Buffer N/A	
			ESHA (General)	Numeric Buffer N/A	
			Butterfly Trees	50'	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Santa Barbara County Certified LCP 8/11/82	Goleta Community Plan Certified 1994	Dune Habitats	Numeric Buffer N/A	
		Toro Canyon Plan Certified 2004	Marine Mammal Rookery & Hauling Grounds	Numeric Buffer N/A	
			Native Grasslands	25'	
			Native Plant Communities (coastal sage scrub, chaparral, coastal bluff, oak woodland & indiv. Oak trees, sensitive plant species)	25'	
			Rocky Points & Intertidal	Numeric Buffer N/A	
			Seabird Nesting and Roosting	Numeric Buffer N/A	
			Specimen Trees (incl. Known raptor nesting or key roosting sites)	Numeric Buffer N/A	
			Stream Habitats	100' in Rural areas and 50' in Urban.	
			Subtidal	Numeric Buffer N/A	
			Vernal Pool	100'	
			Wetland Habitats	100'	
			White-Tailed Kite	Numeric Buffer N/A	
			Wildlife Corridors	Numeric Buffer N/A	
	Guadalupe City Certified LCP 5/9/91 - 50 acres, 1/2 of a single parcel.			No buffer policies.	
	City of Goleta	No Certified LCP			
	UCSB Certified LRDP 1990		Wetlands	100'	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	UCSB (LRDP Amendment 1-06, Approved but not yet officially certified by UCSB)		Wetlands	Buffer of 100' for everywhere but North parcel where 25'.	Lost wetlands or wetlands with less than 100' buffer shall be mitigated at 4:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.
			ESHA - Including Riparian, Coastal Bluff Scrub, Native Grasslands, Monarch Butterfly Aggregation or Significant Roosting Areas; Dune Habitat; Beaches; etc.	Buffer 100' except North Parcel where is 10' for native grassland, 50' for riparian, and 25' from monarch habitat. Lost ESHA or ESHA with less than a 100' buffer shall be mitigated at 3:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.	Lost ESHA or ESHA with less than a 100' buffer shall be mitigated at 3:1 ratio. 1:1 of this ratio can occur in place in case of just reduced buffer. Mitigation must be onsite if feasible.
	Santa Barbara City No Certified LCP	Buffer Policies: LUP and CZO Certified 1981 and 1986 respectively	Stream Habitats	25'	
			Wetland Habitats	N/A	
			ESHA (General)	Numeric Buffer N/A	
		Buffer Policies: Goleta Slough Component LUP and IP Certified 1982 and 1991 respectively	Wetland Habitats	100'	
		Mitigation Ratios: LUP and CZO Certified 1981 and 1986 respectively	Stream Habitats		Any tree removed within the creek setback area shall be replaced on a 2:1 basis with an appropriate species except trees removed which are deemed a hazard by flood control do not have to be replaced.
	Carpinteria Certified LCP 1/6/82	CZO Certified 1/6/82	Butterfly Habitat	Minimum 50'	
			ESHA (General)	Numeric Buffer N/A	
			Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Numeric Buffer N/A	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A	
			Creeks and Riparian Habitats	Superceded by creeks preservation program standards.	
			Subtital Reef	Numeric Buffer N/A	
			Wetland Habitats	100'	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH CENTRAL COAST	Carpinteria Certified LCP 1/6/82	Updated LUP Certified 2002	Butterfly Habitat	50'	
			Carpinteria Bluffs (windrows)	Minimum 10' setback from the dripline of windrow trees.	
			Carpinteria Bluffs (other)	Numeric Buffer N/A	
			Habitat used by Sensitive, Rare, Threatened or Endangered Species	Numeric Buffer N/A	
			Nesting and Roosting Trees used by Sensitive, Rare, Threatened or Endangered Raptors on the Carpinteria Bluffs or on parcels adjacent to Carpinteria Creek	300'	
			ESHA (General)	Numeric Buffer N/A	
			Harbor Seal Rookery & Hauling Grounds	Minimum 35' buffer area on beach around any animal or area where seals have congregated year round. 750' buffer on either side of the area during pupping season (Dec. 1 - May 31) or such greater period as is established by Council Resolution. Minimum 30' setback from the edge of the bluff overlooking the hauling grounds.	
			Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Numeric Buffer N/A	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A	
			Creeks and Riparian Habitats	50'	
			Subtidal Reef	Numeric Buffer N/A	
			Wetland Habitats	100'	

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SOUTH CENTRAL COAST	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
	Carpinteria Certified LCP 1/6/82	Previous LUP Certified in 1980	Wetland Habitats	100'	
			ESHA (General)	Numeric Buffer N/A	
			Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	Numeric Buffer N/A	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A	
			Subtidal Reef	Numeric Buffer N/A	
	Carpinteria Certified LCP 1/6/82	Creeks Preservation Program Certified 2004	Habitat used by Sensitive, Rare, Threatened or Endangered Species	Numeric Buffer N/A	
			Nesting and Roosting Trees used by Sensitive, Rare, Threatened or Endangered Raptors on the Carpinteria Bluffs or on parcels adjacent to Carpinteria Creek	300'	
			Significant Native Plant Communities (coastal sage scrub, riparian scrub, coastal bluff scrub, and native oak woodland)	50'	
	Carpinteria Certified LCP 1/6/82	Bluffs Master Program Certified 1996	Carpinteria Bluffs (windrows)	10' buffer, measured from the dripline	
			Carpinteria Bluffs (other)	25' buffer around open space areas on the Carpinteria Bluffs containing existing coastal sage scrub habitat. The buffer may be reduced to 20' for the area of coastal sage scrub adjacent to the riparian habitat in Bluffs Area II, provided the equivalent square footage of habitat to equal the 25' buffer is compensated for through in-kind restoration of coastal sage scrub within the Bluffs. Light recreation, revegetation projects, and specifically permitted trail development allowed within buffer zones.	

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SOUTH CENTRAL COAST	Carpinteria Certified LCP 1/6/82	Bluffs Master Program Certified 1996	Harbor Seal Rookery & Hauling Grounds	Minimum 35' buffer area on beach around any animal or area where seals have congregated year round. 750' buffer on either side of the area during pupping season (Dec. 1 - May 31) or such greater period as is established by Council Resolution. Minimum 30' setback from the edge of the bluff overlooking the hauling grounds.	
			Rocky Points & Intertidal Areas	Numeric Buffer N/A	
	Ventura County Certified LCP 10/26/83	North Coast	Tidepools and Beaches	Coastal Area Plan (North Coast), A.7. The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.	
			Creek Corridors	Coastal Area Plan (North Coast), B.1. All projects on land either in a stream or creek corridor or within 100' of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.	
		Central Coast	Coastal Dunes	Numeric Buffer N/A	
			Wetlands	Coastal Area Plan (Central Coast), B.1. All projects on land either in a designated wetland or within 100' of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233 (a) of the Coastal Act.	
		South Coast	Coastal Dunes	Numeric Buffer N/A	
			Tidepools	Coastal Area Plan (South Coast), A.6. The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.	
			Creek Corridors	Coastal Area Plan (South Coast), C.2. All projects on land either in a stream or creek corridor or within 100' of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.	

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SOUTH CENTRAL COAST	Ventura County Certified LCP 10/26/83	South Coast	Santa Monica Mountains	Coastal Area Plan (South Coast), D.6. All identified ESHA and/or slopes over 30% shall be permanently maintained in their natural state through an easement or other appropriate means and shall be recorded on the final tract or parcel map or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30% slope.	
			Mugu Lagoon and San Nicholas Island		
	San Buenaventura Certified LCP 1/2/84	CZO Certified 1982	Streams/Riparian Habitat	100'	
			ESHA (General)	100'	
	San Buenaventura Certified LCP 1/2/84	LUP Certified 1990	Streams/Riparian Habitat	100'	
			ESHA (General)	Numeric Buffer N/A	
	San Buenaventura Certified LCP 1/2/84	Downtown Specific Plan Certified 1994	Streams/Riparian Habitat	100'	
	Oxnard City Certified LCP 4/10/85; Certified LUP 1982/2000		Wetlands, Estuaries, Streams, Riparian Habitats, Lakes	100'	1:1
	Port Hueneme Certified LCP 11/28/84	J Street Canal	ESHA (General)	100'	
	L.A. Co./Malibu Mtns.	No Certified LCP			
	Malibu City Certified LCP 9/13/02		Wetlands, Streams/Riparian, Woodlands, Coastal Bluffs, Coastal Sage Scrub, Chaparral, Other	100'. In Point Dume area, new development shall be designed to avoid encroachment on slopes of 25% grade or steeper.	3:1 for seasonal wetlands, freshwater marsh and riparian areas, and at a ratio of 4:1 for vernal pools and saltmarsh
			Native Trees		10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee based on the type, size and age of the tree(s) removed.

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SOUTH COAST	Los Angeles County	Santa Catalina Island (Certified LCP 1/9/90)	Marine and tidal areas of special biological significance	25' from MHTL or beach	No policy or standard
			Catalina Harbor	100'	No policy or standard
			Significant Ecological Areas	Numeric Buffer N/A	No policy or standard
			Riparian areas	100'	No policy or standard
	Los Angeles City	No Certified LCP; LUP		No buffer, setback, or mitigation ratio policies	
	Los Angeles City	Venice Beach No Certified LCP	Beach	No policy or standard	No policy or standard
			Canals	10' - 15'	No policy or standard
			Ballona Lagoon	East bank - 40'; West bank - 10' - 25'	No policy or standard
	Santa Monica	No Certified LCP; LUP		No buffer, setback, or mitigation ratio policies	
	El Segundo Certified LCP 12/4/82			No buffer, setback, or mitigation ratio policies	
	Manhattan Beach Certified LCP 5/12/95		No ESHA in coastal zone	No policy or standard	No policy or standard
	Hermosa Beach	No Certified LCP; LUP, has no ESHA identified in the City			

TABLE 2 - Summary Table
State-wide Buffer (Setback) and Mitigation Ratio Policies

Abbreviation definitions

ESHA - Environmentally sensitive habitat

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Numeric Buffer N/A - Habitat variety exists, though no numeric standard or policy is proposed

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH COAST	Redondo Beach	Coastal Zone 1 Certified LCP 9/1103	No ESHA in coastal zone		
		Coastal Zone 2 - "Heart of the City" No Certified LCP			
	Marina del Rey/Ballona Certified LCP 12/13/90			No buffer, setback, or mitigation ratio policies	
	Torrance	No Certified LCP			
	Playa Vista No Certified LCP		Wetland	100' buffer between wetlands and environmentally sensitive habitat areas and development. 50' structural setback from the buffer area. Buffer and setbacks do not apply to the existing gas company facility and to those portions of the bluffs south of Cabora Drive extending from approx. the dedicated, unimproved right-of-way of Hastings Ave. westerly to Zayanta Dr. and from Falmouth Ave. westerly to Pershing Dr. Within 100' of the 209 acre Habitat Management Area (ecological support areas, combined with the wetlands, the buffers and the site for the interpretive center) there is a height limit of 35' and a structural setback of 50', except as noted above.	No mitigation ratios
	Palos Verdes Estates Certified LCP 12/12/91			No buffer policies	
	Rancho Palos Verdes Certified LCP 4/27/83			No buffer policies	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SOUTH COAST	Long Beach Certified LCP 5/21/81	Alamitos Bay		No policy or standard	No policy or standard
		Marine Stadium		No policy or standard	No policy or standard
		Colorado Lagoon		No policy or standard	No policy or standard
		Sims Pond		No policy or standard	No policy or standard
		SEADIP Subarea 29		100' from wetlands; 50' from riparian	4:1 for saltmarsh; 3:1 for riparian
		Los Cerritos Wetlands		25' from wetland (not certified)	1:1 (not certified)
	Avalon Certified LCP 5/21/81		Wrigley Botanical Gardens	No policy or standard	No policy or standard
	Orange County		Riparian habitat	50'	
	Seal Beach	No Certified LCP, LUP, or IP			
	Huntington Beach Certified LCP 3/15/84		Wetlands	100'	No numerical standard identified.
			Other ESHA	No numerical standard identified	"No net loss" at a minimum (i.e. 1:1)
	Costa Mesa	No Certified LCP, LUP, or IP			
	Newport Beach No Certified LCP or IP; Certified LUP 2/8/06		Terrestrial ESHA	50'	
			Coastal Sage Scrub		2:1
			Coastal Sage Scrub occupied by California gnatcatchers or significant populations of other rare species		3:1
			Southern Maritime chaparral		3:1
			Maritime succulent scrub		3:1
			Native grassland		3:1
			Southern mixed chaparral		1:1

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SOUTH COAST	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
	Newport Beach No Certified LCP or IP; Certified LUP 2/8/06		Wetlands	100'	No less than 2:1
			Seasonal wetlands		3:1
			Freshwater marsh		3:1
			Riparian		3:1
			Vernal pools		4:1
			Saltmarsh		4:1
			Eelgrass		1.2:1
	Irvine City Certified LCP 3/2/82	UC Irvine not certified	Wetlands	No policy or standard	
	Laguna Beach Certified LCP 1/13/93		Streams	25'	
	Aliso Viejo Certified LCP 9/29/83			No ESHA policies	
	Launa Niguel Certified LCP's for South Laguna & Aliso Creek 11/14/90		Riparian Vegetation	100' setback from riparian vegetation. Development shall maintain a minimum 50' setback from any public trails	
	Dana Point Certified LCP 9/13/89		Wetland	100'	
	San Clemente No Certified LCP; Certified LUP 1996		General ESHA	Numeric Buffer N/A	
			Wetland	Numeric Buffer N/A	
			Coastal Sage Scrub	15'	No numerical standard identified
			Riparian Vegetation	50'	No numerical standard identified

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SAN DIEGO	San Diego County/San Dieguito No Certified LCP		Lagoons and Riparian Habitat	Numeric Buffer N/A	
	Oceanside Certified LCP 3/11/86	City of Oceanside	Sensitive habitat areas including wetlands, riparian areas, and rare and endangered plants	100'	No numerical standard identified
	Oceanside Certified LCP 3/11/86	San Luis Rey River LUP Supplement and Implementation Phase for the San Luis Rey River – State Hwy 76	General ESHA and Riparian habitat	75'	1:1
			Wetlands	100'	
	Carlsbad Certified LCP - major amendment 2003 - HMP		Coastal sage scrub	20'	2:1 Mitigation (including onsite preservation) for coastal sage scrub occupied by the California gnatcatcher, and 1:1 for unoccupied coastal sage scrub, mixed coastal sage scrub/chaparral and chaparral other than southern maritime chaparral.
			Other rare native vegetation: southern maritime chaparral, southern coastal bluff scrub, maritime succulent scrub, and native grassland	20'	3:1 For Southern maritime chaparral, southern coastal bluff scrub, maritime succulent scrub and native grassland.
			Riparian areas	50'; if a riparian area is associated with steep slopes (>25%), the 50' buffer shall be measured from the top of the slope.	3:1
			Oak woodlands	20'	
			Vernal pools, other seasonal wetlands, and saltmarsh	100'	4:1

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SAN DIEGO	Carlsbad Certified LCP - major amendment 2003 - HMP		Steep slopes	For steep slopes not associated with a riparian area, and for nonsteep areas (<25%) with native vegetation, a minimum 20' buffer shall be required.	Numeric mitigation ratio N/A
			Other	No development, grading or alterations, including clearing of vegetation, shall occur in the buffer area, except for: fuel modification Zone 3 to a maximum of 20' for upland and non-riparian habitat. No fuel mod shall take place within 50' of riparian areas, wetlands, or oak woodland. Recreation trails and public access pathways may be permitted in the required buffer area within the 15' closest to the adjacent developable area, provided that the construction of the trails and/or pathways and their proposed uses are consistent with the preservation goals for adjacent habitat, and that appropriate measures are taken for their physical separation from sensitive areas.	
	Encinitas Certified LCP 5/11/95		Lagoon Wetlands	100'	1:1
			Riparian Wetlands	50'	1:1
			Other ESHA	Numeric Buffer N/A	
	Solana Beach	No Certified LCP			
	Del Mar Certified LCP 9/11/01		Wetlands	100'	
	City of San Diego IP effective 1/2000		Sensitive biological resources	Numeric Buffer N/A	
			Wetlands	100'	
			Steep hillsides	Steep hillsides shall be preserved in their natural state, except that development is permitted on steep hillsides if necessary to achieve a maximum development area of 25% of the premises. Minimum 30' setback for Zone 1 brush management for coastal development from such steep hillsides.	
			Sensitive coastal bluffs	Setback at least 40'	
			Other	300' from any nesting site of Cooper's hawk, 1,500' from known locations of the southern pond turtle 900' from any nesting sits of northern harriers, 4,000' from any nesting sites of golden eagles, and 300' from any occupied burrow of burrowing owls	

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	CITY/COUNTY	SUB-AREA	ESHA CATEGORY	BUFFER POLICIES	MITIGATION RATIO POLICIES
SAN DIEGO	Coronado Certified LUP 1/11/84			No buffer, setback, or mitigation ratio policies	
	National City Certified LCP 4/9/91; LUP updated 1988, 1998		Wetlands	100'	
	Chula Vista Certified LCP 9/27/85; Certified LUP 1993		Wetlands	Wetland Buffer - 100' plus Primary Zone Buffer at 100' with variable height berm to prevent visual disturbance of wildlife in refuge (200 ft. total), Public Park (active) Width varies - additional 100' minimum prior to residential use.	
	Imperial Beach Certified LCP 9/26/84		Tijuana River Natural Estuarine Research Reserve	100'	

Ted Rhodes — 180 Ocean View Ave. — Carpinteria, CA 93013

TedPages.com

RE: Appeal # A-4-STB-14-0073

VIA EMAIL

DCP# 14CDH-00000-00017

Location 201 Toro Canyon Road, Carpinteria, (Santa Barbara County)

January 5, 2015

California Coastal Commission

South Central Coast Area

89 South California St. Suite 200

Ventura, CA 93001

Dear Commissioners,

I support the Coastal Commission staff report recommending that the Commission determine that a substantial issue exists regarding this appeal.

I am writing to you as a longtime resident of the Carpinteria Valley. I live in the Serena Park neighborhood, one block east of Toro Canyon, but have been involved in community-wide land use, planning, and environmental issues in Carpinteria and the South Coast of Santa Barbara County since the 1980s. I helped spearhead the public acquisition efforts of the Carpinteria Bluffs and, more recently, helped with the fundraising regarding the rebuilding and reopening of the County's historic Franklin Trail. I also co-chaired a Land Use task force for the City of Carpinteria's Visioning 2020 process back in 1996/97 and worked with others from the community to help the City rewrite its Local Coastal Plan Amendment at that time.

I support the Commission's staff report that the County of Santa Barbara should not have approved this coastal development permit for the after-the-fact conversion of the agricultural field. The neighborhood and surrounding community have regarded and continue to regard this property as one in agricultural use despite Chip Wullbrandt's claim in his Dec. 31, 2014 letter that agricultural lands lying fallow for two years or so somehow nullifies that use. (In these times of drought, much of my own backyard garden

EXHIBIT 7

Letters Regarding Trail from Ted Rhodes &
Ted Theilmann

Appeal A-4-STB-14-0073

has lain fallow due to the harsh conditions and lack of water of this latest drought, but I still regard it as a garden.)

Most importantly, as a result of this extreme drought and a lowering local aquifer that we are presently experiencing, I and a number of other residents here in the Carpinteria Valley, Summerland, and Montecito—as well as at least several board members and staff of the Coastal Commission—are growing increasingly concerned about the rationale of approving any additional wells in our already over taxed aquifers, let alone one for the non-commercial keeping of polo horses. Again, Mr. Wullbrandt states: *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.* If this is, indeed, the case, then doesn't this beg yet another question: why is another well needed by the applicant? Another well is neither needed nor should be approved for an already over-drafted aquifer.

My third concern is the projects intrusion into the 100 foot ESH buffer and the complete disregard of this sensitive creek area by the landowner/applicant who appears to have bull dozed a road from his property on Lambert Road across Toro Canyon Creek through the ESH to his Toro Canyon property, reportedly telling County staff earlier that it was a pre-existing road before he acquired the property, one, however, in which no neighbor or Montecito Trail user has a recollection of existing before his ownership of the land.

Thank you for considering this appeal by Commissioners Howell and Zimmer. I ask that you confirm that a substantial issue, indeed, exists as set forth in the excellent and concise staff report made by your staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Rhodes", with a stylized flourish at the end.

Ted Rhodes

January 4, 2015

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

JAN 06 2015

California Coastal Commission
South Central Coast District

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

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



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**

EXHIBIT 8

Letter Regarding Trail from M. E. Meyr

Appeal No. A-4-STB-14-0073

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. Thellmann and Mr. Rhodes.

We support the Staff recommendation of denial. Thank you.

Sincerely yours,

M. E. Meyr

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

8/1/2016