

CALIFORNIA COASTAL COMMISSION

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Th21b

DATE: July 27, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
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SUBJECT: County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-17-0048-1 (Eastern Goleta Valley Community Plan), for public hearing and Commission action at the August 10, 2017 Commission Hearing in Calabasas.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the certified Land Use Plan (LUP) and certified Implementation Program/Coastal Zoning Ordinance (IP/CZO) portions of its certified Local Coastal Program (LCP) to designate the Eastern Goleta Valley Planning Area (hereafter referred to as the “Plan area”); add associated Eastern Goleta Valley goals, objectives, policies, actions, programs and development standards as described in the Eastern Goleta Valley Community Plan (hereafter referred to as the “Plan”); and add implementing zoning district and overlay maps. Eastern Goleta Valley is located in the South Coast of Santa Barbara County in the hills between the City of Santa Barbara and the City of Goleta. The amendment will result in changes to the LUP and the IP/CZO.

The County of Santa Barbara (County) submitted LCP Amendment LCP-4-STB-15-0045-2 to the Commission on December 22, 2015. The amendment submittal was deemed complete on May 5, 2016, after the complete submittal of additional information requested by Commission staff. At the June 9, 2016 hearing, the Commission granted a one-year time extension to act on the subject amendment pursuant to Coastal Act § 30517 and California Code of Regulations, Title 14, §13535(c). The County withdrew LCP Amendment LCP-4-STB-15-0045-2 on June 21, 2017 to allow additional time to coordinate with Commission staff regarding suggested modifications to the proposed Plan. The County resubmitted the LCP amendment to the Commission on June 21, 2017 (LCPA LCP-4-STB-17-0048-1) so that the subject amendment could be heard at a local Commission hearing in August. LCP Amendment LCP-4-STB-17-0048-1 was deemed complete on June 21, 2017 and the 90-day statutory time limit for Commission action on the amendment re-submittal will end on September 19, 2017.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, after public hearing, **reject** the County of Santa Barbara’s proposed LCP Amendment No. LCP-4-STB-17-0048-1 as submitted, and

certify the proposed amendment only if modified pursuant to thirteen (13) suggested modifications. The staff recommended suggested modifications can be found in Exhibit 1 of this staff report. The suggested modifications are necessary to ensure that the Land Use Plan (LUP) portion of the amendment request meets the requirements of and is consistent with the policies of Chapter Three of the Coastal Act regarding land use and new development, public services, marine and land resources, geologic, flood and fire hazards, shoreline and bluff development, and public access and recreation. Likewise, the suggested modifications to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) are necessary to ensure that the IP/CZO conforms with and is adequate to carry out the provisions of the certified LUP, as amended. The motions and resolutions to accomplish this recommendation are found on page 8 of this staff report.

The County proposes the Eastern Goleta Valley Community Plan (“Plan”) as a new, stand-alone community plan to replace the existing, certified Goleta Community Plan only for the eastern Goleta Valley portion of the Goleta Community Plan area. The western area of the Goleta Valley planning area would continue to be subject to the Goleta Community Plan. The proposed Plan area is located in the southeastern coastal region of Santa Barbara County and includes the coastal plain and foothills between the City of Santa Barbara, which borders the Plan area to the east, and the City of Goleta to the west. The majority of the Plan area lies outside of the coastal zone boundary; however, an approximately 1,703 acres portion of the coastal plain is located within the coastal zone.

The proposed Eastern Goleta Valley Community Plan consists of new policies specific to the Plan area to address land use and new development, public services and facilities, and environmental resources and constraints, along with measures to implement these proposed policies. The Plan area would also continue to be subject to the additional policies and provisions of the County’s existing, certified LUP and IP/CZO.

The proposed LCP amendment also includes Residential Design Guidelines and lighting standards specifically for the Eastern Goleta Valley Plan area and minor land use and zoning designation changes to more appropriately reflect existing site-specific conditions and land use densities within the Plan area. The County also proposes to add maps for the Eastern Goleta Valley Plan area that depict land use and zoning designations, and environmentally sensitive habitat and riparian corridors within the Plan area. The County also proposes to amend the existing, certified maps within the Goleta Community Plan to remove the Eastern Goleta Valley portions from the Goleta Community Plan area.

The suggested modifications include clarifications and refinements to the proposed LUP policies. Additionally, there are several new LUP policies included as suggested modifications that are necessary to ensure the LUP is in conformity with the Chapter 3 policies of the Coastal Act. All of the suggested modifications were developed in cooperation with County staff.

Environmentally Sensitive Habitat Area

The proposed Plan includes many policies and development standards that address the protection of biological resources. The proposed ESH Overlay map functions to trigger the application of the Plan’s policies, development standards, and actions to protect designated biological resources

(e.g., creeks, wetlands, woodlands, and native grasslands) from potential adverse impacts of new development. In addition to ESH resources identified on the ESH Overlay map, the Plan includes policies that provide criteria for determining which resources and habitats in Eastern Goleta Valley constitute ESH and requires that the physical extent of habitat meeting the definition of ESH to be based on a site-specific biological study that is prepared during the application review process for new development. Staff is recommending suggested modifications that would add more detailed provisions regarding the identification of ESH and criteria necessary to conform the proposed policies to the definition of ESH within Section 30107.5 of the Coastal Act and the ESH protection requirements of Section 30240 of the Coastal Act. Staff is also recommending suggested modifications to a number of ESH and other biological resource protection policies of the Plan in order to increase the minimum replacement ratios for ESH habitat impact mitigation, to provide limitations and minimum replacement ratios for the removal of protected native trees, to protect the availability and quality of water resources, including groundwater resources, to limit creek channelizations and the substantial alteration of streams, to clarify sensitive species survey requirements and nesting avian species protections, and to address the siting and design of new development to avoid ESH.

Generally, the County's proposed Plan retains the existing, certified minimum ESH buffer requirements for specific ESH types from the Goleta Community Plan. This includes a minimum buffer of 50 feet from stream/riparian ESH in the Urban Area that is proposed to be measured from the top of stream bank or edge of existing riparian vegetation, whichever constitutes the furthest distance. An additional setback requirement is proposed for Atascadero Creek to maintain a "greenway" that extends 100 feet from the centerline of the creek in recognition of the creek's importance as a wildlife corridor between the San Marcos Foothills and the Goleta Slough. The County proposes a minimum buffer of 200 feet from known and historic butterfly roosts, 100 feet for vernal pool habitat, and 25 feet for coastal sage scrub and native grassland habitats. While the proposed Plan does not specify a minimum buffer for wetlands, the County's certified LUP and IP/CZO requires a minimum buffer of 100 feet from wetland ESH and that requirement would be applicable to the Plan area. These proposed minimum ESH buffers are appropriate given that the coastal zone portion of the Plan area is within the Urban Area that is almost fully built out with the exception of the More Mesa property which, as discussed in the staff report in greater detail, will require the development of larger ESH buffers through the preparation of a Specific Plan and LCP amendment for any future development of the site. In past Commission actions on permits and LCPs, the Commission has typically required that ESH buffers be at least 100 feet in width in order to avoid significant disruption to habitat values in the ESH. However, buffers that are less than 100 feet have been allowed in more constrained urban areas where the existing pattern of development would not allow for larger setbacks. Within the context of this urban planning area and built-out pattern of development, the buffers proposed in this case that are less than 100 feet are adequate to ensure that the ESH resources are protected consistent with Section 30240 of the Coastal Act.

To address instances where it is known that the environmentally sensitive habitat (ESH) policies would preclude development on vacant parcels, and where exceptions may be necessary to avoid an unconstitutional taking of private property, staff has recommended modifications which will require applicants to demonstrate that an exception to an ESH policy or standard is necessary to avoid a taking. Such a review would require detailed information to determine whether

application of the ESH policy or standard would cause a taking, and if so, to determine the extent of development that must be allowed to avoid a taking.

Bluff/Shoreline Development and Geologic Hazards

The southern extent of the Plan area consists of steep coastal bluffs and sandy beaches that are adjacent to the Pacific Ocean. The County proposes a policy to require development on coastal bluff-top property to be sited to avoid areas subject to erosion and designed to avoid reliance on shoreline protection devices. However, the policy is silent in regard to development setbacks from the bluff edge and does not address development on bluff faces. Structures on a bluff face have the potential to adversely impact visual resources, public access where structures destabilize the bluff system, coastal bluff habitat, and coastal erosion hazards, inconsistent with the resource protection policies of the Coastal Act and the LUP. The County's existing LUP contains Policy 3-7, which states that "no development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, ..." Because the policy is silent as to whether the engineered staircases or accessways are intended for private and/or public beach access, this has led to inconsistent interpretation of the existing certified LCP. The County has interpreted LUP Policy 3-7 to allow beach stairways for private use down the bluff face provided that they are appropriately engineered. However, given the very limited types of bluff face development that are consistent with Coastal Act and LCP policies, the most logical interpretation of LUP Policy 3-7 is that it does not allow engineered staircases for all private residential properties. Such an interpretation would result in the continued proliferation of private stairways on coastal bluffs, and resulting significant cumulative adverse impacts to visual resources, habitat, shoreline processes, and erosion hazards as the bluff face is developed.

The build-out potential for private stairways on bluff slopes is significant within the Plan area of Santa Barbara County given the number of residential parcels along the coast. Interpreting Policy 3-7 as allowing only public access staircases on bluff faces is more consistent with the Coastal Act's mandate to maximize public access as well as its directives to protect natural landforms, coastal processes, and other coastal resources. Therefore, staff is recommending a suggested modification to proposed Policy GEO-EGV-1.1 in order to limit allowable development on bluff faces to engineered staircases and accessways to provide *public* beach access and require the siting of drainage systems away from bluff faces. In addition, the suggested modification is necessary to require the siting and setback of development on bluff top property to be sufficient to avoid the threat of bluff erosion or slope instability and analyzed using climate change and sea-level rise studies that are based upon the best available science. These suggested modifications provide consistency with both the Coastal Act's mandate to maximize public access as well as its directives to protect natural landforms, coastal processes, and other coastal resources.

Land Use and Zoning Designation Changes

The land use and zoning designations within the Plan area are proposed to remain the same as the certified Goleta Community Plan with three exceptions.

For one, the County proposes to change the land use and zoning designations of three County-owned parcels along Atascadero Creek from Agriculture (AG-I-10) to Recreation (REC). The County proposes these zoning designations changes because agriculture has not occurred on these three parcels since approximately 1964 when Atascadero Creek was re-routed northward to form the northernmost boundary of the subject three parcels and environmental conditions on the parcels thus changed to contain significant areas of riparian and wetland habitat that constitutes ESH. Renewed agricultural use is no longer feasible. Since these parcels now have ESH resources and several public trails for passive recreational use, the Recreation land use and zoning designation is appropriate given existing resources and uses on-site. Therefore, the proposed land use and zoning change from agricultural to recreation is consistent with the agricultural preservation and biological resource protection requirements of the Coastal Act and the County LUP.

The County proposes to change the zoning designation of several small parcels in one neighborhood immediately north of the More Mesa property site from Design Residential-2 (DR-2, 2 units per acre) to Design Residential-1.8 (1.8 units per acre), which is appropriate to reflect the existing, certified buildout and land use density of this neighborhood. The County also proposes to change the acreage minimum of the zoning designation for a 35-acre County-owned parcel located in the northwestern corner of the More Mesa property from Resource Management 40 (RES-40) to Resource Management 100 (RES-100), which is more consistent with the Open Lands designation.

<p>Additional Information: Please contact Megan Sinkula at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 South California Street, Suite 200, Ventura, CA 93001</p>

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EXHIBITS

[Exhibit 1 – Suggested Modifications to the Eastern Goleta Valley Community Plan](#)

[Exhibit 2 – Eastern Goleta Valley Community Plan](#)

[Exhibit 3 – Eastern Goleta Valley Residential Design Guidelines](#)

[Exhibit 4 – Eastern Goleta Valley Community Plan Area Map](#)

[Exhibit 5 – Vicinity Map](#)

[Exhibit 6 – Santa Barbara County Board of Supervisors Resolution No. 15-279 containing the proposed Coastal Land Use Plan amendment text and the proposed Eastern Goleta Valley Community Plan, and Resolution No. 06-368 containing the proposed Eastern Goleta Valley Residential Design Guidelines](#)

[Exhibit 7 – Santa Barbara County Ordinances Nos. 4942 and 4943 containing the proposed Coastal Zoning Ordinance amendment text](#)

I. PROCEDURAL OVERVIEW

A. STANDARD OF REVIEW

The Coastal Act provides:

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)...(Section 30512(c))

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...(Section 30513)

...The Commission may only reject zoning ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out together with its reasons for the action taken...(Section 30513)

The Commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director...(Section 30513)

Pursuant to Section 305012(c), the standard of review that the Commission utilizes in reviewing the adequacy of the proposed amendment to the County's certified LUP is whether the proposed amendment is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the County's certified IP/CZO, pursuant to Section 30513 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the LUP portion of the County's certified LCP. Additionally, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the County's certified LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in the preparation, approval, certification and amendment of any LCP. The Goleta Valley Planning Advisory Committee held thirty-nine public meetings, five plan review subcommittee public meetings, two public workshops, one public van tour, and received written comments from concerned parties and members of the public for the development and review of a draft Community Plan for the Eastern Goleta Valley. The County Planning Commission considered the Plan during seven public hearings, and the Board of Supervisors initiated environmental review for the Plan on February 21, 2012. The Draft Environmental Impact Report (EIR) prepared for the Plan was circulated for public review

between August 12, 2014 and October 3, 2014. The Planning Commission held two hearings on June 17, 2015 and July 22, 2015 to consider adoption of the Plan. On July 22, 2015, the Planning Commission voted to recommend that the Board of Supervisors approve the Plan and certified the associated Final EIR. The Board of Supervisors adopted the Plan and the Final EIR at a public hearing on October 20, 2015. All hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment was posted in a local newspaper at least ten days prior to the August, 2017 Coastal Commission hearing, and individual notices have been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, the County resolution for submittal of the LCP amendment can either require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The Santa Barbara County Board of Supervisors' submittal resolution specifies that this amendment shall take effect upon the date it is certified by the Commission. Nevertheless, because this approval is subject to suggested modifications by the Commission (Exhibit 1), if the Commission approves this amendment, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the amendment to become effective (CCR Sections 13544.5 and 13537). Pursuant to Section 13544 of the California Code of Regulations, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS FOR THE LAND USE PLAN/COASTAL PLAN

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

A. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission **certify** Land Use Plan Amendment No. LCP-4-STB-17-0048-1 as submitted by the County of Santa Barbara.*

STAFF RECOMMENDATION TO DENY:

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

RESOLUTION TO DENY:

The Commission hereby **denies** certification of the Land Use Plan Amendment No. LCP-4-STB-17-0048-1 as submitted by the County of Santa Barbara and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. APPROVAL WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission **certify** Land Use Plan Amendment No. LCP-4-STB-17-0048-1 for the County of Santa Barbara if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the Land Use Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** the Land Use Plan Amendment No. LCP-4-STB-17-0048-1 for the County of Santa Barbara if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

III. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS FOR THE IMPLEMENTATION PROGRAM/COASTAL ZONING ORDINANCE

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

A. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission **reject** Implementation Program Amendment No. LCP-4-STB-17-0048-1 for the County of Santa Barbara as submitted.*

STAFF RECOMMENDATION OF REJECTION:

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

RESOLUTION TO DENY:

The Commission hereby **denies** certification of the Implementation Program Amendment No. LCP-4-STB-17-0048-1 submitted for the County of Santa Barbara and adopts the findings set forth below on the grounds that the Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.

B. APPROVAL WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission **certify** Implementation Program Amendment No. LCP-4-STB-17-0048-1 for the County of Santa Barbara if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

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

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** Implementation Program Amendment No. LCP-4-STB-17-0048-1 for the County of Santa Barbara if modified as suggested and adopts the findings set forth below on the grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Local Coastal Program. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2)

there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Amendment as submitted.

IV. FINDINGS FOR DENIAL AS SUBMITTED, & APPROVAL OF THE AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission’s denial of the LCP Amendment as submitted, and approval of the LCP Amendment if modified as indicated in Exhibit 1 (*Suggested Modifications*) to this staff report. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

1. Land Use Plan Amendment

In 1993, the Goleta Community Plan was certified by the Coastal Commission as one of several community plans in the County and applied to the entire Goleta Valley, including the City of Goleta. Since certification of the Goleta Community Plan, new development has occurred consistent with the Goleta Community Plan, public services have expanded, population growth has occurred, and in 2002, the City of Goleta incorporated and withdrew from the Goleta Community Plan area. In order to update the policies and provisions of the Goleta Community Plan to reflect such change, and newly address issues of regional concern specific to the Eastern Goleta Valley portion of the Goleta Community Plan area including environmental protection and sustainable transportation networks, the County Board of Supervisors initiated an update to the certified Goleta Community Plan in 2008 to create a stand-alone community plan for the Eastern Goleta Valley portion of the planning area.

In 2015, the County approved the proposed Eastern Goleta Valley Community Plan which divided the Goleta Community Plan area into two plan areas—the western area and the eastern area. The County is proposing that the western area continue to be subject to the existing Goleta Community Plan (certified in 1993) and referred to as the Goleta Community Plan area. The County is further proposing, through certification of the subject amendment, that the eastern area become subject to the Eastern Goleta Valley Community Plan (“Plan”) and referred to as the Eastern Goleta Valley Plan area (“Plan area”). As described more fully in Section IV.B below, the majority of the Plan area lies outside of the coastal zone boundary; however, an approximately 1,703 acres portion of the coastal plain between the City of Goleta and the City of Santa Barbara is located within the coastal zone. The certification of the proposed amendment would apply goals, objectives, policies, development standards, actions, and programs developed specifically for the Eastern Goleta Valley to the Plan area, and the Plan area would also continue to be subject to the additional policies and provisions of the County’s existing, certified LCP.

If certified, the proposed Plan would function as a new stand-alone community plan. The Plan proposes new policies specific to the Plan area to address land use and new development, public services and facilities, and environmental resources and constraints, along with measures to implement these proposed policies. A portion of the proposed policies and development standards of the Plan are project-driven and will regulate site-specific development proposals

during the early stages of planning permit review. It is important to note that these project-driven policies and development standards, such as those proposed for the More Mesa site, contain requirements for additional environmental review (i.e., development of a Specific Plan and certification of an LCP amendment for the Specific Plan) before any permit approvals may be issued for the proposed projects.

For the portion of the Plan area within the coastal zone, the Plan proposes policies that prioritize coastal access, parking, biological resource and habitat protection, visual resource protection, the minimization of bluff erosion, and the preservation of existing agricultural resources. The proposed LCP amendment also includes Eastern Goleta Valley Residential Design Guidelines and minor additions to the County's certified LUP to provide language to introduce the proposed Plan and differentiate the proposed Plan from the existing, certified Goleta Community Plan.

The Plan was prepared as an "Area Plan" and thus was adopted in the same manner as a general plan amendment. The Eastern Goleta Valley Community Plan includes three elements: Community Development and Land Use; Public Services and Facilities; and Environmental Resources and Constraints. Each of these three elements is further subdivided into five or six more specific topics. The Plan also contains maps for both the inland portion of the Plan area as well as the coastal zone portion of the Plan area. For the coastal zone portion of the Plan area, the County is proposing maps of the Goleta Valley Community Planning area (both eastern and western Goleta Valley), vicinity of the Plan area, proposed land uses in the Urban Area, proposed zoning in the Urban Area, the More Mesa site delineating a development envelope, agricultural land uses within the Urban Area, the proposed parks, recreation areas and trails, the ESH Overlay, the Atascadero Creek Greenway and wildlife corridor, priority public vistas, scenic local routes and gateways, watersheds within the Plan area, and Circulation and Noise Element. Each element of the proposed Plan contains a narrative component as well as varying levels of policy.

General LUP Administration (Maps)

As mentioned above, the County proposes to amend the maps of the Land Use Plan to adopt the "Eastern Goleta Valley Community Plan Land Use Designations" map to depict land use designations within the Plan area, the "Eastern Goleta Valley Community Plan Land Use Overlay" map to depict airport, flood, and other land use overlay designations within the Plan area, and the "Eastern Goleta Valley Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays" map to depict environmentally sensitive habitat and riparian corridors within the Plan area. The County also proposes to amend existing, certified maps within the Goleta Community Plan to remove the mapping of the Eastern Goleta Valley Community Plan area portions from the Goleta Community Plan area. Specifically, these include existing maps titled "Goleta Community Plan Land Use Designations South", "Goleta Community Plan Land Use Overlay", "Goleta Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays South", and "Santa Barbara County Parks, Recreation and Trails."

Land Use and New Development

Generally, the Plan carries over the policies and development standards of the certified Goleta Community Plan without substantive changes to the land use and new development portions. The Plan provides several new general policies that address environmental sustainability in new development projects. The proposed Plan includes a policy that requires the selection of sustainable infrastructure for new public services and facilities to conserve resources. Specifically, the proposed Plan recommends capital improvements such as solar-powered Low Impact Development buildings and parking lots, cogeneration energy facilities, electric vehicle charging stations, open space dedications and urban forestry, use of recycled and recyclable building materials, use of non-toxic building materials, and use of bioswales and water/rain gardens.

The land use designations within the coastal zone portion of the Plan area are proposed to remain the same as the certified Goleta Community Plan with the exception of three County-owned parcels (APNs 065-230-007, 065-525-001, and 065-505-021) adjacent to Atascadero Creek that are proposed to be changed from Agriculture (AG-I-10) to Recreation (REC). The reason for this change is because agriculture has not occurred on these three parcels since approximately 1964 when Atascadero Creek was re-routed northward to form the northernmost boundary of the subject parcels and environmental conditions on the parcels thus changed to include significant areas of riparian forest and wetlands.

The existing land uses within the coastal portion of the Plan area consist of suburban residential, agricultural, public services (La Goleta Natural Gas Storage Facility), and public recreational (Goleta Beach County Park) land uses, as well as one large undeveloped portion of the Plan area designated for future planned development (the More Mesa site). There are no commercial or industrial land uses within the coastal zone of the Plan area. Existing residential development within the coastal zone portion of the Plan area is fully built out, with the exception of the More Mesa coastal bluff property in the south-central portion of the Plan area. The Plan provides policies and development standards specifically for the More Mesa property that require the preparation of a Specific Plan for the site, additional assessments for biological and coastal resources, and the development of public recreational areas and public vertical and lateral coastal access on the site and the beach directly below. The proposed Plan maintains the same land use and zoning designations and maximum buildout that were certified as part of the Goleta Community Plan for future planned residential development at the More Mesa property.

The proposed Plan includes nine policies, development standards, and actions to preserve and protect archaeological and tribal cultural resources and historic structures. These measures include the provision of fenced buffer areas to protect resources during development activities, the preparation of archaeological and historic resources studies, and the provision of mitigation measures where adverse impacts to these resources cannot be avoided.

The proposed Plan also includes policies to reduce the amount of waste generated within the Plan area and increase and upgrade the resource recovery programs within the Plan area.

Agriculture

Eastern Goleta Valley contains agricultural and rural land uses, including urban agriculture, rural agriculture, and mountainous areas. Historically, Goleta Valley has been a major component of the agricultural economy of the South Coast region. Prime soils in the valley floor, adaptable soils in the foothills, a year-round growing season, and historically adequate water supplies provide ideal conditions to support agricultural uses in the Plan area.

The Plan proposes policies and provisions for agricultural land uses in both the designated Rural and Urban Areas. It is important to note that none of the Plan area designated as “Rural Area” lies within the coastal zone boundary, such that the County is proposing only the policies and provisions that pertain to agricultural activities within the Urban Area for certification by the Commission. The County proposes no changes to the designated Urban/Rural Boundary which lies inland of the coastal zone portion of the Plan area.

The Urban Area, which occupies the entirety of the coastal zone portion of the Plan area and parts of the inland portion of the Plan area, contains approximately 500 acres of agriculturally designated land (Agriculture I, Agriculture II, and Agriculture Commercial). Of the approximately 500 acres of agriculturally designated land within the Urban Area, approximately half of this land is located within the coastal zone boundary. The agriculturally designated lands within the coastal zone boundary are located mostly in the southwestern portion of the Plan area between the La Goleta Gas and Storage Field and the More Mesa property site.

Objective LUA-EGV-1 of the proposed Plan promotes the sustainability and enhancement of agricultural land, and the remaining agricultural policies and development standards promote the preservation of agriculture, the use of buffers between agriculture and non-agricultural development, and limitations on the conversion of prime and non-prime agricultural lands.

Marine and Land Resources

The Plan includes objectives that require a watershed-based approach for land use and development (Objective EGV-2) and the minimization of water pollution (Objective HYD-EGV-1). The County’s proposed policies and development standards are intended to minimize environmental impacts of development through low impact site design and measures to minimize grading and manage storm water runoff (Policy EGV-3.4, Development Standard EGV-3A, Policy HYD-EGV-1.1, Development Standards HYD-EGV-1A and 1B). Policies HYD-EGV-2.1 and HYD-EGV-2.2 require adequate setbacks from flood hazard areas to be maintained for future development within the Plan area. Further, Development Standard HYD-EGV-2A requires the preparation of a site-specific hydrology study for any future development proposed within a flood hazard area that would require channel improvements within a creek channel.

The water supply and demand within the Plan area constitutes an ongoing concern that requires water conservation and water supply management. The proposed Plan includes requirements to reduce the need for potable water through the use of water efficient landscaping and structures, as well as regulations that encourage water conservation and the use of recycled or reclaimed water when available. Additionally, the proposed Plan requires the pattern of land uses and

subsequent water demands to maximize the potential for efficient water delivery systems and groundwater recharge. The Plan addresses both traditional water delivery systems as well as newer water systems, such as reclaimed irrigation and rain water capture systems.

In the Eastern Goleta Valley, development outside of the boundaries of sanitary districts relies on individual septic systems to treat wastewater. Although functioning septic systems can be effective at containing and neutralizing effluent, these systems often fail and groundwater and soils can become contaminated. The proposed Plan requires sewer connections for urban development whenever possible to ensure that the maximum amount of wastewater generated within the Plan area is treated before release into the environment. More broadly, this requirement also ensures that new development is resource efficient and located within the service boundaries of local sanitary districts such that wastewater effluent rates do not exceed the Plan area's capacity to safely treat wastewater.

The proposed Plan includes 14 policies and development standards that apply to both the inland and coastal zone portions of the Plan area and are intended to reduce air pollution generated by construction activities, reduce air pollution by promoting alternative modes of transportation, minimize energy consumption, and reduce operation air pollution emissions.

The proposed Plan includes many policies, development standards, and actions addressing the protection of biological resources. In addition, an Environmentally Sensitive Habitat (ESH) Overlay map for the Plan area is proposed that generally depicts ESH areas within the Plan area. The depiction of ESH within the coastal zone on the proposed map is the same as the existing certified Goleta Community Plan ESH Overlay map. The ESH Overlay map functions to trigger the application of the Plan's policies, development standards, and actions to protect designated biological resources (e.g., creeks, wetlands, woodlands, and native grasslands) from potential adverse impacts of new development. However, the Plan also includes criteria for determining which resources and habitats in Eastern Goleta Valley constitute ESH and requires that the physical extent of habitat meeting the definition of ESH shall be based on a site-specific biological study that is prepared during the application review process for new development (Policies ECO-EGV-5.2 and ECO-EGV-5.4). The Plan includes policies and provisions intended to protect designated and identified ESH through such mechanisms as development restrictions within ESH areas, prioritizing avoidance of adverse impacts to biological resources, development setbacks from ESH areas and buffers, use of native plants in landscaping, and specific requirements for biological surveys, mitigation measures, and restoration of impacted habitat areas.

The Plan area includes a significant coastal blufftop property, known as "More Mesa," that is 300 acres in size (consisting of seven parcels) and contains a variety of sensitive habitats and numerous trails that receive passive public recreational use. With the exception of a 35-acre County-owned open space parcel, the remainder of the property is privately owned and designated Planned Development under the existing certified Goleta Community Plan that would allow potential development of up to 40 acres with up to 70 residential units along with long-term protection of the site's biological and aesthetic character. The existing certified and the new proposed ESH Overlay map for the Plan area designates a majority of the More Mesa property site (approximately 246 of the 300 acres) as ESH. Due to the significance of the designated

biological resources onsite, the policies of the County's certified LCP and Goleta Community Plan related to the More Mesa site and the proposed policies of the Eastern Goleta Valley Community Plan require the development and certification through an LCP amendment of a Specific Plan for any future development of the site. The County is proposing to retain the existing certified land use, zoning, and policies specific to the More Mesa site, with the exception of a few clarifications and additions to better address public views, land use compatibility between future development at More Mesa and the existing lower density development at adjacent Hope Ranch Park, and to clarify that no applications for development shall be accepted prior to approval of a Specific Plan for the entire site. Development Standard LUDS-EGV-1C requires the preparation of a habitat protection and management plan concurrent with environmental review of any future proposed development on the site. Additionally, Development Standard LUDS-EGV-1G requires new development to be clustered outside of all designated or potential ESH areas, and Development Standard LUDS-EGV-1H requires new development to avoid roosting and nesting sites of the white-tailed kite. Pursuant to these development standards for the More Mesa property site, the County is proposing to limit the developable area of the site to approximately 40 acres along the eastern end of the site (see Figure 13 of the Plan) and limit the density of development to approximately two units per developable acre (70 units).

Hazards and Shoreline and Bluff Development

The proposed Plan addresses hazards associated with development in areas of high geologic instability and in areas subject to elevated fire and flood risks. Generally, the proposed Plan includes policies and development standards intended to ensure the stability and structural integrity of sites and avoid erosive impacts of development (GEO-EGV-2.1, -2.2, -2B, -2.3, -2C, -3.1, and -3.2).

Specifically, the proposed Plan requires the relocation of structures threatened by bluff retreat rather than the installation of shoreline protection where feasible and contains several policies and development standards that prevent new development from adversely impacting the geologic integrity of landforms in the Plan area through development restrictions on slopes of 30 percent or greater, landscaping requirements for slopes of 20 percent or greater, and erosion control measures. Policy GEO-EGV-1.2 proposes to require new development to incorporate a setback from the bluff edge sufficient to avoid 100 years of bluff erosion. Development Standard GEO-EGV-1A proposes to require a site specific analysis by a registered geologist for any development proposed to be located on ocean bluff-top property or on the bluff face, and the standard requires the analysis to consider bluff stability, bluff retreat, coastal resources, and the effects of climate change (including sea level rise). Also, Policy GEO-EGV-1.4 proposes to require all County flood control activities to be conducted in a manner that maintains and enhances the function of long-shore sand transport and coastal sand supply.

The County proposes Policies HYD-EGV-2.1 and HYD-EGV-2.2 to require sufficient setbacks from floodways and flood hazard zones for future development within the Plan area. Development Standard HYD-EGV-2A proposes to require the preparation of a site-specific hydrology study for any future development proposed within a floodplain that requires channel improvements.

The coastal zone portion of the Plan area is located within a designated high fire hazard area. The proposed Plan contains three policies (FIRE-EGV-1.1, FIRE-EGV-1.2, and FIRE-EGV-1.3) and three development standards (FIRE-EGV-1A, FIRE-EGV-1B, and FIRE-EGV-1C) that are intended to reduce the potential hazards to life and property resulting from fire. An additional six policies (FIRE-EGV-2.1, -2.2, -2.3, -2.5, -2.6, -2.7, and -2.8) are proposed to ensure that fire protection services meet or exceed goals and standards established for adequate fire protection, including adequate response time, firefighting staffing per population size, and access for firefighting equipment.

Additionally, policies and objectives of the proposed Plan address potential seismic hazards through avoidance measures such as proscribing development along known geologic faults and within state-mapped elevated radon hazard zones.

Public Access and Recreation

The proposed Plan upholds existing, certified policies and programs from the Goleta Community Plan for parks, recreation, trails, and open space while also proposing to add provisions for additional opportunities to acquire and improve public facilities in the Plan area. Specifically, the proposed Plan contains provisions for the development of small “pocket” parks within the Atascadero Creek Greenway and the residential neighborhoods south of Hollister Avenue, and the Plan recommends the addition of a Maria Ygnacio Creek equestrian trail(s) for coastal access.

The proposed Plan includes policies to improve connectivity and accessibility of the existing transportation network, as well as provisions to support the pursuit of multi-modal transportation improvements through future transportation infrastructure improvement projects. The proposed policies of the Plan address the reduction of automobile congestion, improvements to the aesthetics of non-automobile forms of travel, and the reduction of emissions of greenhouse gases from motorized vehicles. The proposed Plan recommends specific improvements and connections within the existing transportation network to improve aesthetics and convenience for users by upgrading key connections and intersections and constructing bicycle and pedestrian facilities to address existing barriers to north-south and east-west connectivity.

Scenic and Visual Resources

The proposed Plan establishes categories and locations of visual resources, including public view corridors and scenic roadways. The Plan identifies these visual resources as the Santa Ynez Mountains and rural foothills, undeveloped skyline, coastal resources (e.g., sloughs, beaches, wetlands, bluffs, mesas, the Santa Barbara Channel, and the offshore Channel Islands), open space (or other natural or undisturbed areas), natural watershed resources (e.g., creek/riparian corridors, wetlands, vernal pools, and habitat areas), and rural agricultural and mountainous areas.

Additionally, the proposed Plan includes 18 policies and development standards to preserve and enhance the visual resources and public views of the natural and built environment within the

coastal zone boundary. The Plan also proposes project-specific development standards intended to protect existing visual resources on the More Mesa property site during future development of the coastal bluff site.

Eastern Goleta Valley Residential Design Guidelines

The County is proposing to certify the Eastern Goleta Valley Residential Design Guidelines (“Design Guidelines”) for the entirety of the Plan area, including the portion of the Plan area within the coastal zone boundary. The County’s South Board of Architectural Review (SBAR) has design review authority for projects subject to design review in the Plan area; the Design Guidelines would be used by the SBAR to guide their review of a project and to make the required findings for permit approval. The County developed the Design Guidelines to provide reasonable, practical and objective guidelines to assist decision-makers, residents, home-owners, and architects in the design of new residential development and to encourage home-owners and architects to work with neighbors of new development to reduce the number of local appeals of permit decisions. The guidelines support existing County policies that protect public views and neighborhood character and ensure that new structures are visually compatible.

Specifically, the Design Guidelines would be applied to new one and two family dwellings, demolished and reconstructed one and two family dwellings where 50 percent or more of the existing floor area is demolished, second and third floor additions to existing one and two family dwellings, conversions of attached and detached garages, any addition of more than 1,000 square feet or 50 percent or more the floor area, and any structural alterations to one and two family dwellings that are substantially visible from the street frontage.

2. Implementation Program/Coastal Zoning Ordinance Amendment

The County proposes to amend the IP/CZO to add new definitions to define the Eastern Goleta Valley Community Plan area, remove the Eastern Goleta Valley Community Plan area from the definition of the Goleta Community Plan area, and differentiate the new Eastern Goleta Valley Community Plan area from the existing Goleta Community Plan area.

The County proposes to amend the certified maps of the IP/CZO for the Goleta Community Plan area to remove the Eastern Goleta Valley Plan area from the Goleta Community Plan area and include new maps for the Eastern Goleta Valley Community Plan area. Specifically, the County proposes to amend the existing, certified Goleta Community Plan Zoning South map, the Goleta Community Plan Zoning Overlay map, and the Goleta Community Plan Area Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays South map to remove the Eastern Goleta Valley Community Plan area. The new maps proposed for the Eastern Goleta Valley Community Plan area include the Eastern Goleta Valley Community Plan Zoning map, the Eastern Goleta Valley Community Plan Zoning Overlay, and the Eastern Goleta Valley Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays. The County is not proposing any changes to the coastal zone boundary or the new Environmentally Sensitive Habitat Overlay Map for the Eastern Goleta Valley Community Plan area that was previously certified for the Goleta Community Plan area. The Riparian Corridor Overlay does not apply to the portion of the Plan area within the coastal zone. Instead, the

Riparian Corridor Overlay applies only to rural agricultural lands in the inland portion of the Plan area.

The zoning designations within the Plan area are proposed to remain the same as the certified Goleta Community Plan with the following exceptions:

- The County proposes to amend the IP/CZO to change the land use and zoning designations of three County-owned parcels (APNs 065-230-007, 065-525-001, and 065-505-021) from Agriculture (AG-I-10) to Recreation (REC). The County proposes these zoning designations changes because the three parcels are covered (75-80%) in riparian forest, the National Wetlands Inventory depicts more than half of the area of land containing the three parcels as wetland (Freshwater Forested/Shrub Wetland and Freshwater Emergency Wetland), and significant portions of the three parcels are mapped as Environmentally Sensitive Habitat (ESH) in the existing certified Goleta Community Plan and proposed to be maintained as ESH in the Eastern Goleta Valley Community Plan. Additionally, historic aerial photographs demonstrate that agriculture has not occurred on these three parcels since approximately 1964 when Atascadero Creek was re-routed northward to form the northernmost boundary of the subject three parcels and environmental conditions on the parcels thus changed to include significant areas of riparian forest and wetlands. The parcels have since been used for flood control activities and public recreation through the development of multiple public trails to facilitate passive recreational use of the properties.
- The County proposes to amend the IP/CZO to change the zoning designation of several small parcels in one neighborhood immediately north of the More Mesa property site from Design Residential-2 (DR-2, 2 units per acre) to Design Residential-1.8 (1.8 units per acre) to achieve consistency with the neighborhood's land use density (Residential-1.8).
- The County proposes to amend the IP/CZO to change the acreage minimum of the zoning designation for the 35-acre County-owned parcel (APN 065-320-004) located in the northwestern corner of the More Mesa property site. The subject parcel is currently designated as Open Lands and zoned Resource Management 40 (RES-40), and the County proposes to change the zoning to Resource Management 100 (RES-100) to provide consistency between the land use designation's minimum parcel size and the zoning designation's minimum lot area. The County's certified Land Use Plan defines the Open Lands designation as having a minimum parcel size of 100 or 320 acres; thus, the RES-100 zone, as proposed for the parcel, is more consistent with the Open Lands designation than the parcel's existing zoning designation of Resource Management, 40 acre minimum.

The County proposes to amend the IP/CZO to apply outdoor lighting standards that serve as the existing, certified outdoor lighting standards for the Santa Ynez Valley, Mission Canyon and Summerland community plans, to the Plan area. These standards regulate outdoor lighting to conserve energy and minimize adverse visual impacts of exterior lighting, such as glare and light trespass. The County's proposed outdoor lighting standards require all exterior lighting to be

hooded and directed downward to minimize any adverse visual impacts of outdoor lighting on adjacent residential development and vehicular traffic. The outdoor lighting standards contain timing restrictions for the illumination of commercial signage, decorative lighting, recreational facility lighting, and high intensity lighting, such as lasers source lights and search lights. These standards prohibit the use of mercury vapor lights within the Plan area and create exemptions for outdoor lighting fixtures installed prior to the certification of the proposed amendment, as well as various other lighting, such as traffic control signs and devices, temporary emergency lighting, temporary events lighting, seasonal decorations, temporary lighting for agricultural activities, and security lights if certain conditions are met. The proposed outdoor lighting standards contain requirements for the submittal of plans to demonstrate compliance in permit applications that propose outdoor lighting fixtures within the Plan area.

The County proposes to amend the IP/CZO to incorporate the Design Control Overlay into the Plan Zoning Overlay map in order to implement the Eastern Goleta Valley Residential Design Guidelines (“Design Guidelines”) for application to development within the coastal zone. The County proposes to amend the IP/CZO to require additional findings for design review pursuant to the Design Guidelines.

B. ENVIRONMENTAL SETTING AND DESCRIPTION OF THE PLAN AREA

The Plan area is located in the Eastern Goleta Valley of the southeastern coastal region of Santa Barbara County and includes the coastal plain and foothills between the City of Santa Barbara, which borders the Plan area to east, and the City of Goleta to the west. The approximately 23,000-acre (35 square miles) unincorporated area extends from Camino Cielo Road near the ridgeline of the Santa Ynez Mountains to the north and to the Pacific Ocean on the south. The Plan area extends east and northeast of State Route 154 and captures the headwaters of Eastern Goleta Valley’s watershed sub-basins of Atascadero, Maria Ygnacio, and Cienequitas creeks. U.S. Highway 101 and State Route 154 intersect at the Plan area’s eastern border with the City of Santa Barbara, just east of the transition of State Street to Hollister Avenue. The Santa Barbara Municipal Airport is located just west of the Plan area. The majority of the Plan area lies outside of the coastal zone boundary, such that of the 23,000 acres, only approximately 1,703 acres are located within the coastal zone boundary.

Eastern Goleta Valley is largely comprised of suburban residential and agricultural land uses and provides a range of residential housing types, including single and multi-family, condominiums, apartments, and mobile home types in the Urban Area and ranchette neighborhoods on the peripheral areas of Hope Ranch and the foothills. Overall, residential land uses comprise approximately one-third of the Plan area and agricultural land uses comprise another one-third of the Plan area. The remaining one-third of the Plan area is made up of various land uses for education, planned development, mountainous areas, open lands, recreational and open space, commercial, government, and public services.

The following table provides a land use summary in acreages for the Plan area that includes the inland portions of the Plan area as well as the coastal zone portion of the Plan area:

Designated Land Uses	Acreage
Residential	5,559
Residential/Educational	118
Planned Development	640
Agriculture	6,788
Mountainous Area	8,320
Open Lands	36
Recreational/Open Space	490
Commercial	100
Institutional/Government	301
Cemetery	21
Office/Professional	1
Utility	325
TOTAL	22,699

The Urban/Rural boundary within the Plan area, which lies wholly within the inland portion of the Plan area, establishes the outward limits of urban-scale development. The entirety of the Plan area within the coastal zone is designated as Urban Area. The Urban Area is approximately 7,900 acres in size and is located in the southern portion of the Plan area, extending into the inland portion of the Plan area and including the approximately 700-acre San Marcos Foothills area. The southern portion of the Plan area is comprised largely of suburban residential development that provides a range of residential types, including single and multi-family housing. Public services, recreation, and urban agricultural uses are also located within the Urban Area. Typical agricultural operations in the Urban Area include greenhouses, plant nurseries, orchards, and row crops.

The general topography of the Urban Area includes gentle downward slopes toward the coast. The majority of the 36,162 residents of the Plan area live in the Urban Area. The coastal zone in the Plan area follows roads and geographic features in the Hope Ranch area, extending to encompass the habitat areas of More Mesa, agricultural areas near the coastal bluffs, portions of the Goleta Slough waterway and habitat areas, Goleta Beach, and La Goleta Gas and Storage Field. Sandy beaches, bluffs, and coastal terraces characterize the portion of the Plan area closest to the coast.

A range of habitats can be found within the Plan area. These generally include, but are not limited to, chaparral scrub, coastal sage scrub, grasslands, riparian woodland, coastal estuaries, salt marshes, wetlands, vernal pools, sandbars, sandy beach, and non-native woodlands. These habitats, as well as sensitive watersheds that drain the Plan area from the ridgeline to the Goleta Slough and the Pacific Ocean, provide suitable habitat for a wide variety of plant and animal species. The Plan area includes extensive Environmentally Sensitive Habitat areas that have been designated within the existing, certified Goleta Community Plan and are now proposed for certification (without any proposed changes) in the County's proposed Environmentally Sensitive Habitat Overlap map for the Eastern Goleta Valley Community Plan area.

The More Mesa site is approximately 300 acres comprised of seven vacant parcels (APNs 065-320-001, 002, 004, 007 through 10) located on a gently sloping coastal terrace. The coastal terrace is bisected by two deep canyon systems that drain the majority of the terrace northward into Atascadero Creek. The site is bordered on the north by residential uses and Atascadero Creek, and the site is bordered by steep coastal bluffs, wide sandy beaches, and the Pacific Ocean on the south side of the site. The eastern side of the site is bordered by estate residential development, and a mix of residential and agricultural land uses border the site to the west. The existing undeveloped site contains numerous trails that provide extensive passive recreational opportunities for hikers, cyclists, equestrians and beach users. The majority of the More Mesa site contains wetlands, oak woodlands, and roosting and nesting habitat for white-tailed kite, all of which are designated as ESH area. Additionally, on-site grasslands serve as active foraging grounds and buffer areas for a wide variety of wildlife, including four sensitive species of raptors, namely the kite, northern harrier, burrowing owl and short-eared owl. A total of 246 acres of the site are designated within the County's proposed ESH Overlay map and the site is recognized as part of an ecosystem of regional importance due to its proximity to, and interrelationship with, the Atascadero Creek ecosystem.

C. LAND USE AND NEW DEVELOPMENT

1. Coastal Act Policies

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

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

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Section 30253 of the Coastal Act states, in relevant part:

New development shall...

(d) Minimize energy consumption and vehicle miles traveled

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254 of the Coastal Act states, in relevant part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division...Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

2. Existing LUP Policies

Policy 2-6, in relevant part:

Prior to issuance of a development permit, the County shall make the finding...that adequate public or private services (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

Policy 2-12:

The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic, or flood hazards, habitat areas, or steep slopes.

Policy 10-1:

All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

Policy 10-2:

When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

Policy 10-3:

When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Policy 10-4:

Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.

Policy 10-5:

Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

3. LUP Amendment Consistency Analysis

Section 30250 of the Coastal Act requires new residential, commercial, and industrial development to be located within, or in close proximity to, existing developed areas so that new development is sited to avoid adverse impacts on coastal resources and within areas with adequate public services. Section 30253 of the Coastal Act requires new development to minimize energy consumption and vehicle miles traveled, and where appropriate, protect special communities that serve as unique and popular visitor destination points for recreational uses. LUP Policy 2-12 provides that densities specified within the LUP are maximums that will be reduced if it is determined that a density reduction is necessary to address site-specific concerns such as topography, geologic and flood hazards, and sensitive habitat areas.

Section 30254 of the Coastal Act requires new or expanded public works facilities to be designed and limited to accommodate the needs generated by land uses and development and prioritizes services to coastal dependent land uses, essential public services, industries vital to economic health, public and commercial recreation, and visitor-serving land uses. LUP Policy 2-6 requires the County to make a finding, prior to issuance of a development permit, that adequate public or private services are available to serve a proposed new development.

Coastal Act Section 30244 requires new development to implement reasonable mitigation measures to address any adverse impacts of the development on archaeological or paleontological resources. LUP Policy 10-1 requires the County to take all available measures to avoid development on sites known to contain significant historic, prehistoric, archaeological, and cultural resources. LUP Policy 10-2 requires new development to utilize project design to avoid impacts to such cultural resources, and LUP Policy 10-3 requires mitigation for adverse impacts to cultural resources if avoidance is infeasible. LUP Policies 10-4 and 10-5 further protect cultural resources by prohibiting the use of off-road vehicles on sites containing cultural resources and the unauthorized collecting of artifacts, and providing consultation requirements with Native Americans to achieve a coordinated response to any adverse impacts to cultural resources from new development.

Land Use

The County proposes land use and development goals (Goal #1 and Goal #2), objectives, policies, development standards and actions for the Eastern Goleta Valley to establish the boundaries of the new Plan area and achieve a balance of housing types sufficient to meet local

needs, a thriving local economy, sustainable agricultural ventures, and preservation of the natural environment, including local watershed resources and ecologic systems. Specifically, proposed Plan and associated maps establish the geographic boundary of Eastern Goleta Valley and its subareas, namely the “Urban Area”, “Rural Area” and Coastal Zone. The Rural Area lies wholly outside of the coastal zone portion of the Plan area, such that the coastal zone portion of the Plan area is made up exclusively of the Urban Area. These boundaries and the land use designations within the coastal zone portion of the Plan area are proposed to remain the same as the certified Goleta Community Plan, except that the County proposes to change the land use designation of three County-owned parcels (APNs 065-230-007, 065-525-001, and 065-505-021) from Agriculture (AG-I-10) to Recreation (REC). The County proposes these land use designation changes because the three parcels are covered (75-80%) in riparian forest, the National Wetlands Inventory depicts more than half of the area of land containing the three parcels as wetland (Freshwater Forested/Shrub Wetland and Freshwater Emergency Wetland), and significant portions of the three parcels are mapped as Environmentally Sensitive Habitat (ESH) in the existing certified Goleta Community Plan and proposed to be maintained as ESH in the Eastern Goleta Valley Community Plan. Additionally, historic aerial photographs demonstrate that agriculture has not occurred on these three parcels since approximately 1964 when Atascadero Creek was re-routed northward to form the northernmost boundary of the subject three parcels and environmental conditions on the parcels thus changed to include significant areas of riparian forest and wetlands. The parcels have since been used for flood control activities and public recreation through the development of multiple public trails to facilitate passive recreational use of the properties.

Coastal Act Section 30240 limits allowable land uses within ESH areas to only those uses dependent on the ESH resources present. In addition, Coastal Act Section 30242 narrowly allows the conversion of existing agricultural land uses to non-agricultural land uses in situations where the subject lands are not suitable for agricultural use and, as such, continued agricultural use is infeasible. Therefore, the County’s proposed land use designation changes to the three County-owned parcels from an agricultural land use designation to a recreational land use designation constitutes a more appropriate designation for these parcels that are dominated by the presence of ESH. The proposed land use designation changes are consistent with the requirements of Coastal Act Section 30240 to restrict land uses in ESH to resource dependent land uses, because the parcels contain existing passive public recreational trails and such use is considered a resource dependent use. The land use designation changes are also consistent with the requirements of Coastal Act Section 30242 to limit the conversion of agricultural land uses to non-agricultural land uses because the extensive presence of ESH and wetland areas on the subject three parcels renders agricultural land uses infeasible on these sites.

The location, density, and intensity for different kinds of land uses are designated appropriately in the proposed Plan in order to ensure that new development is located in areas able to accommodate it and where it will not have significant adverse cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act. The designations take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality. The proposed Plan also includes a number of general policies from the existing certified Goleta Community Plan

that are applicable to all new development projects and that address water, sewer, transportation and utility infrastructure, hazards, flood control, and coastal resources.

The County proposes Objectives EGV-2 and EGV-3 and Policies EGV-2.1, EGV-2.2, EGV-3.1, EGV-3.2, EGV-3.3, EGV-3.4, EGV-3.5, and EGV-3.6 and Development Standard EGV-3A to implement protections for watersheds and sub-basins, reduce energy consumption, and minimize adverse impacts of new development on environmental resources within the Plan area. Specifically, proposed Policies EGV-2.1 and EGV-2.2 require the County to consider impacts to the health and function of watersheds and sub-basins when making land use and development decisions and coordinate with other agencies and local governments to improve the quality of regional hydrologic conditions. Policies EGV-3.1, EGV-3.2, EGV-3.3, EGV-3.4, EGV-3.5 and EGV-3.6, and Development Standard EGV-3A require the minimization of construction-related impacts to the Plan area, the clustering and relocation of development to avoid sensitive environmental resources, measures to conserve open space, low impact site design standards and landscape planning to manage stormwater runoff and surface water quality, and the maximization of energy and resource efficiency in all development. As proposed, Objectives EGV-2 and EGV-3 and Policies EGV-2.1, EGV-2.2, EGV-3.1, EGV-3.2, EGV-3.3, EGV-3.4, EGV-3.5, and EGV-3.6 and Development Standard EGV-3A are consistent with the requirements of Coastal Act Section 30250 and LUP Policies 3-14 and 3-16 to site development to avoid adverse impacts on coastal resources and implement measures to avoid construction-related adverse impacts to stormwater runoff and surface water quality. In addition, these proposed objectives, policies and development standard are consistent with the requirements of Coastal Act Section 30253 to reduce energy consumption in new development.

The County proposes Objectives EGV-4 and EGV-7, Policies EGV-4.1, EGV-4.2, EGV-7.1 and EGV-7.2, and Development Standards EGV-4A and EGV-4B to provide general requirements to preserve and enhance the community character of the Plan area and coordinate planning regionally with agencies and local governments. As proposed, Objectives EGV-4 and EGV-7, Policies EGV-4.1, EGV-4.2, EGV-7.1 and EGV-7.2, and Development Standards EGV-4A and EGV-4B are consistent with the broad intent of Coastal Act Sections 30250 and 30253 to protect coastal resources from any adverse impacts of development by providing standards to protect visual resources and community character, avoid land use conflicts, and enhance multimodal transportation options.

The County proposes Objective EGV-6, Policies EGV-6.1, EGV-6.2 and EGV-6.3, and Development Standard EGV-6A to provide for the increased production and availability of food within the Plan area through the development of community gardens and permanent farmers' markets and the support of locally cultivated edible products. As proposed, Objective EGV-6, Policies EGV-6.1, EGV-6.2 and EGV-6.3, and Development Standard EGV-6A are consistent with the requirements of Coastal Act Section 30253 for new development to reduce energy consumption and vehicle miles traveled by facilitating the availability of local food.

The County also proposes numerous objectives (LUR-EGV-1, LUR-EGV-2, and LUR-EGV-3), policies (LUR-EGV-1.1, LUR-EGV-1.2, LUR-EGV-1.3, LUR-EGV-1.4, LUR-EGV-1.5, LUR-EGV-2.1, LUR-EGV-2.2, LUR-EGV-2.3, LUR-EGV-2.4, LUR-EGV-2.5, and LUR-EGV-3.1) and development standards (LUR-EGV-1A and LUR-EGV-1B) to provide a greater variety of

housing stock within the Plan area, reduce energy consumption through the design of new residential development, site residential development to shorten commutes and vehicle miles traveled and avoid adverse impacts to environmental resources, and require new residential development to enhance and facilitate multimodal transportation options. As proposed, these objectives, policies, and development standards are consistent with the requirements of Coastal Act Section 30240 to protect environmentally sensitive resources from adverse impacts, as well as the requirements of Coastal Act Section 30253 to reduce energy consumption and vehicle miles traveled.

More Mesa

The proposed Plan contains specific conditions for any future development of the More Mesa site. For a discussion of these conditions as they relate to the protection of marine and land resources, see Section IV.E of this staff report.

The County proposes Figure 13 (found on page 42 of the proposed Plan) to provide a map of the area of the More Mesa site determined to be most appropriate for future residential development in consideration of the site-specific resources of the site and the pattern of existing development surrounding the More Mesa site. This proposed development envelope was delineated during the preparation and 1993 certification of the Goleta Community Plan, and the development envelope was re-examined and maintained without any changes by the County as part of the proposed Eastern Goleta Valley Community Plan after an updated environmental review of the site-specific resources was performed and after consultation with resource protection agencies, including the Coastal Commission's staff ecologist, Dr. Jonna Engel. Consistent with the requirements of IP/CZO 35-175 (see Section IV.E of this staff report), the County proposes Development Standard LUDS-EGV-1A to require the approval of a Specific Plan for the entire site before any applications for development may be submitted. Section 35-175.4(4) of the IP/CZO requires the County's adoption of a Specific Plan to include the preparation of a LCP amendment to the County's certified LUP. Therefore, any Specific Plan for the future development of the More Mesa site will be required to receive review and approval from the Coastal Commission through a future amendment to the County's LUP.

The County proposes Policy LUDS-EGV-1.1 to provide for the County-owned parcel on the More Mesa site (APN 065-320-004) to maintain the land use designation of Open Lands and the zoning designation of Resource Management (see Section IV.E of this staff report for further discussion). The County also proposes Development Standard LUDS-EGV-1D to require a minimum of twenty percent of the More Mesa site to be dedicated to the County, or another appropriate public agency or private organization, for exclusively public use. The proposed development standard requires a majority of the dedicated area to be located adjacent to the dry sandy beach and the preservation of an additional area of undeveloped bluff top terrace to be reserved for public space. The County proposes Development Standards LUDS-EGV-1E and LUDS-EGV-1F to provide requirements for the development of public trails and beach access and associated public parking on the More Mesa site. Section 30210 of the Coastal Act requires the provision of maximum public access to recreational opportunities within the coastal zone. Coastal Act Section 30211 proscribes development from interfering with the public's right of access to the coast, and Section 30212(a) of the Coastal Act, LUP Policies 7-2 and 7-3, and

Section 35-61 of the IP/CZO require the provision of public access in new development projects. Coastal Act Section 30212.5 requires the provision of sufficient public parking in new development projects. As proposed, Policy LUDS-EGV-1.1 and Development Standards LUDS-EGV-1D, LUDS-EGV-1E, and LUDS-EGV-1F are consistent with the public access provisions of the Coastal Act and the County's certified LCP because these development standards ensure that any future development at the More Mesa site will include a public access and public recreational use component, including but not limited to public trails, public beach access, and the provision of public parking.

Public Services and Facilities

Public services within Eastern Goleta Valley include emergency services and response, fire protection, law enforcement, transportation, solid waste management, wastewater, water, and parks, recreation, trails, and open space management.

The County proposes Goal #3, Objective SF-EGV-1, Policies SF-EGV-1.1 and SF-EGV-1.2, and Programs SF-EGV-1A and SF-EGV-1B to implement strategies intended to provide public services and facilities to adequately serve the Plan area. Specifically, proposed Policy SF-EGV-1.1 requires the County to ensure that public services and facilities meet the needs of development before or coinciding with the time the development becomes operational. The County proposes Objective SF-EGV-2 and Policies SF-EGV-2.1, SF-EGV-2.2, and SF-EGV-2.3 to provide measures to ensure that the land use, development, and operational decisions of adjacent local governments and public service districts do not adversely impact the public service capabilities and facilities within the Plan area. As proposed, the Plan contains no policy to require an analysis of the available water supply for subdivisions and development projects that result in increased residential density. Therefore, **Suggested Modification No. 8** (Exhibit 1) includes new Policy WAT-EGV-1.7 to ensure that subdivisions of land and all new development that results in increased residential density is analyzed sufficiently to ensure that enough water supplies exists to serve existing public service commitments and the proposed new development. As proposed and modified as suggested, these policies and development standards are consistent with the requirements of Coastal Act Section 30254 to limit new or expanded public works facilities to accommodate the needs generated by land uses and development rather than for the purpose of inducing further development. In addition these provisions are consistent with the requirements of LUP Policy 2-6 to ensure adequate services are available to serve existing and permitted new development.

The County proposes Objectives SF-EGV-3 and SF-EGV-4, Policies SF-EGV-3.1, SF-EGV-3.2, SF-EGV-4.1 and SF-EGV-4.2, Action SF-EGV-3A and Development Standard SF-EGV-3A to provide measures to increase the energy efficiency and sustainability of public services and facilities in the Plan area. Collectively, these measures require the use of design and technologies such as, low-impact development standards (LIDs) for site design, Leadership in Energy and Environmental Design (LEED) standards, certification for green building, and the installation of passive trails, non-motorized bike paths, open spaces, urban forests, and streetscape installations and plantings to increase energy efficiency and minimize impacts of new and existing County facilities in Eastern Goleta Valley. As proposed, these policies and development standards are consistent with the requirements of Coastal Act Section 30253 to minimize energy consumption

in new development by providing measures to minimize energy consumption in both new and existing development.

Wastewater and Solid Waste

The County proposes Objective WW-EGV-1, Policies WW-EGV-1.1 through WW-EGV-1.6, and Development Standards WW-EGV-1A through WW-EGV-1G to require measures for the treatment of wastewater to avoid any adverse impacts to local watersheds and their associated ecosystems. Proposed Policy WW-EGV-1.1 requires development to connect to existing sewage facilities wherever feasible, and proposed Policy WW-EGV-1.2 requires the County to encourage the conversion of septic systems to sewer systems in the Urban Area portion of the Plan area. For portions of the Plan area that cannot connect to existing sewage facilities, Development Standards WW-EGV-1A through WW-EGV-1E provide requirements for private sewage disposal systems (e.g., septic tanks) to minimize mechanical failure and the amount of nitrates filtering into groundwater, avoid prolonged effluent daylighting, and avoid pollution of streams and creeks. Proposed Policy WW-EGV-1.6 requires the County to work with sanitary districts to improve effluent quality prior to release into the natural environment. As proposed, these policies and development standards are consistent with the requirements of Coastal Act Sections 30230 and 30231 to protect the quality and biological productivity of coastal waters (e.g., groundwater basins, streams, and creeks) from any adverse impacts of wastewater pollution.

The County proposes Development Standard WW-EGV-1F to prohibit the individual or cumulative impacts of septic systems from polluting creeks and waterways within the Plan area. In order to clarify that new development must be evaluated for both individual *and* cumulative impacts of septic systems, **Suggested Modification No. 6** (Exhibit 1) is necessary. If modified as suggested, Development Standard WW-EGV-1F is consistent with the requirements of Coastal Act Sections 30230 and 30231 because the modification ensures that new development proposing the use of septic systems is fully analyzed to protect the quality and biological productivity of coastal waters from wastewater pollution.

The County proposes Development Standard-1G and Policies WW-EGV-1.3, WW-EGV-1.4 and WW-EGV-1.5 to avoid and minimize impacts from development-related runoff on surface and groundwater within the Plan area. These proposed provisions prohibit the pollution of surface and groundwater generally, require the design of new development to reduce runoff by minimizing impervious surfaces, and require the removal or relocation of runoff outfalls away from ESH areas. As proposed, Development Standard-1G and Policies WW-EGV-1.3, WW-EGV-1.4 and WW-EGV-1.5 are consistent with the requirements of Coastal Act Sections 30230 and 30231 to protect the quality and biological productivity of coastal waters (e.g., surface waters and groundwater basins) from any adverse impacts of wastewater pollution.

The County also proposes Objective RRC-EGV-1, Policies RRC-EGV-1.1, RRC-EGV-1.2 and RRC-EGV-1.3, Development Standard RRC-EGV-1A, and Programs RRC-EGV-1A, RRC-EGV-1B, and RRC-EGV-1C to maximize resource recovery and solid waste diversion from landfills and minimize solid waste generation through such measures as incentive programs for recycling and the support of neighborhood composting. As proposed, these provisions to address

solid waste management are consistent with the general resource protection provisions of the Coastal Act and the LUP that protect ESH areas and coastal waters from adverse impacts of development.

Cultural Resources

The County proposes Goal #15, Objectives HA-EGV-1 and HA-EGV-2, Policies HA-EGV-1.1, HA-EGV-1.2, HA-EGV-1.3 and HA-EGV-2.1, Development Standards HA-EGV-1A, HA-EGV-1B, HA-EGV-1C and HA-EGV-1D, and Action HA-EGV-2A to provide a regulatory framework that preserves the cultural resources of Eastern Goleta Valley. The proposed Plan provides that these cultural resources include buildings, structures, and districts, prehistoric and historic archaeological sites, tribal cultural resources, historical landscapes, and traditional cultural properties. Proposed Policy HA-EGV-1.1 requires known and discovered cultural resources to be protected from any adverse impacts of development, and proposed Development Standards HA-EGV-1A and HA-EGV-1B implement this policy by requiring buffer areas between cultural resources and construction activities and providing criteria for the performance of a Phase I (and Phases II and III, if necessary) archaeological investigation and report. Proposed Policies HA-EGV-1.2 and HA-EGV-1.3, and Development Standards HA-EGV-1C and HA-EGV-1D address the preservation of historic buildings and structures and significant historic and cultural landscapes by requiring consistency with all other County requirements for historic resource preservation and mitigation measures and providing criteria for the performance of a Phase I (and Phase II, if necessary) historic built environment investigation and report. As proposed, Goal #15, Objective HA-EGV-1, Policies HA-EGV-1.1, HA-EGV-1.2 and HA-EGV-1.3, Development Standards HA-EGV-1A, HA-EGV-1B, HA-EGV-1C and HA-EGV-1D are consistent with the requirements of Coastal Act Section 30244 and LUP Policies 10-1, 10-2 and 10-3 to require new development to implement mitigation measures to avoid any adverse impacts of development on cultural resources.

The County proposes Objective HA-EGV-2, Policy HA-EGV-2.1, and Action HA-EGV-2A to require the protection and preservation of tribal cultural resources in the Plan area and the coordination between the County, Chumash representatives, and the community to ensure tribal access to cultural resources. As proposed, these provisions are consistent with the general cultural resource protection requirements of Coastal Act Section 30244 and the consultation requirements of LUP Policy 10-5.

Maps

The County proposes a number of maps within the proposed Eastern Goleta Valley Community Plan. Figure 1 (page ix of the Plan) provides the delineation between the Eastern and Western planning areas of the Goleta Valley and Figures 4 and 5 (pages 17 and 18 of the Plan) provide a vicinity map of the Plan area and a map of the Plan area, respectively. The County also proposes Figure 7 (page 27 of the Plan) to provide a detailed map of land uses within the Urban Area portion of the Plan area (and making up the entirety of the coastal zone portion of the Plan area) and Figure 9 (page 31 of the Plan) to provide a detailed zoning map of the Urban Area. Figures 13 and 24, which are also discussed above, are proposed to depict the allowable developable envelope for the More Mesa site and to depict noise level contours for the Plan area,

respectively. In addition, the County proposes to amend the maps of the Land Use Plan to adopt the “Eastern Goleta Valley Community Plan Land Use Designations” map to depict land use designations within the Plan area, the “Eastern Goleta Valley Community Plan Land Use Overlay” map to depict airport, flood, and other land use overlay designations within the Plan area, and the “Eastern Goleta Valley Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays” map to depict environmentally sensitive habitat and riparian corridors within the Plan area.

The County also proposes to amend existing, certified maps within the Goleta Community Plan to remove the mapping of the Eastern Goleta Valley Community Plan area portions from the Goleta Community Plan area. Specifically, these include existing maps titled “Goleta Community Plan Land Use Designations South”, “Goleta Community Plan Land Use Overlay”, “Goleta Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays South”, and “Santa Barbara County Parks, Recreation and Trails.”

Collectively, the proposed maps associated with the Plan are consistent with the general directives of Coastal Act Section 30250 to adequately plan for the location of new development, and the figures are necessary to establish the boundaries of the new Plan area.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, only if modified as suggested, meets the requirements of, and is in conformity with the policies of Chapter 3 of the Coastal Act concerning land use and new development, the provision of public services, and the protection of cultural resources.

4. IP/CZO Amendment Consistency Analysis

The County proposes to amend the IP/CZO to add new definitions to define the Eastern Goleta Valley Community Plan area, remove the Eastern Goleta Valley Community Plan area from the definition of the Goleta Community Plan area, and differentiate the new Eastern Goleta Valley Community Plan area from the existing Goleta Community Plan area. The County also proposes to amend the IP/CZO to incorporate the “Eastern Goleta Valley Community Plan Zoning” map, the “Eastern Goleta Valley Community Plan Zoning Overlay” map, and the “Eastern Goleta Valley Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays” for the Plan area. The County also proposes to incorporate the amended Goleta Community Plan area maps that remove the Eastern Goleta Valley Community Plan area portions from the Goleta Community Plan area.

The zoning designations within the coastal zone portion of the Plan area are proposed to remain the same as the certified Goleta Community Plan with the following exceptions:

- The County proposes to change the land use and zoning designations of three County-owned parcels (APNs 065-230-007, 065-525-001, and 065-505-021) from Agriculture (AG-I-10) to Recreation (REC). As discussed in Section IV.C.3 above, the Recreation zoning designation is appropriate for these parcels given the existing resources and uses on-site and is consistent with the proposed land use designation.

- The County proposes to change the zoning designation of several small parcels in one neighborhood immediately north of the More Mesa property site from Design Residential-2 (DR-2, 2 units per acre) to Design Residential-1.8 (1.8 units per acre) to achieve consistency with the neighborhood’s land use density (Residential-1.8). The County’s proposed change from 2 units per acre to 1.8 units per acre is thus appropriate to reflect the existing, certified buildout and land use density of this neighborhood.
- The County proposes to change the acreage minimum of the zoning designation for the 35-acre County-owned parcel (APN 065-320-004) located in the northwestern corner of the More Mesa property site. The subject parcel is currently designated as Open Lands land use and zoned Resource Management 40 (RES-40), and the County proposes to change the zoning to Resource Management 100 (RES-100) to provide consistency between the land use designation’s minimum parcel size and the zoning designation’s minimum lot area. The County’s certified Land Use Plan defines the Open Lands designation as having a minimum parcel size of 100 or 320 acres; thus, the RES-100 zone, as proposed for the parcel, is more consistent with the Open Lands designation than the parcel’s existing zoning designation of Resource Management, 40 acre minimum.

As proposed, the Commission finds these maps and zoning changes conform with and are adequate to carry out the provisions of the certified LUP, including the LUP requirements for new development because they provide the regulatory framework with which to site new development and apply zoning regulations within the Plan area.

D. AGRICULTURE

1. Coastal Act Policies

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

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

Section 51201(c) states, in relevant part:

“Prime agricultural land” means any of the following:

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

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

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

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

Section 30241 of the Coastal Act states:

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

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

Section 30241.5 of the Coastal Act states:

- (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*
 - (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

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

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

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

Section 30242 of the Coastal Act states:

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

Section 30243 of the Coastal Act states:

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

2. Existing LUP Policies

Policy 2-11 states:

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

Policy 3-21 states:

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

Policy 3-22 states:

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

Policy 8-4 states:

As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division.

Policy 9-16(a) states:

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

Policy 9-26 states:

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

Policy 9-42 states:

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

3. LUP and IP/CZO Amendment Consistency Analysis

The Eastern Goleta Valley Plan area experiences a combination of mild climactic conditions, prime agricultural soils, available water sources, and proximity to major markets, making the area a valuable agricultural resource. Orchards, large parcel crop production, characterize agricultural production within the Rural Area and grazing lands. In the Urban Area, which occupies the entirety of the coastal zone and part of the inland area, the ability to grow a diverse range of high-yield specialty crops, such as onions, peppers, blueberries, lettuce, broccoli, tomatoes, corn, squash and carrots, provides growers with the flexibility to respond to market and environmental changes. Additionally, greenhouses are prevalent on the flatter portions of the Plan area.

Within the Eastern Goleta Valley Plan area, prime soils combine with unique coastal climates for highly productive agriculture. In recognition of the importance of agriculture in coastal areas such as this, Coastal Act policies provide for the continuation of coastal agriculture on prime agricultural lands. Specifically, Coastal Act Sections 30113 and 51201(c) define prime agricultural land, and Coastal Act Section 30241 requires preservation of the maximum amount of prime agricultural land. Furthermore, Coastal Act Section 30241.5 provides the parameters for economic feasibility evaluations to determine agricultural viability when a local government is proposing the conversion of existing agricultural lands to another non-agricultural use. Coastal Act Sections 30242 and 30243 require the preservation of lands suitable for agricultural use, the long-term productivity of soils, and limit the conversion of agricultural lands to non-agricultural uses.

The County's certified LUP also contains policies that protect existing agricultural land uses within the Plan area. Policies 8-1, 8-2, and 8-3 provide for the designation of agricultural lands and limit the conversion of agricultural land uses to non-agricultural land uses. Policy 8-4 prohibits any land division of agricultural land that would diminish the long-term agricultural productivity of the property. Policies 2-11, 3-21, 9-16(a), 9-26, and 9-42 address the prevention of adverse impacts of agricultural land uses on biological resources, such as environmentally sensitive habitat, wetlands, roosting and nesting sites, and streams. Policy 3-22 addresses the prevention of erosion impacts from agricultural land uses.

The Eastern Goleta Valley Community Plan proposes policies and provisions for agricultural land uses in both the designated Rural and Urban Areas. As discussed above, none of the Plan area designated as "Rural Area" lies within the coastal zone boundary. The Urban Area contains approximately 500 acres of agriculturally-designated land (Agriculture I, Agriculture II, and Agriculture Commercial), half of which is located within the coastal zone boundary. The agriculturally-designated lands within the coastal zone boundary are located mostly in the southwestern portion of the Plan area between the La Goleta Gas and Storage Field and the More Mesa property site.

The Plan proposes Objective LUA-EGV-1 to broadly require the sustainment and enhancement of agricultural land, operations, and characteristics within the Eastern Goleta Valley. Proposed Policies LUA-EGV-1.1, LUA-EGV-1.5, and LUA-EGV-1.6 are intended to carry out this objective by requiring the preservation of existing agricultural land and limiting the conversion of urban agricultural land to non-agricultural land uses consistent with Coastal Act Sections 30241, 30242, and 30243 and LUP Policy 8-4.

The Plan proposes Policies LUA-EGV-1.2 and LUA-EGV-1.3, and Development Standards LUA-EGV-1B and LUA-EGV-1C, to require adequate buffers between agricultural development and non-agricultural development in order to protect agricultural land uses from conflicts of use with non-agricultural development. These policies and development standards of the proposed Plan are consistent with Coastal Act Section 30241 because the requirement of buffers seeks to minimize conflicts between agricultural land uses and non-agricultural land uses. Further, these policies and development standards of the proposed Plan are consistent with Coastal Act Section 30243 because a reduction in land use conflicts between agricultural land uses and non-

agricultural land uses allows for the long-term productivity of agricultural soils within the Plan area.

The Plan proposes Objective LUA-EGV-2, as well as Policies LUA-EGV-2.1, LUA-EGV-2.2, LUA-EGV-2.3, and LUA-EGV-2.4 to support farms and agricultural businesses within the Plan area. These objectives and policies of the proposed Plan are consistent with the overarching goal of the Coastal Act (Sections 30241, 30242 and 30243) to preserve and protect lands suitable for agricultural land uses within the coastal zone.

As discussed more fully in Section IV.E of this Staff Report, the County proposes Policy LUA-EGV-1.3 which requires Atascadero and Maria Ygnacio Creeks to serve as buffers between agricultural areas and recreational land uses, and adjacent commercial, industrial, and residential land uses. The certification of this Policy, as submitted, would create a policy conflict between the proposed Policy LUA-EGV-1.3 and the County's certified LCP. Policy 2-11 of the LUP and Section 35-97.14 of the IP/CZO require agriculture to be regulated and setback to avoid any adverse impacts to environmentally sensitive habitat areas, and Policy 9-42 of the LUP prohibits agricultural activities within stream corridors. As submitted, Policy LUA-EGV-1.3 of the Plan would require creeks and their associated riparian corridors, designated as environmentally sensitive habitat area within the Plan and the LCP, to function as the buffer between agricultural land uses and higher intensity land uses. The LUP requires agricultural land uses to avoid any adverse impacts to environmentally sensitive habitat and stream corridors, and therefore it would directly conflict with the intent of Policies 2-11 and 9-42 to utilize protected biological resources as a buffer between agricultural land uses and higher intensity land uses. As such, the Commission finds that **Suggested Modification No. 9** (Exhibit 1) is necessary to clarify that Policy LUA-EGV-1.3 will only apply to the inland portion of the Plan area that lies outside of the coastal zone boundary.

The County is proposing to amend the IP/CZO to change the land use and zoning designations of three County-owned parcels (APNs 065-230-007, 065-525-001, and 065-505-021) within the Urban Area portion of the Plan area from Agriculture (AG-I-10) to Recreation (REC). The County proposes these zoning designation changes because a significant portion of the three parcels (75-80%) consists of riparian forest. Additionally, the National Wetlands Inventory depicts more than half of the area of land comprising the three parcels as wetland (Freshwater Forested/Shrub Wetland and Freshwater Emergency Wetland), and the three parcels are mapped as ESH in the existing certified Goleta Community Plan and maintained as ESH in the proposed Plan. Historic aerial photographs demonstrate that an agricultural use of these parcels has not occurred since approximately 1964 when Atascadero Creek was re-routed northward of its natural course to form the northernmost boundary of the subject parcels. The relocation of the creek changed the environmental conditions on the subject parcels such that the parcels had to be utilized for flood control activities. Since the abandonment of agricultural activities on the subject parcels, the land has served an important public recreational use through the development of several public trails to facilitate passive recreational use of the area.

Policies 9-16(a), 9-26, and 9-42 of the LUP prohibit agricultural land uses from taking place within environmentally sensitive habitat areas. LUP Policy 9-16(a) specifically prohibits agricultural activities within wetlands. Policy 1-1 of the LUP incorporates all Chapter 3 policies

of the Coastal Act as guiding policies of the County's LCP. Coastal Act Section 30242 allows for the conversion of agriculturally designated land in cases where a renewed agricultural use is not feasible. In this case, a majority of the three County-owned and agriculturally zoned parcels consists of designated ESH area and wetlands, and thus, agricultural use of the sites would be inconsistent with Policies 9-16(a), 9-26, and 9-42 of the LUP. Pursuant to Coastal Act Section 30242, a renewed agricultural use of these three parcels is infeasible, and the land may be converted to a non-agricultural use. Since these parcels now have ESH resources and several public trails for passive recreational use, the Recreation land use and zoning designation is appropriate given existing resources and uses on-site. Therefore, the Commission finds that the proposed zoning changes to three County-owned parcels (APNs 065-230-007, 065-525-001, and 065-505-021) from agricultural to recreation are consistent with the agricultural preservation and biological resource protection requirements of the Coastal Act and the County LUP.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, only if modified as suggested, would be consistent with the policies of Chapter 3 of the Coastal Act concerning the protection of agriculture. The Commission finds that the IP/CZO amendment conforms with and is adequate to carry out the policies of the certified Land Use Plan, as amended.

E. MARINE AND LAND RESOURCES

1. Coastal Act Policies

Section 30230 of the Coastal Act states:

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

Section 30231 states:

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

Section 30233 states, in relevant part:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- (1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
 - (2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
 - (3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
 - (4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
 - (6) *Restoration purposes.*
 - (7) *Nature study, aquaculture, or similar resource dependent activities.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*
- (c) *In addition to other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division...*
- (d) *Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures*

have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236 states:

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

Section 30240 states:

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

2. Existing LUP Policies

Policy 1-2 states:

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

Policy 2-2 states, in relevant part:

The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded...

Policy 2-5 states:

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

Policy 2-11 states:

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

Policy 3-19 states:

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

Policy 7-4 states:

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

Policy 9-1 states:

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

Policy 9-6 states:

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

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

Policy 9-7 states:

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

Policy 9-8 states:

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

Policy 9-9 states:

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

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

Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental

protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

Policy 9-10 (Wetlands) states:

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

Policy 9-11 states:

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

Policy 9-12 states:

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

Policy 9-13 states:

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

Policy 9-14 states:

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

Policy 9-15 (Wetlands) states:

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

Policy 9-16(a) states:

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

Policy 9-17 states:

Grazing shall be managed to protect native grassland habitat.

Policy 9-18 states:

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

Policy 9-19 states:

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

Policy 9-20 states:

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

Policy 9-21 states:

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

Policy 9-22 states:

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

Policy 9-23 (Butterfly Trees) states:

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

Policy 9-26 (White-tailed Kite) states:

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

Policy 9-27 (White-tailed Kite) states:

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

Policy 9-28 (White-tailed Kite) states:

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

Policy 9-29 (White-tailed Kite) states:

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

Policy 9-30 states:

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

Policy 9-31 states:

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

Policy 9-32 states:

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

Policy 9-35 states:

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

Policy 9-36 states:

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

Policy 9-37 states:

The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These

minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

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

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

Policy 9-38 states:

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

Policy 9-40 states:

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

Policy 9-41 states:

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

Policy 9-42 states:

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

Policy 9-43 states:

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

3. Biological Resources within the Coastal Zone of the Plan Area

Eastern Goleta Valley is located in the south coast region of Santa Barbara County between the City of Santa Barbara and the City of Goleta. The Plan area includes the coastal plain and the foothills between these two cities. The entirety of the Plan area within the coastal zone is designated as Urban Area and consists largely of suburban residential development (including Hope Ranch). The remainder of the Plan area within the coastal zone consists of the La Goleta Gas and Storage Field (public services), the vacant More Mesa site (open space and recreation), agricultural development, portions of the Goleta Slough waterway and habitat areas, and Goleta Beach County Park. The portion of the Plan area closest to the coast includes streams and sloughs, riparian corridors, sandy beaches, bluffs, and coastal terraces.

Eastern Goleta Valley is positioned over the watershed sub-basins of Atascadero Creek, Maria Ygnacio Creek, and Cieneguitas Creek. Habitat areas generally exist on the periphery of the Urban Area, predominately in the rural mountainous foothill areas and along the coast, but also through corridors connecting these peripheral areas. Although residential and agricultural development has fragmented this habitat, there remain large expanses of native vegetation, rare and sensitive plant and animal species, and key habitat linkages. The habitats and wildlife corridors within the Plan area follow the riparian vegetation along the creeks, waterways, and wetlands, and the watersheds provide connectivity between habitat areas. The Plan proposes to delineate Atascadero Creek as a “greenway” to recognize the Creek’s importance as a wildlife corridor from Goleta Slough to the San Marcos Foothills.

The Plan area contains a range of habitats, namely chaparral scrub, coastal sage scrub, grasslands, riparian woodlands, coastal estuaries, salt marshes, wetlands, vernal pools, sandbars, sandy beach, creek beds, and non-native woodlands. These habitats, as well as sensitive watersheds that drain the Plan area from the ridgeline to the Goleta Slough and the Pacific Ocean, provide suitable habitat for a wide variety of plant and animal species. The Plan area includes extensive ESH areas that have been designated within the existing, certified Goleta Community Plan and are now proposed for certification, without any proposed changes, in the County’s proposed Environmentally Sensitive Habitat Overlay map for the Plan area.

4. LUP Amendment Consistency Analysis

Coastal Act Section 30230 requires the maintenance, enhancement, and restoration of marine resources and assigns the highest protection to areas and species of special biological or economic significance. Section 30230 further requires any use of the marine environment to sustain the biological productivity of coastal waters and maintain health populations of all

marine organisms. Section 30231 also requires the protection of the biological productivity and quality of coastal waters, and provides specific methods for achieving these protections. Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and restricted to a limited number of allowable uses. Section 30236 requires development that includes the substantial alterations of rivers (e.g., channelizations and dams) to incorporate the best mitigation measures feasible and provides specific limitations to this type of development. Section 30240 requires the protection of ESH areas from any significant adverse impacts to habitat values and limits the uses within ESH areas to only resource dependent uses. Section 30240 also requires development adjacent to ESH areas and recreational areas (e.g., parks) to be sited and designed to prevent any significant adverse impacts to ESH areas and recreational areas.

Environmentally Sensitive Habitat

Section 30240 of the Coastal Act requires the protection of ESH area from any significant adverse impacts to habitat values and limits the allowable uses within ESH areas to only resource dependent uses. Section 30240 and Policy 7-4 of the certified LUP also require development adjacent to ESH areas and recreational areas to be adequately analyzed, sited and designed to prevent any significant adverse impacts to these areas.

Policy 2-11 of the LUP requires all development to be regulated to avoid any adverse impacts to ESH areas, and Policy 9-1 requires development within the vicinity of ESH areas to conform with all of the ESH related policies and provisions of the LUP. Policy 9-37 of the LUP require minimum buffer areas from streams and riparian vegetation and provides the criteria necessary to adjust the minimum buffer upward or downward. Policies 9-38, 9-39, 9-40 and 9-41 of the LUP regulate the structures and activities allowed within streams and stream corridors.

Section 35-97.2 and 97.4 of the IP/CZO explain the application of the ESH Overlay district to all designated ESH areas within the Plan area. In order to protect ESH areas not captured and identified by the ESH Overlay, due to both the changing nature of biological and ecological resources and the small scale of certain resources (e.g., vernal pools), Section 35-97.3 addresses ESH identified during site surveys and requires regular updates of the ESH Overlay district to include new areas identified over time. Section 35-97.5 of the IP/CZO provides the application requirements for permits for development within the ESH Overlay district, and Sections 35-97.6 and 35-97.7 provide the findings and permit conditions required for the approval of development within the ESH Overlay district.

The County proposes Policy ECO-EGV-5.2 to provide the criteria to perform ESH determinations and thus trigger the ESH protections policies of the Coastal Act and the LCP for designated ESH areas. Section 30107.5 of the Coastal Act defines an ESH area as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” This definition for ESH areas focuses on the rarity or special role in the ecosystem of the resource and the propensity for the resource to be disturbed or degraded by land use activities and development. In order to provide for these particular considerations

and provide greater overall specificity to the criteria proposed in Policy ECO-EGV-5.2, **Suggested Modification No. 9** (Exhibit 1) adds provisions for the identification of rare ESH from the California Natural Diversity Database (CNDDDB) and tests to prompt analysis regarding the rarity, value and sensitivity of the resource being analyzed. Therefore, as modified, Policy ECO-EGV-5.2 is consistent with the specific requirements of the Coastal Act's definition of ESH areas, as well as the general directives of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from the adverse impacts of development.

The County proposes Policy ECO-EGV-5.4 to generally provide for the preservation and protection of important local habitat types and to more specifically provide ESH habitat types designated through the provisions of the ESH Overlay map for the Plan area. However, the habitat types provided in Policy ECO-EGV-5.4 do not represent all of the potential habitat types that may be found within the Plan area and which have the potential to meet the definition of ESH pursuant to Coastal Act Section 30107.5. Therefore, **Suggested Modification No. 9** (Exhibit 1) is necessary to add provisions for additional habitat types not listed by proposed Policy ECO-EGV-5.4, delete reference to habitat not present within the coastal zone portion of the Plan area, and add language to clarify that ESH areas protected and preserved by the Overlay map are not limited to the ESH habitat types listed in the policy. As modified, Policy ECO-EGV-5.4 will apply to the coastal zone portion of the Plan area. Accordingly, the County has requested the deletion of references to areas within the policy that are not within the coastal zone portion of the Plan area. If modified as suggested, Policy ECO-EGV-5.4 is consistent with the general directives of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from the adverse impacts of development.

Generally, the County's proposed Plan retains the existing, certified minimum ESH buffer requirements from the Goleta Community Plan with certain exceptions. This includes a minimum buffer of 50 feet from stream/riparian ESH in the Urban Area that is proposed to be measured from the top of stream bank or edge of existing riparian vegetation (whichever constitutes the furthest distance). An additional setback requirement is proposed for Atascadero Creek to maintain a "greenway" that extends 100 feet from the centerline of the creek in recognition of the creek's importance as a wildlife corridor between the San Marcos Foothills and the Goleta Slough. The County proposes a minimum buffer of 200 feet from known and historic butterfly roosts, 100 feet for vernal pool habitat, and 25 feet for coastal sage scrub and native grassland habitats. Notably, the County's proposed 25 feet setback requirement for native grasslands increases the required development setback from that required by the Goleta Community Plan by 15 feet. While the proposed Plan does not specify a minimum buffer for wetlands, the County's certified LUP and IP/CZO requires a minimum buffer of 100 feet from wetland ESH and that requirement would be applicable to the Plan area.

In order to clarify the minimum buffer requirement for all other designated ESH types within the Plan area and that the buffer should be measured from the outer edge of those habitat areas, the Commission finds that **Suggested Modification No. 9** (Exhibit 1) is necessary to include new Policy ECO-EGV-5.7 that requires a minimum buffer area of 50 feet from the outer edge of ESH habitats in the Plan area in cases where a minimum buffer is not otherwise specified in the LCP or the Plan. These proposed minimum ESH buffers are appropriate given that the coastal zone portion of the Plan area is within the Urban Area that is almost fully built out with the exception

of the More Mesa property site which, as discussed below, will require the development of larger ESH buffers through the preparation of a Specific Plan and LCP amendment for any future development of the site. In past Commission actions on permits and LCPs, the Commission has typically required that ESH buffers be at least 100 feet in width in order to avoid significant disruption to habitat values in the ESH. However, buffers that are less than 100 feet have been allowed in more constrained urban areas where the existing pattern of development would not allow for larger setbacks. Within the context of this urban planning area and built-out pattern of development, the buffers proposed in this case that are less than 100 feet are adequate to ensure that the ESH resources are protected consistent with Section 30240 of the Coastal Act. Further, the proposed buffers were reviewed by the Commission Staff Ecologist, Dr. Jonna Engel, and determined to be adequate within the context of this urban plan area.

As mentioned above, the County proposes Policy ECO-EGV-5.5 to require minimum buffer areas of 50 feet between creeks and their associated riparian vegetation, and land use and development activities within the Urban Area of the Plan area. **Suggested Modification No. 9** (Exhibit 1) to Policy ECO-EGV-5.5 is needed to make minor clarifications regarding the outermost extent of the buffer area. As proposed, Policy ECO-EGV-5.5 only provides for minimum buffer areas between creeks and their associated riparian vegetation and land use and development. As modified, Policy ECO-EGV-5.5 will apply to the coastal zone portion of the Plan area. Accordingly, the County has requested the deletion of references to areas within the policy that are not within the coastal zone portion of the Plan area. As modified, Policy ECO-EGV-5.5 is consistent with the requirements of Section 30240 of the Coastal Act and Policy 2-11 of the LUP to protect ESH areas from the adverse impacts of development.

The County proposes Development Standard ECO-EGV-5D to allow for the adjustment of minimum stream and riparian ESH buffer areas. In order to ensure that ESH areas are protected when minimum buffers are adjusted downward and to achieve consistency with Coastal Act Section 30240 and LUP Policies 2-11, 9-36 and 9-37, **Suggested Modification No. 9** (Exhibit 1) is necessary to add language to reflect the intent of Section 30240 to protect against the significant disruption of habitat values. Suggested Modification 9 is also necessary to require site-specific evidence and biological reports to facilitate analysis to determine whether the adjustment of a minimum buffer requirement is appropriate. **Suggested Modifications Nos. 2 and 9** to Development Standard ECO-EGV-5D also require the County to consult with the Department of Fish and Wildlife and the Regional Water Quality Control Board to establish appropriate buffer requirements and clarifies that minimum buffers within the coastal zone may only be adjusted where it is established that doing so is the only way to avoid a takings of private property. As modified, Development Standard ECO-EGV-5D is consistent with the general directives of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from adverse impacts, and the more specific requirements of LUP Policies 9-36 and 9-37 to protect native and riparian vegetation from adverse impacts.

The County proposes Policy LUA-EGV-1.3 to provide that Atascadero and Maria Ygnacio Creeks shall serve as buffers between lower intensity land use and development (agricultural areas and recreational uses) and higher intensity land use and development (commercial, industrial, and residential uses). Both Atascadero and Maria Ygnacio Creeks are designated as ESH areas within the proposed ESH Overlay map for the Plan. Therefore, as proposed, Policy

LUA-EGV-1.3 requires the use of a designated, protected, and sensitive biological resource to serve as a buffer area between lower and higher intensity land uses and developments. In order to clarify that Atascadero and Maria Ygnacio Creeks should not serve as the buffer area between lower and higher intensity land uses and developments within the coastal zone, **Suggested Modification No. 9** (Exhibit 1) to Policy LUA-EGV-1.3 is necessary. Suggested Modification No. 9 clarifies that Policy LUA-EGV-1.3 applies only to the inland portion of the Plan area that lies outside of the coastal zone boundary. As modified, Policy LUA-EGV-1.3 no longer applies to the portion of the Plan area within the coastal zone and as such is no longer inconsistent with the ESH protections policies and provisions of the Coastal Act and the LUP.

The County proposes Objective ECO-EGV-5 to require the designation and protection for ESH and riparian corridors within the Plan area. Proposed Policy ECO-EGV-5.1 requires both the protection and enhancement of ESH areas and riparian corridors within the Plan area. The County proposes Actions ECO-EGV-5A and ECO-EGV-5B and Program ECO-EGV-5C to require the periodic update of the proposed ESH Overlay map to capture changes in ESH areas and identified ESH resources over time. As proposed, Objective ECO-EGV-5 and Policy ECO-EGV-5.1 require the designation, protection and enhancement of ESH areas and therefore are consistent with the requirements of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from adverse impacts of land use and development. As proposed, Actions ECO-EGV-5A and ECO-EGV-5B and Program ECO-EGV-5C are consistent with Coastal Act Section 30240 generally, and the requirements of Section 35-97.3 of the IP/CZO specifically, because these actions and programs are intended to ensure an accurate, updated ESH Overlay map is maintained for the Plan area. An updated ESH Overlay map is an essential planning tool to protect ESH areas and prevent any adverse impacts of land use and development on sensitive biological and ecological resources within the Plan area.

The County proposes Development Standard ECO-EGV-5A to require development within 100 feet of ESH area or riparian corridors to include setbacks or undeveloped buffer zones from these resources unless the requirement would preclude reasonable use of the parcel. The proposed development standard allows public recreational trails to be sited within setbacks and buffer areas. The County also proposes Development Standard ECO-EGV-5B to prohibit the storage of equipment, supplies, and vehicles, and the placement of fill and waste within ESH area setbacks and buffers. As proposed, Development Standards ECO-EGV-5A and ECO-EGV-5B are consistent with Coastal Act Section 30240 and LUP Policies 2-11, 7-4, 9-37, 9-38, 9-39, 9-40, and 9-41 that regulate activities allowed, and the intensity of uses appropriate within, setback and buffer areas and provide requirements to ensure new development is properly sited to be adequately set back from ESH areas and riparian corridors.

The County proposes Development Standard ECO-EGV-5E to provide requirements for restoration of ESH areas disturbed by land use and development activities. As proposed, Development Standard ECO-EGV-5E is consistent with the requirements of Coastal Act Section 30240 and LUP policies concerning the protection of ESH areas because the development standard requires restoration of degraded or disturbed ESH within the Plan area and provides specific parameters to ensure that any performance of restoration will be successful and adverse impacts to ESH will thus be mitigated to the maximum extent feasible.

The County proposes Development Standard ECO-EGV-5G to prohibit landscaping that contains exotic, invasive species and require the use of native species within or near ESH areas, riparian corridors, and their associated setback and buffer areas. Proposed Development Standard ECO-EGV-5H requires a biological resources determination to be completed on any site within the Urban Area before issuance of a permit for development. If sensitive biological and ecological resources have the potential to occur onsite or within 500 feet of the site, the permit applicant is required to provide a biological resources report, prepared by a qualified biologist, that analyzes the impact of the proposed development on the sensitive resources present on the site.

Additionally, this development standard requires updates to the ESH Overlay map to reflect any unmapped identified resources, determination of whether additional biological surveys and studies are necessary to further protect the resources, and mitigation as necessary to further minimize impacts of development. As proposed, Development Standard ECO-EGV-5G is consistent with the ESH protection requirements of Coastal Act Section 30240 and LUP Policy 2-11, because the development standard protects ESH areas and riparian corridors from the significant adverse impacts created by introducing exotic, invasive species to native habitats. As proposed, Development Standard ECO-EGV-5H is also consistent with the ESH protection requirements of Coastal Act Section 30240 and LUP Policy 2-11, because the development standard requires the identification, study and analysis of biological resources on sites proposed for development to ensure that all sensitive resources are identified and protected throughout all phases of the development.

The County proposes Objective ECO-EGV-6 to generally provide for the preservation and protection of important local habitat types and to more specifically provide ESH habitat types designated through the provisions of the ESH Overlay map for the Plan area. It is important to note that the habitat types provided in Objective ECO-EGV-6 are not intended to be a comprehensive list of all potential protected habitat types that may be found within the Plan area and which have the potential to meet the definition of ESH pursuant to Coastal Act Section 30107.5 and proposed Plan Policy ECO-EGV-5.2. Rather, Objective ECO-EGV-6 is intended to provide general framework for the habitat types within the Plan area that receive specific policies, development standards, and actions within the Plan. As proposed, Objective ECO-EGV-6 is consistent with the general directives of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from the adverse impacts of development.

The County proposes Development Standard ECO-EGV-5C to provide restoration requirements for ESH areas disturbed by the impacts of new development. Section 30240(a) of the Coastal Act limits land uses within ESH areas to only resource dependent land uses. As proposed, Development Standard ECO-EGV-5C does not restrict land uses within ESH areas to resource dependent land uses. Therefore, **Suggested Modification No. 9** (Exhibit 1) includes new Policy ECO-EGV-5.8 to provide that only resource dependent land uses shall be permitted within ESH areas and to require non-resource dependent development to be sited and designed to avoid ESH and ESH buffer areas. Additionally, new Policy ECO-EGV-5.8 adds provisions to the Plan to require the development alternative with the fewest or least significant adverse impacts to be selected if avoidance is infeasible. As proposed, Development Standard ECO-EGV-5C provides a broad exception to the requirement for non-resource dependent land uses to avoid ESH areas where avoidance would preclude reasonable use of a parcel. As proposed, this policy does not

provide a requirement to demonstrate that avoidance would result in a taking of private property. Therefore, **Suggested Modifications Nos. 2 and 13** (Exhibit 1) are also necessary to require further analysis and evidence if the takings exception within this policy is invoked. Additionally, Suggested Modification No. 9 adds provisions to require offsite restoration of disturbed ESH or ESH buffers if onsite restoration is infeasible. As modified, Development Standard ECO-EGV-5C will apply to the coastal zone portion of the Plan area. Accordingly, the County has requested the deletion of references to areas within the development standard that are not within the coastal zone portion of the Plan area. As modified, Development Standard ECO-EGV-5C and new Policy ECO-EGV-5.8 are consistent with the protections of Coastal Act Section 30240 and LUP Policy 2-11 for ESH areas and the protections of LUP Policies 9-36 and 9-40 for native and riparian vegetation.

The County proposes Development Standard ECO-EGV-5F to provide requirements for restoration of ESH areas disturbed by land use and development activities. In order to provide for consistency with Coastal Act Section 30240 and Policies 2-11, 9-36 and 9-37 of the LUP, minor changes to Development Standard ECO-EGV-5F are necessary through **Suggested Modification No. 9** (Exhibit 1). **Suggested Modification No. 9** (Exhibit 1) to Development Standard ECO-EGV-5F is needed to clarify that restoration of disturbed ESH areas is required for any unavoidable adverse impacts to areas designated as ESH within the ESH Overlay map and offsite restoration is required in cases where offsite restoration is infeasible. If modified as suggested, Development Standard ECO-EGV-5F is consistent with the requirements of Coastal Act Section 30240 and LUP policies concerning the protection of ESH areas.

The County proposes Development Standard FIRE-EGV-1C to limit vegetation management practices within ESH in high fire hazard areas. Specifically, Development Standard FIRE-EGV-1C provides a list of allowable vegetation management practices, which include the removal of non-native trees or immature native trees, surface debris, invasive non-native plants, minimal vegetation within non-riparian oak woodlands and forests, minimal and selective limbs of mature trees, and the minimum necessary thinning, pruning and mowing of vegetation sufficient to meet fuel modification requirements set by the County Fire Department. Section 30240 of the Coastal Act requires the protection of ESH areas from any significant adverse impacts to habitat values. In order to provide greater protection of ESH areas within the Eastern Goleta Valley consistent with the requirements of Section 30240, **Suggested Modification No. 4** (Exhibit 1) to Development Standard FIRE-EGV-1C strengthens the language of the standard from “should” to “shall”, deletes the removal of immature native trees from the list of allowable vegetation management practices, and links the standard to the requirements of Development Standard ECO-EGV-2B for the performance of presence/absence surveys for sensitive wildlife species. If modified as suggested, Development Standard ECO-EGV-2B protects native trees and ensures that vegetation management activities will not adversely impact sensitive wildlife species, consistent with the ESH requirement protections of Section 30240 of the Coastal Act.

The County proposes Development Standard TC-EGV-3C to require roadway maintenance, roadway widening, and the new construction of roadways to be designed to “accommodate” restoration and preservation of the Goleta Slough, riparian corridors, ESH areas, and “other habitat areas.” In order to provide protection of ESH areas consistent with the requirements of Coastal Act Section 30240 and clarify the directives of the development standard, **Suggested**

Modification No. 7 (Exhibit 1) to Development Standard TC-EGV-3C is necessary. Suggested Modification No. 7 strengthens the language of the standard from “should” to “shall” and clarifies that roadway widening and the new construction of roadways must be sited and designed to avoid the Goleta Slough and ESH areas so that these resources are preserved, and where appropriate, enhanced. Further, Suggested Modification No. 7 clarifies and makes the distinction that maintenance of roadways must avoid the Goleta Slough and ESH areas to the maximum extent feasible. At the County’s request, Suggested Modification No. 7 (Exhibit 1) deletes reference to the “Riparian Corridor (RC)” as this development standard will apply only in the coastal zone and the deleted reference applies to areas within the inland portion of the Plan area. If modified as suggested, Development Standard TC-EGV-3C is consistent with the requirements of Coastal Act Section 30240 to protect ESH from the adverse impacts of development.

Reasonable Use

The Eastern Goleta Valley Community Plan proposes numerous references to “takings” language that authorizes exceptions where standards of the Plan preclude “reasonable use of property.” Section 30010 of the Coastal Act provides legislative declaration for taking of private property as follows:

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

Policies and development standards of the proposed Plan, including but not limited to Policies ECO-EGV-4.3 and ECO-EGV-6.3, and Development Standards ECO-EGV-4B, ECO-EGV-5A, ECO-EGV-5C, ECO-EGV-5D, ECO-EGV-6B, ECO-EGV-6C and ECO-EGV-6E, contain specific takings language such as “unless this would preclude reasonable development or reasonable use of property” to override requirements of the Plan and LCP applicable to the Plan area. This language creates a very broad exception to the requirements of otherwise applicable policies and standards, which is unwarranted and extremely vague. Such an exception could be misapplied to generally allow development that is inconsistent with the policies of the Coastal Act whenever the County found that to deny the development would preclude reasonable development—an undefined term. Therefore, **Suggested Modifications Nos. 2 and 13** (Exhibit 1) to add Policy EGV-1.5 to the Plan, and Sections 35-192.4 through 35-192.6 to the IP/CZO in order to implement new Policy EGV-1.5, are necessary to ensure that the only appropriate exception to the sensitive resources protection policies and standards is that which is necessary to avoid an unconstitutional taking of private property.

To address circumstances where there are known conflicts with ESH policies and where exceptions may be necessary to avoid an unconstitutional taking of private property, **Suggested Modifications Nos. 2 and 13** (Exhibit 1) create a process to allow applicants to demonstrate that

an exception to an ESH policy or standard is necessary to avoid a taking. The Coastal Commission has also previously certified this process in 2004 to be included through suggested modifications to the Toro Canyon Plan for the Toro Canyon planning area within Santa Barbara County. This process provides specificity regarding what information must be considered to determine whether application of the ESH policy or standard would be a taking, and if there would be a taking, to determine the extent of development that must be allowed to avoid a taking. Specifically, Policy EGV-1.5 and Sections 35-192.4 through 35-192.6 require applicants invoking a takings exception to an applicable policy or provision of the Plan to apply for an economic viability determination for consideration during the coastal development permit application process. The provisions acknowledge that some uses of property may be disallowed pursuant to background principles of property law, such as nuisance law; in such cases, disallowing the proposed use is not a “taking” that has to be avoided because such uses are not allowed in the first place. If Suggested Modifications Nos. 2 and 13 are applied to the Plan to address this broad exception to the resource protection policies and provisions proposed by the County, the extent of this proposed exception will be clarified and the policies and provisions containing this exception will be consistent with the requirements of Section 30010 of the Coastal Act and the numerous sensitive resource protection policies and provisions of the Coastal Act and the LUP. Policy EGV-1.5 is necessary to meet the requirements of and conform with Coastal Act protection policies such as Section 30240, as well as to conform with Section 30010. Sections 35-192.4 through 35-192.6 are necessary to conform with and carry out Policy EGV-1.5.

General Biological and Ecological Resource Protection

In Section IV of the Plan, the County proposes Goal #10, Objectives ENV-EGV-1 and ECO-EGV-2, and Policies ENV-EGV-1.1 and ENV-EGV-2.1 that generally require the preservation of the Plan area’s natural resources through development strategies that respect environmental constraints and utilize open space and conservation easements. Goal #10, Objectives ENV-EGV-1 and ECO-EGV-2, and Policies ENV-EGV-1.1 and ENV-EGV-2.1, as proposed, are consistent with Coastal Act Sections 30230, 30231, and 30240 which collectively protect biological and ecological resources from any adverse impacts of development.

The County proposes Goal #13 and Objective ECO-EGV-1, which provide for the preservation and enhancement of the biological and ecological resources of the watersheds within the Plan area. The County proposes Policy ECO-EGV-1.1 and ECO-EGV-1.2 to provide a regulatory framework to achieve the designation and protection of sensitive environmental resources in Eastern Goleta Valley. Policy ECO-EGV-1.1 requires the County to designate and protect sensitive environmental resources, and Policy ECO-EGV-1.2 provides a list of development strategies to protect wildlife corridors, ecological preserves, critical habitats, open space, and conservation easements, and directives to improve degraded habitats and urban ecology. As proposed, Goal #13, Objective ECO-EGV-1 and Policies ECO-EGV-1.1 and ECO-EGV-1.2 are consistent with Coastal Act Sections 30230 and 30231 which require the protection of marine resources and coastal waters, and these proposed provisions are also consistent, more specifically, with Coastal Act Section 30240 and Sections 35-97.7 and 35-97.18 of the IP/CZO which require the protection of ESH areas from any significant disruption of habitat values.

The County's proposed Policy ECO-EGV-2.3 requires the preservation of habitats for sensitive vegetation and sensitive wildlife species identified on a site proposed for development. Objective ECO-EGV-3 proposes to require the preservation and enhancement of ecological values and functions within the Plan area, and proposed Policies ECO-EGV-3.1, ECO-EGV-3.2, ECO-EGV-3.3, and ECO-EGV-3.4 provide a regulatory framework to achieve the preservation and enhancement of sensitive habitat areas with the Plan area. Specifically, Policy ECO-EGV-3.1 identifies habitats that shall be preserved and enhanced, Policy ECO-EGV-3.2 prohibits the fragmentation of habitats, Policy ECO-EGV-3.3 prohibits the interruption of major wildlife corridors, and Policy ECO-EGV-3.4 designates Atascadero Creek as a "greenway" and wildlife corridor, establishes a minimum 100-foot buffer to protect the creek, and encourages all new development adjacent to the creek to protect, restore, and enhance the creek. Proposed Objective ECO-EGV-4 requires the protection of existing forested areas to provide habitat, climate control, and cleaner air. As proposed, Objectives ECO-EGV-3 and ECO-EGV-4 and Policies ECO-EGV-2.3, ECO-EGV-3.1, ECO-EGV-3.2, ECO-EGV-3.3, and ECO-EGV-3.4 are consistent with Coastal Act Sections 30230 and 30231 which generally require the protection of marine resources and coastal waters, and these proposed objectives and policies are also consistent, more specifically, with Coastal Act Section 30240 which require the protection of ESH areas from any significant adverse impacts to habitat values.

The County proposes Policies ECO-EGV-2.2 and ECO-EGV-2.6 to provide criteria for restoration of sensitive habitat areas adversely impacted by development. Proposed Policy ECO-EGV-2.2 encourages the use of native, drought-tolerant, and fire-resistant plants in both landscaping and restoration projects within parks and open space, buffers, and adjacent to native habitats. Proposed Policy ECO-EGV-2.6 provides restoration requirements in cases where adverse impacts to biological resources as a result of new development cannot be avoided. As proposed, Policy ECO-EGV-2.2 is consistent with the requirements of Coastal Act Section 30240 and LUP Policy 2-11 to protect environmentally sensitive habitat areas from adverse impacts, because the proposed policy supports the use of native plant species in sensitive habitat areas and the conservation of water resources through the utilization of drought tolerant plant species. As proposed, Policy ECO-EGV-2.6 is consistent with the broad requirements of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from any adverse impacts because the policy provides a framework to ensure that restoration of ESH areas are properly conducted.

The County proposes Development Standards ECO-EGV-2A and ECO-EGV-2B to provide focused presence/absence survey requirements for sensitive plant species and sensitive wildlife species, respectively. As proposed, these development standards allow sensitive plant and wildlife species surveys to occur after permit issuance but before grading and vegetation clearing activities. If surveys were conducted after permit issuance, the County would be unable to analyze whether the proposed development has the potential to adversely impact sensitive biological resources onsite or condition the permit to require the protection of sensitive plant and wildlife species. Therefore, **Suggested Modification No. 9** (Exhibit 1) to Development Standards ECO-EGV-2A and ECO-EGV-2B is needed to clarify the timing within both standards to require presence/absence surveys to take place prior to permit approval and the commencement of any approved onsite development. As modified, Development Standards ECO-EGV-2A and ECO-EGV-2B would require biological resource surveys before permit issuance to ensure that sensitive biological resources are identified and adequately protected

during permit review of proposed development. Additionally, **Suggested Modification No. 9** (Exhibit 1) is needed to remove a reference to an uncertified document within both development standards to prevent any confusion as to the scope of the certified documents comprising the County's certified LCP. As modified, Development Standards ECO-EGV-2A and ECO-EGV-2B are consistent with the requirements of Coastal Act Section 30240 and LUP Policies 2-11 and 9-37 to protect ESH and native vegetation from the adverse impacts of development.

The County proposes Development Standard ECO-EGV-2C to provide avoidance, minimization, and mitigation measures for sensitive wildlife species within the Plan area. In order to provide for the protection of ESH areas consistent with the requirements of Coastal Act Section 30240 and LUP Policy 2-11, **Suggested Modification No. 9** (Exhibit 1) is needed to increase protections for nesting avian species discovered during a pre-construction survey on an approved development site. Specifically, Suggested Modification No. 9 provides for larger buffer areas between nesting birds and construction activities, requirements to use flags and/or stakes to demarcate buffer areas, and added provisions for daily biological monitoring and increased buffers for raptor nests and the nests of rare, threatened, endangered, and species of special concern. Additionally, **Suggested Modification No. 9** (Exhibit 1) is needed to remove two references to an uncertified document within the first and last bullet points of the proposed development standard to prevent any confusion as to the scope of the certified documents comprising the County's certified LCP.

Proposed Development Standard ECO-EGV-2C also requires presence/absence surveys and habitat assessments for all state and federally listed wildlife species (including the burrowing owl and the California red-legged frog). As proposed, this development standard allows wildlife surveys to occur prior to permit issuance rather than prior to permit approval. If surveys were conducted after permit approval but prior to permit issuance, the County would be unable to analyze whether the proposed development has the potential to adversely impact sensitive wildlife onsite or condition the permit to require the protection of identified listed wildlife species. Therefore, **Suggested Modification No. 9** (Exhibit 1) is needed to clarify the timing within Development Standard ECO-EGV-2C to require presence/absence surveys and habitat assessments to take place prior to permit approval and the commencement of any approved onsite development and apply mitigation measures outside of breeding seasons, if necessary. As modified, Development Standard ECO-EGV-2C would require wildlife surveys and habitat assessment to take place before permit issuance to ensure that sensitive wildlife and their associated habitats are identified and adequately protected during permit review of proposed development and necessary mitigation measures are applied to a project regardless of breeding season. **Suggested Modification No. 9** (Exhibit 1) is also needed to clarify that protocol level focus surveys, required pursuant to Development Standard ECO-EGV-2C, should always be conducted to identify potential state and federally listed species on all sites proposed for development that contain suitable habitat for such species. As modified, Development Standard ECO-EGV-2C is consistent with the requirements of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from the adverse impacts of development.

The County proposes Policy ECO-EGV-2.4 to require avoidance and minimization measures for adverse impacts to biological resources, including native habitat areas. In order to provide for the protection of ESH areas, consistent with Coastal Act Section 30240 and LUP Policy 2-11,

Suggested Modification No. 9 (Exhibit 1) is required to broaden Policy ECO-EGV-2.4 to apply to all sensitive habitat and add an internal reference to link Policy ECO-EGV-2.4 to new Policy ECO-EGV-5.8 to clarify that only resource dependent uses may be allowed in ESH areas. Additionally, Policy ECO-EGV-2.4 also encourages the use of native, drought-tolerant, and fire-resistant plants for restoration of sensitive habitat areas. In some cases, it may be inappropriate to encourage fire-resistant plants for restoration projects. As such, **Suggested Modification No. 9** (Exhibit 1) to Policy ECO-EGV-2.4 is needed to clarify that fire-resistant plants shall only be encouraged for restoration projects where appropriate. Suggested Modification No. 9 is also needed to add a provision to require restoration planting species to be locally propagated and remove a provision that would allow monetary contributions toward habitat acquisition and management as a minimization measure to address adverse impacts to sensitive habitat. As proposed, this measure does not minimize adverse impacts to sensitive habitat resources or provide sufficient information through a proposed program to carry out the measure to ensure that contributed funds are utilized to fully mitigate for identified adverse impacts. Additionally, Suggested Modification No. 9 is needed to clarify that offsite restoration and open space conservation, not merely the obtainment of an offsite easement, should be performed when onsite restoration is infeasible. Collectively, the changes recommended in Suggested Modification No. 9 ensure that required minimization measures directly address any adverse impacts of development on sensitive biological resources. Therefore, as modified, Policy ECO-EGV-2.4 is consistent with the requirements of Coastal Act Section 30240 and LUP Policy 2-11 to protect ESH areas from the adverse impacts of development.

The County proposes Policy ECO-EGV-2.5 to provide restoration requirements in cases where adverse impacts to biological resources as a result of new development cannot be avoided. As proposed, Policy ECO-EGV-2.5 does not provide clear direction as to when restoration is required or when a permanent protective easement is required. Therefore, **Suggested Modification No. 9** (Exhibit 1) is necessary to clarify that onsite or offsite restoration is required to properly mitigate for adverse impacts to sensitive habitat areas to ensure that mitigation directly addresses adverse impacts of new development. Suggested Modification No. 9 is also needed to increase the minimum replacement ratio for native habitat areas from 2:1, as proposed, to a 3:1 ratio and add a provision to require a minimum replacement ratio of 4:1 for impacts to wetlands. A minimum replacement ratio of 3:1 for native habitat areas and 4:1 for wetlands is consistent with past Commission actions taken to certify habitat impact mitigation ratios for other planning areas in the south coast region. Due to interim losses in habitat acreage and functional capacity, and because the success and resulting value of compensatory mitigation projects are uncertain, these mitigation ratios are necessary to compensate for the habitats lost through development. As modified, Policy ECO-EGV-2.5 is consistent with the requirements of Coastal Act Section 30240 and LUP Policy 2-11 to ensure that unavoidable adverse impacts to ESH that is permitted will be fully mitigated.

Protected Trees

Section 30240 of the Coastal Act and Policy 2-11 of the LUP generally require the protection and enhancement of ESH areas. Policy 9-1 of the certified LUP requires development within the vicinity of ESH areas to conform with the ESH area related policies and provisions of the LUP. Policy 9-22 of the LUP regulates the removal of trees utilized for butterfly nesting, and Policy 9-

40 limits the removal of riparian vegetation. Policy 9-35 of the LUP protects oak trees from any adverse impacts of land use, and Policy 9-36 more broadly protects native vegetation from any adverse impacts of development.

The County proposes Development Standard ECO-EGV-4C to limit fuel modification practices for native trees within the Plan area. Proposed Policies ECO-EGV-4.3 and ECO-EGV-4.4 facilitate the planting and cultivation of native trees on both County-owned and privately owned lands within the Urban Area of the Plan area. To effectuate the directives of Policies ECO-EGV-4.3 and ECO-EGV-4.4, the County is proposing Program ECO-EGV-4A and Action ECO-EGV-4B which require the development of an urban forestry strategy and the addition of the planting and cultivation of trees to the County's Capital Improvement Program. The County proposes Action ECO-EGV-4C to recommend funding solutions for Program ECO-EGV-4A and Action ECO-EGV-4B to ensure their success.

Proposed Development Standard ECO-EGV-4C, Policies ECO-EGV-4.3 and ECO-EGV-4.4, and Program ECO-EGV04A and Actions ECO-EGV-4B and ECO-EGV-4C, collectively, are intended to protect existing healthy native trees in the Plan area from removal for fuel modification purposes and increase the quantity of native trees within the Urban Area portion of the Plan area. These proposed development standards, policies, programs and actions are consistent with Coastal Act Section 30240 and Policies 2-11 and 9-36 of the LUP which generally require the protection and enhancement of sensitive and native vegetation.

The County proposes Policy ECO-EGV-4.1 and the "Trees and Vegetation" Section of the Eastern Goleta Valley Residential Design Guidelines to define what constitutes a "protected tree" and require the preservation of protected trees to the maximum extent feasible. As proposed, Policy ECO-EGV-4.1 and the "Trees and Vegetation" Section of the Design Guidelines provide a narrow definition of trees to be protected, specifying that only "mature, native, naturalized, or roosting/nesting trees that are healthy, structurally sound, and have grown into the natural stature particular to the species" shall receive the protections of the policy and the associated tree protection policies of the Plan. To avoid confusion and the exclusion of trees from the definition that require protection pursuant to the Coastal Act and the County's LCP, **Suggested Modifications Nos. 9 and 12** (Exhibit 1) are necessary to clarify and broaden the policy and Design Guidelines to state that mature native, naturalized, or roosting/nesting trees that do not pose a threat to health and safety require the protections of this proposed policy and the associated tree protection policies of the Plan. Further, Suggested Modification No. 9 to Policy ECO-EGV-4.1 is also needed to broaden the portion of the proposed policy that provides for the protection of raptor roosting and nesting sites. As proposed, Policy ECO-EGV-4.1 provides protection for only known raptor nesting and roosting sites and "key" raptor roosting sites. **Suggested Modification No. 9** (Exhibit 1) clarifies that known or discovered raptor nesting and roosting sites shall be protected and removes the reference to key raptor roosting sites to protect all raptor roosting sites. Suggested Modification No. 9 also broadens the tree protection provisions for monarch butterfly aggregation sites to include monarch butterfly habitat generally. As proposed, Policy ECO-EGV-4.1 and the Design Guidelines do not fully protect all ESH areas consistent with the general requirements of Coastal Act Section 30240 and LUP Policies 2-11, 9-35, 9-36 and 9-40, and the proposed definition of protected trees narrows the coverage of tree protections from that required by Policy 2-11 of the LUP. The County's

certified LCP broadly requires the protection of all healthy trees within the Coastal Zone, trees used as butterfly habitat generally, trees within close proximity to stream corridors, and oak trees. Therefore, as modified, Policy ECO-EGV-4.1 and the Design Guidelines provide a definition for trees that will require protection that is consistent with the Coastal Act and the specific requirements certified within the LCP.

The County proposed Policy ECO-EGV-4.2 to provide further for the preservation of trees that fall within the coverage of the proposed definition of protected trees in Policy ECO-EGV-4.1. However, as proposed, Policy ECO-EGV-4.2 provides a broad exception to the preservation of protected trees where preservation would preclude reasonable use of a parcel without also providing a requirement to demonstrate that preservation would result in a taking of private property. As proposed, Policy ECO-EGV-4.2 provides no provisions to address cases where adverse impacts or the removal of protected trees cannot be avoided and impacts must be mitigated through the planting of replacement trees. Therefore, **Suggested Modifications Nos. 2, 9, and 13** (Exhibit 1) are necessary to provide stronger protections for trees that meet the definition provided in proposed Policy ECO-EGV-4.1, require further analysis and evidence if the takings exception to the proposed policy is invoked, and add provisions to require mitigation measures for protected trees that are adversely impacted, consistent with the requirements of Coastal Act Section 30240 and LUP Policies 2-11, 9-35, 9-36 and 9-40. As modified, Policy ECO-EGV-4.2 is consistent with Section 30240 of the Coastal Act and the specific requirements for tree protection within the County's LCP.

The County proposes Development Standard ECO-EGV-4A to require a Tree Protection Plan for development sites that contain protected trees pursuant to proposed Policy ECO-EGV-4.1. In order to provide for the protection of trees consistent with proposed Policy ECO-EGV-4.1, Coastal Act Section 30240, and LUP Policies 2-11, 9-35, 9-36 and 9-40, **Suggested Modification No. 9** (Exhibit 1) is necessary to make minor clarifications to state that analysis of whether a Tree Protection Plan is required should focus on the potential for adverse impacts to protected trees. Additionally, **Suggested Modification No. 9** (Exhibit 1) is needed to remove a reference to an uncertified document within the development standard to prevent any confusion as to the scope of the certified documents comprising the County's certified LCP. As modified, Development Standard ECO-EGV-4A is consistent with the Coastal Act and the specific requirements for tree protection within the LCP.

The County proposes Development Standard ECO-EGV-4B to require sufficient, permanent buffers between trees serving as raptor nesting and roosting sites, and new development. However, as proposed, Development Standard ECO-EGV-4B provides protection for only raptor nesting sites and "key" raptor roosting sites. Therefore, **Suggested Modification No. 9** (Exhibit 1) removes the reference to key raptor roosting sites to require sufficient permanent buffers from development for all raptor roosting sites. As proposed, Development Standard ECO-EGV-4B also provides a broad exception to the buffer requirement where the inclusion of a buffer between the resource and new development would preclude reasonable use of parcel, and the development standard does not provide any requirement to demonstrate that implementation of a buffer would result in a taking of private property. As such, **Suggested Modifications Nos. 2 and 13** (Exhibit 1) to Development Standard ECO-EGV-4B are necessary to require an applicant to provide additional analysis and evidence if buffer requirements are proposed to be reduced or

eliminated to avoid a takings of private property. Further, **Suggested Modification No. 9** (Exhibit 1) to Development Standard ECO-EGV-4B is also needed to make clarifications regarding the critical analysis and considerations required to provide a sufficient buffer area between raptor nesting and roosting sites, and new development. As modified, Development Standard ECO-EGV-4B is consistent with the general requirements of Coastal Act Section 30240 and LUP Policy 2-11.

Specific Habitat Area Protection—Native Woodlands, Native Grasslands, and Coastal Sage Scrub

Native woodlands, native grasslands, and coastal sage scrub are each designated as ESH within the County’s proposed ESH Overlay district map for the Plan area, such that the presence of any of these three habitats on a development site triggers the application of the requirements of the ESH protection policies and provisions of the County’s certified LCP, the Coastal Act, and the proposed Plan. The County proposes Policy ECO-EGV-6.1 and Development Standards ECO-EGV-6A and ECO-EGV-6D for the Plan area to provide specific protections, in addition to the general ESH protections policies and provisions of the proposed Plan (see Section directly above), for native woodlands, native grasslands, and coastal sage scrub.

Proposed Policy ECO-EGV-6.1 provides generally for the protection of native woodlands, native grasslands, and coastal sage scrub. Proposed Development Standard ECO-EGV-6A effectuates this policy by proscribing development from adversely impacting native woodlands, native grasslands, and coastal sage scrub in a manner that would “isolate, interrupt, or cause a break in a contiguous habitat.” Proposed Development Standard ECO-EGV-6D requires the inclusion of onsite requirements to avoid and minimize any adverse impacts of development on these three habitat areas, such as revegetation, and erosion and water quality protection.

In providing for the protection of three designated ESH types, proposed Policy ECO-EGV-6.1 and Development Standards ECO-EGV-6A and ECO-EGV-6D are consistent with the more general requirements of Coastal Act Section 30240, LUP Policy 2-11 and 9-36 to protect ESH areas from significant adverse impacts to habitat values, and the more habitat-specific requirements of LUP Policies 9-17, 9-18, and 9-35. As proposed, Development Standard ECO-EGV-6D is further consistent with the requirements of LUP Policy 2-11 to utilize measures such as revegetation, minimization of onsite erosion, and water quality protection to avoid and minimize impacts to native woodlands, native grasslands, and coastal sage scrub.

The County proposes Development Standards ECO-EGV-6B and ECO-EGV-6C to require minimum buffer areas between native woodlands habitats and coastal sage scrub habitats, and non-resource dependent development. As proposed, Development Standards ECO-EGV-6B and ECO-EGV-6C provide a broad exception to the buffer requirement where the inclusion of a buffer between the resource and new development would preclude reasonable use of parcel, and the development standards do not provide any requirement to demonstrate that implementation of a buffer would result in a taking of private property. As such, **Suggested Modifications Nos. 2 and 13** (Exhibit 1) are necessary to require further analysis and evidence if the takings exception is invoked for Development Standards ECO-EGV-6B and ECO-EGV-6C and the buffer requirements are reduced or eliminated. If Suggested Modifications Nos. 2 and 13 are

made to the Plan, Development Standards ECO-EGV-6B and ECO-EGV-6C will be consistent with the general requirements of Coastal Act Section 30240 and LUP Policies 2-11 and 9-36 to protect ESH areas and native vegetation from any significant adverse impacts of development, as well as the more resource-specific requirements of LUP Policies 9-17 and 9-18.

Specific Habitat Area Protection—Monarch Butterfly Habitats

Known monarch butterfly habitats are designated as ESH within the County's proposed ESH Overlay district map for the Plan area and are thus subject to the habitat protection policies and provisions of the Coastal Act, the proposed Plan, and the County's certified LCP. In addition, the discovered presence of this habitat type on a development site also triggers the application of the requirements of such ESH protection policies and provisions. The County proposes Policy ECO-EGV-6.2 and Development Standard ECO-EGV-6F for the Plan area to provide specific protections, in addition to the general ESH protections policies and provisions of the proposed Plan (see "*Environmentally Sensitive Habitat*" Section above), for monarch butterfly habitats.

The County proposes Policy ECO-EGV-6.2 to provide generally for the preservation and protection of monarch butterfly roosting habitats within the Plan area. Proposed Development Standard ECO-EGV-6F requires the County to determine whether new development within 200 feet of known or historic monarch butterfly roosts will have the potential to adversely impact this habitat. If adverse impacts are determined to have the potential to occur, this proposed development standard requires the preparation and submittal of a Butterfly Habitat Protection Plan that must contain the location of the sensitive resource, the establishment of a minimum buffer area between the resource and the new development, including limitations on the activities that may occur within the buffer area, and temporary fencing during construction phases. Additionally, proposed Development Standard ECO-EGV-6F requires existing vegetation to be maintained within the buffer area and places limitations and regulations on any vegetation trimming or clearing within 100 feet of the identified habitat area.

As proposed, Policy ECO-EGV-6.2 and Development Standard ECO-EGV-6F are consistent with the general ESH protection provisions of Coastal Act Section 30240 and LUP Policy 2-11. This proposed policy and development standard are also consistent with the more specific monarch butterfly habitat protection provisions of LUP Policy 9-22 and 9-23. Proposed Development Standard ECO-EGV-6F conforms to the requirements of Section 35-97.7 of the IP/CZO to include appropriate conditions of permit approval that avoid and minimize adverse impacts to sensitive butterfly habitat.

The County proposes Development Standard ECO-EGV-6E to regulate development activities on sites within 200 feet of known or historic monarch butterfly roosts. As proposed, Development Standard ECO-EGV-6E provides an exception to the construction, grading, and development buffer requirement where the inclusion of a buffer between the resource and construction activities or new development would preclude reasonable use of parcel. In order to avoid the provision for an exception to the development buffer requirement of this standard, **Suggested Modification No. 9** (Exhibit 1) changes the standard to only apply to construction and grading activities because buffer requirements for areas between development and monarch butterfly habitat are addressed in other policies of the proposed Plan. As such, **Suggested**

Modification No. 9 (Exhibit 1) delete the takings exception language and clarifies that construction activities, including grading, within 200 feet of known or historic monarch butterfly roosts are prohibited unless a qualified biologist determines that activities will not adversely impact monarch butterflies on or near the development site. If Development Standard ECO-EGV-6E is modified as suggested, the development standard is consistent with the habitat protection requirements of Section 30240 of the Coastal Act and LUP Policy 2-11 (and Section 35-97.7 of the IP/CZO), as well as the more resource-specific protection of Policy 9-23 of the LUP.

Specific Habitat Area Protection—Riparian Vegetation, Riparian Corridors and Wetlands

Riparian vegetation, riparian corridors, and wetlands (including vernal pools) are designated as ESH within the County’s proposed ESH Overlay district map for the Plan area, such that the presence of this habitat type on a development site triggers the application of the requirements of the ESH protection policies and provisions of the County’s certified LCP, the Coastal Act, and the proposed Plan. The County proposes Policies ECO-EGV-6.3, ECO-EGV-6.4, and ECO-EGV-6.5, and Development Standards ECO-EGV-6H, ECO-EGV-6J, ECO-EGV-6L, and ECO-EGV-6N for the Plan area to provide specific protections, in addition to the general ESH protections policies and provisions of the proposed Plan (see “*Environmentally Sensitive Habitat*” Section above), for riparian and wetland habitat.

The County proposes Policy ECO-EGV-6.3 as a general policy to require the protection of riparian vegetation by limiting its removal and requiring restoration where removal is unavoidable. Specifically, proposed Policy ECO-EGV-6.3 allows the removal of riparian vegetation only where necessary to maintain free flowing channel conditions, remove invasive exotic species, provide essential public services, or where prohibiting removal would preclude reasonable use of a parcel. Proposed Development Standard ECO-EGV-6J requires the revegetation of riparian plants that are removed pursuant to permitted activities within stream corridors, and specifies that revegetation must be conducted with local native plants and consistent with all other vegetation restoration requirements of the proposed Plan. Proposed Development Standard ECO-EGV-6H requires projects involving alluvial well extractions and stream diversion to include contingencies for maintaining stream flow and monitor the long-term effects of these activities on surface stream flow and riparian vegetation. As proposed, Policy ECO-EGV-6.3 and Development Standards ECO-EGV-6H and ECO-EGV-6J are consistent with the broad requirements of Coastal Act Sections 30230, 30231, and 30240 to protect and restore the biological resources of the marine environment and ESH areas. As proposed, Policy ECO-EGV-6.3 and Development Standard ECO-EGV-6J are consistent with Policy 9-36 of the certified LUP which requires the preservation of native vegetation during site development, and more specifically, with LUP Policy 9-40 which limits the removal of riparian vegetation and requires revegetation of all riparian vegetation adversely impacted by development. As proposed, Development Standard ECO-EGV-6H is consistent with Coastal Act Sections 30230, 30231, and 30240 because the development standard protects stream flows and riparian vegetation by requiring projects that have the potential to alter stream flows to include contingencies for maintaining stream flows and monitor the project’s long-term impacts on surface stream flows and riparian vegetation.

The County proposes Policy ECO-EGV-6.4 as a general policy to require the maintenance of undisturbed natural stream channels and conditions to protect stream banks from erosion, enhance wildlife corridors, and provide natural greenbelts. Proposed Policy ECO-EGV-6.5 requires the County to seek opportunities to conduct restoration of wetland areas and their surrounding habitats that have been adversely impacted by pollution and artificial stream channelization. As proposed, Policies ECO-EGV-6.4 and ECO-EGV-6.5 are consistent with the general intent of Coastal Act Section 30233, LUP Policy 9-6, and Section 35-97.9 of the IP/CZO to limit disturbances of coastal waters, because both proposed policies support the preservation of streams and wetland areas in their natural condition and the restoration of disturbed wetlands.

The County proposes Development Standard ECO-EGV-6L to require a formal wetlands and riparian habitat delineation of a site proposed for development if riparian habitat or wetlands are identified and have the potential to be adversely impacted by the proposed development. The proposed development standard provides criteria for the methods to be used in preparing riparian habitat and wetlands delineations. Proposed Development Standard ECO-EGV-6N requires a demonstration of compliance with USACE CWA Section 404 nationwide permit requirements, RWQCB's CWA Section 401 Water Quality Certification requirements, and obtainment of a CDFW's California Fish and Game Code Section 1601/1603 Streambed Alteration Agreement before construction-related activities can begin on a site proposed for development of a project with unavoidable impacts to wetland habitat. As proposed, Development Standards ECO-EGV-6L and ECO-EGV-6N are consistent with the broad requirements of Coastal Act Sections 30230, 30231, and 30240 and LUP Policy 2-11 to protect the biological resources of the marine environment and ESH areas, because the proposed development standards require the identification (through delineation mapping) of wetland and riparian habitats and analysis (though permit compliance) of potential adverse impacts to these habitat areas from development. As proposed, Development Standard ECO-EGV-6L effectuates the general intent of LUP Policies 9-14 and 9-21 (and Section 35-97.11 of the IP/CZO) by requiring a formal delineation of riparian and wetland habitat so that all new development, including development siting and design, construction and land use activities, and landscaping, can avoid any adverse impacts to the ESH areas.

The County proposes Development Standard ECO-EGV-6G to provide measures for the protection and restoration of riparian vegetation. As proposed, Development Standard ECO-EGV-6G does not provide for the avoidance of adverse impacts to riparian vegetation wherever feasible, and the minimization of adverse impacts to riparian vegetation when avoidance is infeasible. Additionally, Development Standard ECO-EGV-6G requires the protection of riparian vegetation but only requires "reasonable" restoration of disturbed riparian vegetation. Therefore, in order to conform to the requirements of Coastal Act Section 30240 and LUP Policy 2-11 which require the protection of ESH areas, and Policy 9-40 which limits the removal of riparian vegetation and requires revegetation of all riparian plants disturbed by development, **Suggested Modification No. 9** (Exhibit 1) to Development Standard ECO-EGV-6G is required. Suggested Modification No. 9 adds provisions to clarify that adverse impacts to riparian vegetation must be avoided, and where avoidance is infeasible, adverse impacts must be minimized. Suggested Modification No. 9 also clarifies that restoration, not merely "reasonable" restoration, will be required where development has unavoidable impacts to riparian vegetation

within the Plan area. Suggested Modification 9 to Development Standard ECO-EGV-6G adds a provision to include buffer reductions for buffer areas between riparian vegetation and development as an adverse impact that triggers the restoration requirements of the development standard where needed and clarifies that resource-dependent uses may be allowed within riparian habitats if consistent with the requirements of Coastal Act Section 30240. **Suggested Modifications Nos. 2 and 13** (Exhibit 1) are also necessary to require further analysis and provide evidentiary requirements if the application of the Development Standard ECO-EGV-6G precludes reasonable use of a parcel. As modified, Development Standard ECO-EGV-6G is consistent with the requirements of Coastal Act Section 30240 and LUP Policies 2-11 and 9-40.

The County proposes Development Standard ECO-EGV-6I to provide limitations on structures that may be located within riparian corridors. However, the standard appears to combine the mandates of Coastal Act Sections 30236 and 30240 in a manner that does not properly or fully implement either policy. Riparian corridors are designated as ESH under the LCP and proposed Development Standard ECO-EGV-6I would allow various flood control developments within them, which are not resource dependent uses and would be inconsistent with Coastal Act Section 30240. As proposed, Development Standard ECO-EGV-6I broadly allows “alternative structures” within stream corridors without any provided definition as to what constitutes an ‘alternative structure.’ Development Standard ECO-EGV-6I also provides a broad exception to the limitation of development within stream corridors where the limitation on development would preclude reasonable use of parcel. However, as proposed, the development standard does not provide any requirement to demonstrate that a limitation on development within a stream would result in a taking of private property. Therefore, **Suggested Modification No. 9** (Exhibit 1) to Development Standard ECO-EGV-6I is necessary to limit the application of the proposed development standard to apply only to the inland portion of the Plan area such that the proposed development standard would no longer be applicable to the coastal zone portion of the Plan area. Other policies proposed or suggested to be modified for the Plan area would serve to more effectively implement the specific requirements of Coastal Act Section 30236 and 30240.

The County proposes Development Standard ECO-EGV-6K to provide requirements for stream and riparian corridor restoration. **Suggested Modification No. 9** (Exhibit 1) to Development Standard ECO-EGV-6K makes minor clarifications regarding the resource the development standard is proposing to protect and the intention of the development standard to avoid lighting and noise impacts to riparian habitats. If modified as suggested, Development Standard ECO-EGV-6K is consistent with the general ESH and native vegetation protection requirements of Coastal Act Section 30240 and LUP Policies 2-11 and 9-36, and the specific riparian resource protection requirements of LUP Policy 9-37 and Section 35-97.19 of the IP/CZO.

The County proposes Development Standards ECO-EGV-6M and ECO-EGV-6O to provide mitigation criteria for unavoidable impacts to sensitive biological resources, including the wetlands, vernal pools and waters of the Plan area. As proposed, Development Standard ECO-EGV-6M allows mitigation for adverse impacts to wetlands and coastal waters to be based on project design and requires only a 2:1 minimum replacement ratio to mitigate for impacts to sensitive biological resources. Coastal Act Sections 30230 and 30231 provide generally for the protection of marine resources and require the avoidance of adverse impacts to coastal waters, and the LUP contains numerous policies and provisions that require the protection of coastal

waters and provide specifically for the protection of wetlands (LUP Policies 9-8, 9-9, 9-10, 9-11, 9-12, 9-13, 9-14, 9-15, and 9-16(a)) and vernal pools (LUP Policies 9-19, 9-20 and 9-21). Due to the heightened protection provided in both the Coastal Act and the LUP, **Suggested Modification No. 9** (Exhibit 1) to Development Standard ECO-EGV-6M is needed to clarify that mitigation should never be based on project design, but rather, mitigation for impacts to wetlands and coastal waters should be developed based exclusively on the type of resource impacted. Additionally, Suggested Modification No. 9 to Development Standard ECO-EGV-6M is needed to increase the minimum mitigation replacement ratio for wetlands to 4:1. A minimum replacement ratio of 4:1 for wetlands is more consistent with past Commission actions taken to certify wetland impact mitigation ratios for other planning areas in the south coast region. Due to interim losses in habitat acreage and functional capacity, and because the success and resulting value of compensatory mitigation projects for wetlands are uncertain, this mitigation ratio is necessary to compensate for the wetland habitats lost through development. **Suggested Modification No. 9** (Exhibit 1) also adds provisions to Development Standard ECO-EGV-6O to require mitigation for impacts to vernal pools to be managed by a qualified vernal pool restoration ecologist due to the complex and highly fragile nature of vernal pools and to clarify that the mitigation measures provided by the development standard are not comprehensive to allow for additional mitigation measures not listed if appropriate. As modified, Development Standards ECO-EGV-6M and ECO-EGV-6O are consistent with the resource protection policies of the Coastal Act and the LUP that address coastal waters.

The More Mesa Site

The More Mesa site consists of seven vacant parcels (APNs 065-320-001, 002, 004, 007 through 010) totaling approximately 300 acres and located on a gently sloping coastal terrace that is bisected by two deep canyon systems that drain the majority of the terrace northward into Atascadero Creek. The site is bordered on the north by residential development and Atascadero Creek, on the south by steep coastal bluffs, wide sandy beaches and the Pacific Ocean, on the east by estate residential development, and on the west by a mix of residential development and agricultural land uses.

The site contains numerous trails that provide passive public recreational opportunities for hikers, cyclists, equestrians and beach users. Of the approximately 300 total acres of the site, 246 acres are designated as ESH within the ESH Overlay map proposed for the Plan area. The More Mesa site's ESH areas consist of wetlands, oak woodlands, and roosting/nesting habitat for four sensitive species of raptors (kite, northern harrier, burrowing owl, and short-eared owl). On-site grasslands provide large, undisturbed foraging, nesting, and burrowing grounds and buffer areas for many additional species of wildlife, including listed and protected species such as loggerhead strike, yellow warbler and grasshopper sparrow. The site is recognized as part of an ecosystem of regional importance due to its proximity to, and interrelationship with, the Atascadero Creek ecosystem.

With the exception of a 35-acre County-owned open space parcel, the remainder of the 300-acre property is privately owned and designated Planned Development under the existing certified Goleta Community Plan that would allow potential development of up to 40 acres with up to 70 residential units along with long-term protection of the site's biological and aesthetic character.

Due to the significance of the designated biological resources onsite, the policies of the County's certified LCP and Goleta Community Plan related to the More Mesa site and the proposed policies of the Eastern Goleta Valley Community Plan require the development and certification through an LCP amendment of a Specific Plan for any future development of the site. The County is proposing to retain the existing certified land use, zoning, and policies specific to the More Mesa site, with the exception of a few clarifications and additions to better address public views, land use compatibility between future development at More Mesa and the existing lower density development at adjacent Hope Ranch Park, and to clarify that no applications for development shall be accepted prior to approval of a Specific Plan for the entire site. The County proposes Development Standard LUDS-EGV-1A to require the preparation of a Specific Plan prior to the acceptance of applications for development of the More Mesa site and provide specific criteria for the development of the Specific Plan. Section 35-175 of the IP/CZO requires the development of Specific Plans for potential development sites that can be characterized as a group of parcels in separate ownership that are suitable for a combination of uses. In such a situation, comprehensive site planning through the preparation of a Specific Plan allows for greater flexibility in siting development to avoid adverse impacts to sensitive environmental resources and greater opportunities to formally dedicate contiguous areas of the site to remain as undeveloped open space and habitat areas. The preparation of a Specific Plan allows for a much more precise level of planning than is appropriate in a community plan or LUP. Due to the extensive amount of ESH areas, including sensitive vegetation, wildlife and habitat resources, identified to date on the More Mesa site (see tables above) and the nature of the site as being undeveloped and comprised of a group of parcels in separate ownership, the requirement of Development Standard LUDS-EGV-1A for the preparation of a Specific Plan is necessary to allow for the siting of all new development to avoid ESH areas and ESH buffer areas and to preserve a significant portion of the site as undeveloped open space in order to protect the sensitive habitat.

As proposed, Development Standard LUDS-EGV-1A applies the ESH protection policies and provisions of the proposed Plan to any future development of the More Mesa site, which would allow for only 50-foot ESH setback areas from development on the More Mesa site. In order to protect the unique and site-specific biological resources of the More Mesa site (identified and discussed above), consistent with the protection of ESH required by Coastal Act Section 30240 and LUP Policy 2-11, **Suggested Modification No. 3** (Exhibit 1) to LUDS-EGV-1A necessitates the development of separate ESH buffer and other wetlands and ESH protection policies specifically for the site as part of the development of the Specific Plan. Suggested Modification No. 3 (Exhibit 1) to Development Standard LUDS-EGV-1A is also necessary to clarify that any new development (with certain exceptions for allowable minor public improvements such as trails and signs) on the More Mesa site should be sited outside of designated ESH areas and buffer areas and confined to the developable areas depicted on Figure 13 of the proposed Plan and that higher density development is required to be clustered toward the northeastern portion of the developable area. As modified, Development Standard LUDS-EGV-1A is consistent with the ESH protection requirements of the Coastal Act and the LUP. It is important to note that before the Specific Plan will be used to determine development on the More Mesa site, the Specific Plan must be certified by the Coastal Commission as an LCP amendment.

The County also proposes Development Standards LUDS-EGV-1B and LUDS-EGV-1C to provide criteria for any increase to the developable area delineated in Figure 13 of the proposed Plan and to require the preparation of a habitat protection and management plan concurrent with environmental review of any future proposed development on the More Mesa site. As proposed, Policy LUDS-EGV-1.1 and Development Standards LUDS-EGV-1B and LUDS-EGV-1C are consistent with the policies and provisions of the Coastal Act and the County's certified LCP for the protection of ESH areas and native vegetation.

The County proposes Development Standard LUDS-EGV-1D to require a minimum of twenty percent of the More Mesa site to be dedicated to the County (or another appropriate public agency and/or private organization) to be set aside for public use. The proposed development standard requires a majority of the dedicated area to be located adjacent to the dry sandy beach, requires the dry sandy beach portion of the site to be included in the public space area, and requires the preservation of an additional area of undeveloped bluff top terrace to be set aside as public space. The County proposes Development Standards LUDS-EGV-1E and LUDS-EGV-1F to provide requirements for the development of public trails and beach access and associated public parking on the More Mesa site. Section 30210 of the Coastal Act requires the provision of maximum public access to recreational opportunities within the coastal zone. Coastal Act Section 30211 proscribes development from interfering with the public's right of access to the coast, and Section 30212(a) of the Coastal Act, LUP Policies 7-2 and 7-3, and Section 35-61 of the IP/CZO require the provision of public access in new development projects. Coastal Act Section 30212.5 requires the provision of sufficient public parking in new development projects. As proposed, Development Standards LUDS-EGV-1D, LUDS-EGV-1E, and LUDS-EGV-1F are consistent with the public access provisions of the Coastal Act and the County's certified LCP because these development standards ensure that any future development at the More Mesa site will include a public use component, including but not limited to public trails, public beach access, and the provision of public parking.

The County proposes Development Standards LUDS-EGV-1G and LUDS-EGV-1H to require the siting and design of new development on the More Mesa site to preserve the existing visual resources of the site and to avoid designated ESH areas of the site. The County proposes Development Standard LUDS-EGV-1I to require the use of drought tolerant native species and non-native species in all landscaping and development screening at the More Mesa site. As proposed, Development Standard LUDS-EGV-1I allows for the use of non-native species to create ESH buffer areas from new development on the More Mesas site. Therefore, in order to meet the requirements of Coastal Act Section 30240 and LUP Policy 2-11 which require the protection of ESH areas from any adverse impacts, **Suggested Modification No. 3** (Exhibit 1) to Development Standard LUDS-EGV-1I is necessary to preserve the integrity of designated ESH areas and avoid the introduction of harmful plant species to designated ESH areas of the site. If modified as suggested, Development Standard LUDS-EGV-1I is consistent with Coastal Act Section 30240 and LUP Policy 2-11 because the standard now clarifies that drought tolerant native species shall be used to create ESH buffer areas from new development and non-native trees may be used for landscaping outside of ESH buffer areas to screen new development from public use areas.

In order to further protect the existing visual resources at the site, Development Standard LUDS-EGV-1J requires new development to utilize natural building materials and colors that are compatible with the site's surrounding terrain and Development Standard LUDS-EGV-1L requires a 50-foot landscaped buffer area between the existing, adjacent development of Hope Ranch and any new development on the More Mesa site. Coastal Act Section 30240 requires the protection of ESH areas from any adverse impacts of development. Coastal Act Section 30251 requires the protection of visual resources within the coastal zone, Policy 3-14 of the LUP requires new development to preserve the natural features, landforms, and native vegetation of the development site, and Policy 4-4 (and Section 35-59 of the IP/CZO) encourages the clustering of new development. As proposed, Development Standards LUDS-EGV-1G, LUDS-EGV-1H, LUDS-EGV-1J, and LUDS-EGV-1L are consistent with the visual resource and ESH protection policies of the Coastal Act and the County's LCP because these standards require any new development on the More Mesa site to preserve the existing visual resources of the site, to create a buffer to visually screen any new development from existing adjacent development, and to cluster structures so as to avoid any designated ESH areas and identified sensitive wildlife species.

Water Resources

The Coastal Act and the County's certified LUP contain numerous policies for the protection of water resources (See Sections IV.E.1 and IV.E.2 above). The County proposes Goal #6 to broadly provide for the conservation of water and Objective WAT-EGV-1 to broadly protect the County's water supply, including the quality of groundwater basins. Further, Proposed Policy WAT-EGV-1.5 provides for the protection of groundwater recharge areas. Proposed Policies WAT-EGV-1.1, WAT-EGV-1.2, and WAT-EGV-1.3 collectively address the required analysis for consideration of the available water supply in land use planning decisions. As proposed, these policies are consistent with the general requirements of Coastal Act Sections 30230 and 30231 to protect the quality of coastal waters, and the more specific requirements of LUP Policies 2-2 and 3-19 to protect the quality of groundwater basins.

The County proposes Objective WAT-EGV-2 to provide additional policy framework for the conservation of water resources within the Plan area. Policies WAT-EGV-2.1 and WAT-EGV-2.2 and Program WAT-EGV-2A require development to utilize water conserving landscaping, low flow irrigation and plumbing. As proposed, Objective WAT-EGV-2, Policies WAT-EGV-2.1 and WAT-EGV-2.2, and Program WAT-EGV-2A are consistent with the broad requirements of Coastal Act Sections 30230 and 30231 to protect water resources within the coastal zone, and the more specific directive of LUP Policy 2-5 to utilize water-conserving devices in all new development.

The County proposes Policy WAT-EGV-2.3 to restrict the sources for desalinated water to established public water purveyors. Proposed Objective WAT-EGV-3 encourages the use of recycled and reclaimed water sources where appropriate, and Policies WAT-EGV-3.1, WAT-EGV-3.2, WAT-EGV-3.3 and WAT-EGV-3.4 provide regulations to safely implement this objective. As proposed, these policies are consistent with the requirements of Coastal Act Sections 30230 and 30231 to maintain water resources by diversifying the water resource

portfolio for the Plan area to reduce potable water consumption and the general requirements of the Coastal Act to protect coastal resources through the safe use of recycled and reclaimed water.

The County proposes Policy WAT-EGV-1.4 to encourage efforts to comprehensively monitor the use of private water wells. As proposed, Policy WAT-EGV-1.4 only encourages the County to collect data to monitor the private extraction of groundwater within the Plan area. LUP Policies 2-2 and 3-19 require the protection of the long-term integrity and quality of groundwater basins within the County. Specifically, LUP Policy 2-2 requires a determination of the safe yield for groundwater basins within the County and prohibits the extraction of groundwater from exceeding the determined safe yield of the groundwater basin. As proposed, Policy WAT-EGV-1.4 does not require, but rather, encourages the County to monitor the private extraction of groundwater. If the private extraction of groundwater is not monitored, the County would be unable to recognize when the safe yield of the groundwater basin is exceeded. As such, **Suggested Modification No. 8** to Policy WAT-EGV-1.4 is necessary to generally clarify that the County must protect the quality and quantity of groundwater resources, specifically prohibit non-agricultural groundwater wells in areas that can be, or already are, serviced by a public water district or existing mutual water company, and require the extraction of groundwater from all new groundwater wells or replacement wells to be monitored and reported to the County. If modified as suggested, Policy WAT-EGV-1.4 is consistent with the requirements of Coastal Act Sections 30230 and 30231 to protect and maintain water resources and the requirements of LUP Policies 2-2 and 3-19 to protect the long-term quality and integrity of groundwater basins within the County.

The County proposes Policy WAT-EGV-1.6 to discourage creek channelization and the use of other impermeable paving to maximize groundwater recharge. As proposed, Policy WAT-EGV-1.6 only discourages creek channelization and the general use of impermeable paving. Coastal Act Section 30236, LUP Policy 9-38 and IP/CZO Section 35-97.9 narrowly allow creek channelization and the substantial alteration of streams for necessary water supply projects, for flood control projects to protect existing development or where necessary for public safety, and development primarily intended to improve fish and wildlife habitat. Coastal Act Section 30236, LUP Policies 9-40 and 9-43, and IP/CZP Section 35-97.19 require the best mitigation measures feasible to avoid, minimize and eliminate adverse impacts to stream channels and stream banks. In addition, LUP Policy 9-43 prohibits any further channelization or other major stream alteration within the coastal zone unless consistent with the requirements of Coastal Act Section 30236. Therefore, **Suggested Modification No. 8** to Policy WAT-EGV-1.6 is necessary to strengthen the policy to limit the substantial alteration of creeks and streams and require mitigation for impacts to stream channels and stream banks for allowed channelization projects, consistent with the requirements of Coastal Act Section 30236 and the LCP. If modified as suggested, Policy WAT-EGV-1.6 is consistent with the requirements of Coastal Act Section 30236 and the LCP to limit the channelization or other substantial alteration of streams and mitigate for any adverse impacts to stream channels and stream banks.

As proposed, the Plan contains no policy to require an analysis of the available water supply for subdivisions and development projects that result in increased residential density. Therefore, **Suggested Modification No. 8** (Exhibit 1) includes new Policy WAT-EGV-1.7 to ensure that subdivisions of land and all new development that results in increased residential density is

analyzed sufficiently to ensure that enough water supplies exists to serve existing commitments and the proposed new development.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, as submitted, is consistent with the policies of Chapter 3 of the Coastal Act concerning the protection of water resources.

Hydrology, Drainage, and Stormwater Runoff

The County proposes Goal #12, Objective HYD-EGV-1, Policies HYD-EGV-1.1 and HYD-EGV-1.2, and Development Standards HYD-EGV-1A and HYD-EGV-1B to provide a regulation framework to avoid and minimize the adverse impacts from the introduction of pollution, including contaminated runoff, into all coastal waters (including sloughs, rivers, streams, coastal wetlands, and intertidal areas), and ESH and riparian areas. Specifically, Policy HYD-EGV-1.1 proposes to require the avoidance or minimization of the introduction of contaminated urban and agricultural runoff into all coastal waters, and Policy HYD-EGV-1.2 proposes to require untreated outfalls to be located outside of and relocated from ESH and riparian areas. Development Standard HYD-EGV-1A proposes to require biofilters, including bioswales, to be installed in paved areas to catch and filter urban runoff before it is introduced into nearby coastal waters, and Development Standard HYD-EGV-1B proposes to restrict the washing of construction and industrial materials to areas where the polluted water byproduct can be contained and treated in appropriate settings. As proposed, Goal #12, Objective HYD-EGV-1, Policies HYD-EGV-1.1 and HYD-EGV-1.2, and Development Standards HYD-EGV-1A and HYD-EGV-1B are consistent with the requirements of Coastal Act Sections 30230 and 30231 to protect and maintain the biological productivity of coastal waters through the control of runoff. The proposed goal, objective, policies, and development standards are also consistent with the requirements of LUP Policies 3-19 and 9-14 to prohibit development from degrading the water quality of groundwater basins, streams, and wetlands.

The County proposes Development Standard HYD-EGV-2A to require the preparation of a hydrologic or hydraulic report by a Registered Civil Engineer for all development within a flood hazard area that requires channel improvements, and to set discharge rates for channel improvements and revegetation requirements for all creek banks adjacent to, and adversely impacted by, channel improvements. As proposed, Development Standard HYD-EGV-2A provides no limitation on allowable improvements within creek channels. Coastal Act Section 30236, LUP Policy 9-38 and IP/CZO Section 35-97.9 narrowly allow creek channelization and the substantial alteration of streams for necessary water supply projects, for flood control projects to protect existing development or where necessary for public safety, and development primarily intended to improve fish and wildlife habitat. Coastal Act Section 30236, LUP Policies 9-40 and 9-43, and IP/CZP Section 35-97.19 require the best mitigation measures feasible to avoid, minimize and eliminate adverse impacts to stream channels and stream banks. Therefore, **Suggested Modification No. 9** (Exhibit 1) is necessary to add Development Standard HYD-EGV-2C and modify Development Standard HYD-EGV-2A to limit the substantial alteration of creeks and streams and clarify the mitigation required for impacts to stream channels and stream banks for allowed channelization projects, consistent with the requirements of Coastal Act Section 30236 and the LCP. If new Development Standard HYD-EGV-2C is added and

Development Standard HYD-EGV-2A is modified as suggested, these development standards can be found consistent with the requirements of Coastal Act Section 30236 and the LCP to properly limit the channelization or other substantial alteration of streams and mitigate for any adverse impacts to stream channels and stream banks.

The County proposes Policy HYD-EGV-2.3 to require the County Flood Control District to minimize impacts to stream channels during maintenance operations and utilize mitigation measures to fully restore stream channels and stream banks. Flood Control maintenance operations should always avoid impacts to coastal resources to the maximum extent feasible, and where avoidance is infeasible, minimize impacts to coastal resources to the maximum extent feasible. As such, **Suggested Modification No. 9** (Exhibit 1) to Policy HYD-EGV-2.3 is necessary to clarify that adverse impacts to coastal resources must be avoided to the maximum extent feasible, and if impacts cannot be avoided, adverse impacts must be minimized to the maximum extent feasible. Additionally, Suggested Modification No. 9 (Exhibit 1) to Policy HYD-EGV-2.3 is needed to remove a reference to an uncertified document to prevent any confusion as to the scope of the certified documents comprising the County's certified LCP. If modified as suggested, Policy HYD-EGV-2.3 is consistent with the requirements of Coastal Act Sections 30230 and 30231 to maintain and restore coastal waters, prevent substantial interference with surface water flows, maintain natural vegetation buffer areas that protect riparian habitat areas, and minimize the alteration of streams.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, as submitted, is consistent with the policies of Chapter 3 of the Coastal Act concerning hydrology, drainage and stormwater runoff.

Air Quality

Section 30253 of the Coastal Act requires development to minimize adverse impacts to air quality consistent with the requirements established by the air pollution control district or state Air Resources Board, and minimize energy consumption and vehicle miles traveled. In addition, Sections 30230, 30231, and 30240 of the Coastal Act generally prohibit the degradation or disruption of marine resources and sensitive habitats, which includes adverse impacts to air quality within and adjacent to coastal waters and sensitive habitat areas. The County proposes Goal #11, Objectives AQ-EGV-1 and AQ-EGV-2), Policies AQ-EGV-1.1, AQ-EGV-1.2, AQ-EGV-1.3, AQ-EGV-1.4, and AQ-EGV-2.1, and Development Standards AQ-EGV-1A, AQ-EGV-1B, AQ-EGV-1C, AQ-EGV-1D, AQ-EGV-2A, AQ-EGV-2B, AQ-EGV-2C, AQ-EGV-2D, and AQ-EGV-2E to provide a regulatory framework to prevent land use and development within the Plan area from adversely impacting regional air quality or contributing to global climate change. Collectively, these goals, objectives, policies, and development standards impose restrictions and implement detailed measures to avoid adverse impacts to air quality from construction activities, vehicle trips and vehicle miles traveled, marine shipping routes, residential development (including housing and care facilities), projects that anticipate significant odors, and wood-burning fireplaces. As proposed, Goal #11, Objectives AQ-EGV-1 and AQ-EGV-2), Policies AQ-EGV-1.1, AQ-EGV-1.2, AQ-EGV-1.3, AQ-EGV-1.4, and AQ-EGV-2.1, and Development Standards AQ-EGV-1A, AQ-EGV-1B, AQ-EGV-1C, AQ-EGV-1D, AQ-EGV-2A, AQ-EGV-2B, AQ-EGV-2C, AQ-EGV-2D, and AQ-EGV-2E are consistent with

the requirements of Section 30253 of the Coastal Act to minimize any adverse impacts to air quality, energy consumption, and vehicle miles traveled and the broader requirements of Coastal Act Sections 30230, 30231 and 30240 to protect marine and land resources from any adverse impacts of development.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, as submitted, is consistent with the policies of Chapter 3 of the Coastal Act to protect air quality.

Maps

The County proposes Figure 22 (page 129 of the Plan) to provide an Environmentally Sensitive Habitat Overlay map for the Plan area to assist in the identification of ESH areas and, if identified, trigger the ESH protection policies and provisions of the Plan and the County's LCP. The proposed ESH Overlay map was originally certified by the Coastal Commission pursuant to the certification of the Goleta Community Plan, and is now proposed by the County for certification within the Eastern Goleta Valley Community Plan without change.

Additionally, the County proposes Figure 21 (page 123 of the Plan) to provide a map of watersheds within the Plan area. The County also proposes Figure 23 (page 131 of the Plan) to provide a map depicting Atascadero Creek as a designated Greenway and Wildlife Corridor. As proposed, Figures 21 and 23 are consistent with the requirements of the water resource and habitat protection provisions of the Coastal Act because these figures identify and assign heightened protection for water and habitat resources within the Plan area.

For all of the reasons stated above, the Commission finds that the proposed Land Use Plan amendment, as suggested to be modified, is consistent with the applicable environmentally sensitive habitat and water resource protection policies of Chapter 3 of the Coastal Act.

5. Amendment to IP/CZO

Exterior Lighting

The County proposes to amend Division 7 (General Regulations) and Division 14 (Eastern Goleta Valley Community Plan Overlay District) of the IP/CZO portions of the LCP to include exterior lighting regulations for the Plan area. Specifically, the County's proposed exterior lighting regulations require the preparation of a lighting plan for permit applications that include outdoor light fixtures, the use of hooded outdoor lighting, and the prohibition of mercury vapor lights and downward unobstructed beams of light within or adjacent to existing residential development. In addition, the County's proposed outdoor lighting regulations restrict the use of illuminated advertising signs, outdoor recreational facility lighting, and high intensity lights (e.g., search lights and laser source lights) while also providing certain exemptions from these restrictions for outdoor lighting lawfully installed prior to the effective date of the subject ordinance amendment, fossil fuel lights, traffic control signs and devices, street lights installed prior to the effective date of the subject ordinance amendment, temporary emergency lighting, moving vehicle lights, season decorations, special events, security lights, solar walkway lights, and temporary lighting for agricultural activities. Collectively, these exterior lighting regulations

are intended to minimize light pollution, glare, and light trespass, as well as conserve energy and preserve the nighttime sky. As proposed, the exterior lighting regulations are consistent with the general habitat and sensitive resource protection policies of Coastal Act Section 30240 and LUP Policies 2-11 and 9-1, because these proposed lighting regulations reduce the adverse impacts of excessive outdoor lighting by providing a regulation framework to restrict and limit the use of outdoor lighting. Accordingly, they conform with and are adequate to carry out, the provisions of the certified LUP, as amended.

Maps

As discussed above, the County proposes to amend the IP/CZO to incorporate Figures 21, 22 and 23 to provide a map of watersheds within the Plan area, an Environmentally Sensitive Habitat Overlay map for the Plan area, and a map depicted Atascadero Creek as a designated Greenway and Wildlife Corridor, respectively. As discussed, the proposed ESH Overlay map (Figure 22) was originally certified by the Coastal Commission pursuant to the certification of the Goleta Community Plan, and is now proposed by the County for certification within the Eastern Goleta Valley Community Plan without change. As proposed, Figures 21 and 23 are consistent with the requirements of the water resource and habitat protection provisions of the Coastal Act and the County's LUP because these figures identify and assign heightened protection for water and habitat resources within the Plan area.

For the reasons stated above, the Commission finds that the proposed IP/CZO amendment, as proposed, conforms with and is adequate to carry out the applicable environmentally sensitive habitat and water resource protection policies of the LUP as amended.

F. HAZARDS AND BLUFF AND SHORELINE DEVELOPMENT

1. Coastal Act Policies

Section 30235 of the Coastal Act states:

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

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

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

2. Existing LUP Policies

Policy 3-1:

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

Policy 3-2:

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

Policy 3-3:

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

Policy 3-4:

In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide Interpretive Guidelines regarding "Geologic Stability of Bluff top Development."

Policy 3-5:

Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and

minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.

Policy 3-6:

Development and activity of any kind beyond the required bluff-top setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.

Policy 3-7:

No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.

Policy 3-12:

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

Policy 3-14:

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

Policy 3-17:

Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.

Policy 3-18:

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

3. LUP Amendment Consistency Analysis

Section 30253(a) and (b) of the Coastal Act requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazards, assure stability and structural integrity, and avoid causing erosion, geologic instability or destruction of the site or area. It also disallows new development that requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Notwithstanding this general limitation on the construction of shoreline armoring, Section 30235 of the Coastal Act provides that revetments, breakwaters, groins, seawalls, and cliff retaining walls and other structures that alter natural shoreline processes are permitted when necessary to serve coastal dependent uses, protect existing development or public beaches in danger from erosion, and when the protection device is designed to avoid and mitigate adverse impacts on local shoreline sand supply, public access, and other coastal impacts.

LUP Policy 3-1 prohibits the use of seawalls unless the County makes the determination that there are no other less environmentally damaging alternatives reasonably available to protect existing development and adequate provisions for lateral beach access are made. LUP Policy 3-2 prohibits the construction of revetments, groins, cliff retaining walls, pipelines, and outfalls unless such slope protection, shoreline protection, and drainage systems are designed to avoid and mitigate adverse impacts to local shoreline sand supply and lateral beach access. LUP Policy 3-3 prohibits permanent structures on the dry sandy beach, with limited exceptions for facilities necessary for public safety, to avoid the need for future shoreline protection devices. LUP Policy 3-12 prohibits development from causing or contributing to flood hazards, and LUP Policy 3-14 requires development to be designed to avoid the alteration of natural landforms and native vegetation on the development site. LUP Policy 3-17 requires the revegetation of all graded soils with native vegetation and appropriate nonnative vegetation. LUP Policy 3-18 requires development to include and properly site drainage systems for water runoff to prevent the erosion of soils.

Flood Hazards

The County proposes Objective HYD-EGV-2 and Policies HYD-EGV-2.1 and HYD-EGV-2.2 to address the minimization of potential flood hazards. Policy HYD-EGV-2.1 proposes to require adequate setbacks between new development and flood hazards and Policy HYD-EGV-2.2 more specifically proposes to require minimum setbacks of 50 feet between new development and the top of creek bank while also allowing the upward adjustment of this minimum setback by County Flood Control when determined necessary to protect life and property from potential flood hazards. As proposed, Objective HYD-EGV-2 and Policies HYD-EGV-2.1 and HYD-

EGV-2.2 are consistent with the requirements of Section 30253 of the Coastal Act, which requires the minimization of risks to life and property in areas of high flood hazards. In addition, proposed Objective HYD-EGV-2 and Policies HYD-EGV-2.1 and HYD-EGV-2.2 are consistent with the general requirements of LUP Policy 3-12 to prohibit permitted development from causing or contributing to flood hazards.

The County proposes Development Standard HYD-EGV-2B to require the use of “natural” building materials for the construction or replacement of necessary flood control infrastructure. The proposed development standard defines natural building materials to include rock and wire revetment, heavy timber, and erosion control shrubs. However, rock and wire revetment and heavy timber are considered hard, intrusive measures for flood protection, because these measures are known to contribute significantly to erosion due to the placement of hard, fixed structures within environments that are naturally in a state of perpetual flux. As such, **Suggested Modification No. 9** (Exhibit 1) to Development Standard HYD-EGV-2B is necessary to clarify that the least environmentally damaging alternative that complies with all policies of the LCP and utilizes the least intrusive solution will be required for necessary flood control infrastructure wherever feasible. Suggested Modification No. 9 also clarifies that less intrusive solutions to flood protection include biostructures, vegetation, and soil bioengineering and that hard solutions include concrete or riprap channels, gabion baskets and channel redirection. If modified as suggested, Development Standard HYD-EGV-2B is consistent with the requirements of Coastal Act Section 30235 for shoreline protection devices to avoid adverse impacts on local shoreline sand supply. If modified as suggested, Development Standard HYD-EGV-2B is also consistent with the requirements of Coastal Act Section 30253 to minimize risks to life and property in areas of high flood hazards and avoid contributing significantly to erosion.

Bluff/Shoreline Development and Geologic Hazards

The County proposes Goal #14, Objective GEO-EGV-1, and Policies GEO-EGV-1.3 and GEO-EGV-1.4 to create a regulatory framework to protect life and property from geologic hazards and protect coastal bluffs within the Plan area from erosion. Proposed Policy GEO-EGV-1.3 requires the relocation of structures threatened by bluff retreat where feasible and consistent with the relevant provisions of the LUP. Proposed Policy GEO-EGV-1.3 also prioritizes relocation, through managed retreat, over the installation of shoreline protective devices. Proposed Policy GEO-EGV-1.4 requires all County Flood Control activities, including dredging, to be carried out in a manner that maintains the function of long-shore sand transport and enhances coastal sand supplies. As proposed, Goal #14, Objective GEO-EGV-1, and Policies GEO-EGV-1.3 and GEO-EGV-1.4 are consistent with the requirements of Coastal Act Section 30235 to avoid the adverse impacts of shoreline protective devices on local shoreline sand supply and the requirements of Coastal Act Section 30253 to minimize risks to life and property in areas of high geologic hazard, avoid contributing significantly to erosion, geologic instability, or the destruction of a site, and avoid the substantial alteration of natural landforms along bluffs and cliffs.

The County proposes Objective GEO-EGV-2, Policies GEO-EGV-2.2 and GEO-EGV-2.3, and Development Standards GEO-EGV-2A, GEO-EGV-2B and GEO-EGV-2C to provide regulations intended to retain the structural geologic integrity of the Plan area. Proposed Policy GEO-EGV-2.2 prohibits development on slopes of 30 percent or greater, limits development and

ground disturbances on slopes of 20 percent or greater, and encourages development on slopes of 20 percent or greater to minimize grading for driveway and building pad creation. Proposed Policy GEO-EGV-2.3 requires the use of erosion control measures, including drought-tolerant landscaping, in all development site drainages. Proposed Development Standards GEO-EGV-2A and GEO-EGV-2B provide procedural requirements for design review and landscaping plans for development on slopes greater than 20 percent, respectively. Proposed Development Standard GEO-EGV-2B is intended to ensure that graded areas on slopes greater than 20 percent are revegetated to prevent the erosion of soils. Proposed Development Standard GEO-EGV-2C requires all surface runoff to be captured and diverted to further prevent the erosion of soils on sloped development sites. As proposed, Objective GEO-EGV-2, Policies GEO-EGV-2.2 and GEO-EGV-2.3, and Development Standards GEO-EGV-2A, GEO-EGV-2B and GEO-EGV-2C are consistent with the requirements of Coastal Act Section 30253 to minimize the risk to life and property in areas of high geologic hazard and to avoid contributing significantly to erosion, geologic instability, or the destruction of a site. Proposed Objective GEO-EGV-2, Policies GEO-EGV-2.2 and GEO-EGV-2.3, and Development Standards GEO-EGV-2A, GEO-EGV-2B and GEO-EGV-2C are also consistent with the requirements of LUP Policy 3-14 to minimize grading and to site development to avoid areas of known geologic hazards, the requirements of LUP Policy 3-17 to utilize vegetation to stabilize and protect graded soils from erosion, and the requirements of LUP Policy 3-18 to route surface water into proper drainage courses to further prevent erosion.

The County proposes Policy GEO-EGV-1.1 to require development on coastal bluff-top property to be sited to avoid areas subject to erosion and designed to avoid reliance on shoreline protection devices. As proposed, Policy GEO-EGV-1.1 is silent in regards to development setbacks from the bluff edge and does not prohibit development on bluff faces. Structures on a bluff have the potential to adversely impact visual resources, public access where structures destabilize the bluff system, coastal bluff habitat, and coastal erosion hazards; such impacts are inconsistent with the resource protection policies of the Coastal Act and the LUP. Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. Coastal bluffs are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. Further, due to geologic structure and soil composition, bluffs are often susceptible to surficial failure, especially with excessive water infiltration.

The Commission notes that while structures located on a bluff slope may be feasible at the time of permit consideration from a geologic point of view, in order to maintain these structures, due to the dynamic system of bluffs, further improvements such as concrete block walls and/or other protective structures may later be necessary to ensure slope stability. In addition, it is often impossible to remove such structures in the future without harming or eroding the bluff. Retaining walls or other structures which are located on coastal bluffs result in adverse impacts to the shoreline sand supply through the retention of beach sand material which would naturally be released to the littoral system slowly over time. In addition, retaining walls or other supporting measures could result in further adverse impacts to natural landform alteration and visual resources from the public areas to and along the coast.

In past permit actions, the Commission has found that new development on a bluff face may potentially result in increased erosion and alteration of the bluff face and that such development is not consistent with the Coastal Act. Coastal Development Permit Application 5-97-300 (Nasr) for construction of a stairway and retaining wall on a coastal bluff was denied. Coastal Development Permit Application 4-95-110 (Nichols) for restoration of a bluff and construction of a drainage swale/stairway on the bluff face was approved only with the condition that revised plans for the deletion of the stairway/drainage device be submitted. Coastal Development Permit Applications 5-89-1045 (Campa), 5-90-1080 (Golod), and 5-91-632 (Zal) for the placement of new stairs on bluff slopes were denied by the Commission. Coastal Development Permit Application 5-85-758A (Norred) for an increase in the size of a blufftop single family residence and the addition of an elevator shaft where such additions would encroach onto the bluff face was denied by the Commission. Coastal Development Permit Application 5-90-830 (Sprik) for the construction of a single family residence located on a bluff face was also denied.

The Commission notes that bluffs are unique coastal landforms that are inherently unstable due to steep slopes, groundwater seepage and surface runoff and that any development or disturbance on such a steeply sloping unstable landform will only serve to accelerate erosional processes. Rain water running off such structures over time tends to undercut and erode the area of the bluff immediately behind the structure. Additionally, the loss of vegetation through the altering of the natural landforms increases the erosion potential.

New development on bluffs can result in cumulative adverse effects to marine and bluff habitat, including coastal bluff ESHA. Coastal bluff scrub is a rare and threatened plant community. Such communities have been displaced by physical structures along the coast and displaced by ornamental and invasive plant species used for landscaping. Any development on the bluff face that removes vegetation may simultaneously be removing nesting, feeding, and shelter habitat for shoreline animals which would result in a loss or change in the number and distribution of species.

In addition, development on a bluff face, such as stairs on a coastal bluff, are often visible from public viewing areas to and along the coast. The Commission notes that development on a bluff face does not serve to protect views from the public areas of the beach, minimize landform alteration, or restore and enhance visual resources in a degraded area and therefore such development is not consistent with Section 30251 of the Coastal Act.

The County's existing LUP contains Policy 3-7, which states that "no development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, ..." Because the policy is silent as to whether the engineered staircases or accessways are intended for private and/or public beach access, this has led to inconsistent interpretation of the existing certified LCP. The County has interpreted LUP Policy 3-7 to allow beach stairways for private use down the bluff face provided that they are appropriately engineered. However, given the very limited types of bluff face development that are consistent with Coastal Act and LCP policies, the most logical interpretation of LUP Policy 3-7 is that it does not allow engineered staircases for all private residential properties. Such an interpretation would result in the continued proliferation of private stairways on coastal bluffs, and resulting significant cumulative adverse impacts to visual resources, habitat, shoreline processes, and erosion hazards

as the bluff face is developed. The build-out potential for private stairways on bluff slopes is significant within the Plan area of Santa Barbara County given the number of residential parcels along the coast. Interpreting Policy 3-7 as allowing only *public* access staircases on bluff faces is more consistent with the Coastal Act's mandate to maximize public access as well as its directives to protect natural landforms, coastal processes, and other coastal resources.

Thus, in order to clarify the intent of GEO-EGV-1.1 in the manner most consistent with Chapter 3 of the Coastal Act and the resource protection policies of the certified LCP, the Commission finds that **Suggested Modification No. 9** (Exhibit 1) to Policy GEO-EGV-1.1 is necessary to clarify that the siting of development on coastal bluff-top property must include sufficient setbacks from the bluff edge to avoid contributing to the erosion of coastal bluffs and to prohibit development on coastal bluff faces with exceptions only for engineered staircases that provide public beach access and pipelines for scientific research and coastal dependent industry. Suggested Modification No. 9 (Exhibit 1) also adds an internal reference to link Policy GEO-EGV-1.1 to the requirements of Policy GEO-EGV-1.2 (discussed directly below) for analyzing and determining a sufficient setback from the bluff edge for coastal bluff-top development.

Lastly, Suggested Modification No. 9 (Exhibit 1) to Policy GEO-EGV-1.1 includes a provision to prohibit drainage devices on bluff faces where feasible. If modified as suggested, Policy GEO-EGV-1.1 is consistent with the applicable requirements of the Coastal Act and LUP.

The County proposes Policy GEO-EGV-1.2 to require development on coastal bluff-top property to be sited and designed to include a sufficient setback from the bluff edge to avoid 100 years of bluff erosion. Proposed Policy GEO-EGV-1.2 also includes a general provision requiring a consideration of climate change and sea-level rise during the planning and design phases for coastal bluff-top development. In order to bring greater specificity to this policy regarding the determination of sufficient setbacks for coastal bluff top development, **Suggested Modification No. 9** (Exhibit 1) states the intention of the policy as the avoidance of the threat of bluff erosion, slope instability, the alteration of natural landforms, and adverse impacts to coastal resources such as public access to the beach and public views of the ocean. Suggested Modification No. 9 (Exhibit 1) to Policy GEO-EGV-1 also clarifies that the analysis of climate change and sea-level rise must be based on the best available science and, further, that the analysis should not consider reliance on existing or future slope and shoreline protection devices. If modified as suggested, proposed Policy GEO-EGV-1.2 is consistent with the requirements of Coastal Act Sections 30235 and 30253 to avoid the use of shoreline protective devices for new, non-coastal-dependent development and to avoid the alteration of natural landforms and shoreline processes. Suggested Modification No. 9 (Exhibit 1) to Policy GEO-EGV-1.2 for the requirement of using best available science in the analysis of climate change and sea-level rise provides consistency with Coastal Act Section 30253 because this requirement ensures that risks from geologic hazards are avoided, and if necessary, minimized by land use planning that is based upon the latest and most accurate principles and projections of climate change science.

The County proposes Policy GEO-EGV-2.1 to prohibit excessive grading intended to create or enhance private views. However, the requirements of Coastal Act Section 30253 to avoid creating or contributing to erosion and LUP Policy 3-14 to preserve natural landforms and keep grading to an absolute minimum are more protective of geologic stability and thus would be

inconsistent with proposed Policy GEO-EGV-2.1. Therefore, **Suggested Modification No. 9** (Exhibit 1) to Policy GEO-EGV-2.1 is necessary to remove the policy's reference to excessive grading and clarify that no grading shall be allowed for the purpose of private view enhancement. If modified as suggested, Policy GEO-EGV-2.1 is consistent with the requirements of Coastal Act Section 30253 and LUP Policy 3-14.

The County proposes Development Standard GEO-EGV-1A to require the performance of site-specific analysis by a registered or certified geologist to identify any potential geologist hazards or adverse impacts of development on coastal resources prior to project review and permit approval for development proposed to be located on coastal bluff-top property sites. Further, proposed Development Standard GEO-EGV-1A requires this site-specific analysis to also include protective measures that include adequate bluff setbacks, drainage and septic system restrictions, and appropriate landscaping and do not include shoreline protection devices to avoid and minimize geologic hazards and adverse impacts to coastal resources. As proposed, Development Standard GEO-EGV-1A is consistent with the requirements of LUP Policy 3-17 to require appropriate landscaping on development sites subject to erosion, but the policy does not specify which coastal resources are intended to be protected by this standard. Therefore, **Suggested Modification No. 9** (Exhibit) is necessary to clarify that adverse impacts on local shoreline sand supply, public access, and biological, recreational, and archeological resources must be avoided and drainage systems servicing coastal bluff-top property must be directed away from the bluff edge and face. Suggested Modification No. 9 (Exhibit 1) requires the best available science to be used in the analysis of potential impacts to coastal resources and the effects of climate change upon the proposed development. If modified as suggested, Development Standard GEO-EGV-1A is consistent with the requirements of Coastal Act Section 30253 to minimize risks to life and property from geologic hazard, avoid the use of shoreline protection devices and the alteration of natural landforms and shoreline processes, and avoid development-related contributions to erosion and the geologic instability of a development site. Suggested Modification No. 9 (Exhibit 1) to Development Standard GEO-EGV-1A for the requirement of using best available science in the analysis of climate change and sea-level rise also provides consistency with Coastal Act Section 30253, as discussed directly above, by incorporating the latest and most accurate principles and projections of climate change science into the planning and permit approval process. Suggested Modification No. 9 (Exhibit 1) to Development Standard GEO-EGV-1A to require drainage systems to be drained away from the bluff edge and face is consistent with the general requirements of Coastal Act Section 30253 to assure the stability and structural integrity of development, avoid contributing to erosion of the bluff, and avoid the substantial alteration of landforms, and the more specific requirements of LUP Policy 3-18 to properly conduct surface water through drainage systems that are designed and sited to prevent erosion.

The County also proposes Program PRT-EGV-3A to allow for the continuation of the existing, permitted shoreline management program (pursuant to Coastal Development Permit No. 4-14-0687) at Goleta Beach County Park. As discussed directly above, proposed Program PRT-EGV-3A seeks to codify the current shoreline management approach for Goleta Beach which would not allow for necessary changes to the approach in the future should the current management program be found unable to eliminate or mitigate adverse impacts on the erosion of shoreline sand supply at the beach and slough and lateral beach access at Goleta Beach. Further, reference

to a specific permit action in the context of a planning document is not appropriate since those are subject to change over time for a variety of reasons. Therefore, in order to achieve consistency with Coastal Act Sections 30235 and 30253, and LUP Policies 3-1 and 3-2, **Suggested Modification No. 5** (Exhibit 1) to proposed Program PRT-EGV-3A is necessary to require that the County continue to develop and implement shoreline management plans for the park that address known hazards (e.g., wave hazards, erosion, and impacts from sea level rise) and uncertain future hazards. Suggested Modification No. 5 (Exhibit 1) also provides for the protection of existing development, public improvements, coastal resources, coastal access, foredune restoration, and public recreation in the development of shoreline management plans and requires plans to evaluate the feasibility of hazard avoidance, maintaining and restoring the natural sand supply at Goleta Beach and Slough, beach nourishment and planned retreat, and the use of non-structural shoreline protection.

Fire Hazards

The County proposes Goal #4, Objectives FIRE-EGV-1 and FIRE-EGV-2, and Policies FIRE-EGV-1.1, FIRE-EGV-1.2, FIRE-EGV-1.3, FIRE-EGV-2.1, FIRE-EGV-2.2, FIRE-EGV-2.3, FIRE-EGV-2.4, FIRE-EGV-2.5, FIRE-EGV-2.6, FIRE-EGV-2.7, FIRE-EGV-2.8, Development Standards FIRE-EGV-1A and FIRE-EGV-1B, and Actions FIRE-EGV-1A, FIRE-EGV-1B, FIRE-EGV-2A, FIRE-EGV-2B, and FIRE-EGV-2C to minimize risks to life, property and the natural environment from fire hazards. These proposed provisions require coordination with other local governments on fuel management and wildfire protection programs, compliance with vegetation management and the use of native, drought-tolerant and fire-resistant plants in high fire hazard areas, and standards to facilitate the provision of adequate fire protection services. As proposed, these provisions are consistent with the directive of Coastal Act Section 30253 to minimize risks to life and property from fire hazards. The County proposes additional objectives and policies to ensure the adequacy of law enforcement and emergency services within the Plan area; however, these topics are outside of the scope of the Coastal Act.

Seismic Hazards

The County proposes Objective GEO-EGV-3, Policy GEO-EGV-3.1, and Policy GEO-EGV-3.2 to minimize potential seismic hazards. Proposed Policy GEO-EGV-3.1 requires development to avoid siting in areas of known geologic faults, and proposed Policy GEO-EGV-3.2 requires the avoidance of siting development on the Rincon Formation soils and provides additional requirements for the monitoring and reduction of radon gas levels. As proposed, Objective GEO-EGV-3, Policy GEO-EGV-3.1, and Policy GEO-EGV-3.2 are consistent with the requirements of Coastal Act Section 30253 to minimize the risks to life and property in areas of high geologic hazard and assure the stability and structural integrity of new development.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, as suggested to be modified, meets the requirements of and is in conformity with the applicable hazard and bluff/shoreline development policies of Chapter 3 of the Coastal Act.

G. PUBLIC ACCESS AND RECREATION

1. Coastal Act Policies

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

2. Existing LUP Policies

Policy 7-1:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.

b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.

c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.

Policy 7-2:

For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:

- a. Another more suitable public access corridor is available or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline, or*
- b. Access at the site would result in unmitigable adverse impacts on areas designated as Habitat Areas' by the Land Use Plan or*
- c. Findings are made, consistent with PRC § 30212 of the Coastal Act, that access is inconsistent with public safety or military security needs, or that agriculture would be adversely affected, or*
- d. The lot is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.*

The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.

Policy 7-3:

For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area of the easement to be granted shall be determined by the County based on findings reflecting historic use, existing and future public recreational needs and coastal resource protection. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the lateral easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

Policy 7-25:

Easements for trails shall be required as a condition of project approval for that portion of the trail crossing the parcel upon which the project is proposed.

Policy 7-26:

All proposed trails for the coastal zone shall be incorporated into the County's Master Plans for hiking, biking, and equestrian trails.

3. LUP Amendment Consistency Analysis

In order to carry out the requirements of Section 4 of Article X of the California Constitution, Coastal Act Section 30210 requires the provision of maximum access to the coast and recreational opportunities within the coastal zone consistent with public safety, public rights, private property rights, and natural resource protection. Coastal Act Section 30211 generally prohibits development from interfering with the public's right of access to the coast. Coastal Act Section 30212(a) requires new development to provide public access from the nearest public roadway to the coast except where the provision of public access is inconsistent with public safety or the protection of sensitive coastal resources, would adversely impact existing agricultural development, or where adequate existing public access is available close to the vicinity of the new development. Coastal Act Section 30214 provides that the implementation of the public access policies within the Coastal Act must take into account the need to regulate the time, place, and manner of public access depending on such circumstances as topographic and geologic characteristics, the need to protect natural resources, and the minimization of conflicts of use between public accessways and adjacent private residential development.

In addition, Coastal Act Section 30252 requires new development to maintain and enhance public access to the coast through such measures as the provision of linkages to transit service, siting commercial development near residential development to avoid overuse of coastal access roads, provision of non-automobile circulation and adequate parking within the new development, and the prevention of overloading coastal recreation areas near the new development with residents or occupants of the new development.

LUP Policy 7-1 requires the County to protect the public's constitutionally guaranteed right of access to the coast through such measures as acquiring easements to beaches and access corridors, and accepting and overseeing offers of dedication that increase opportunities for public access and recreation. LUP Policy 7-2 require all development between the first public road and the shoreline to grant an easement that allows public vertical coastal access unless a more suitable location for existing or proposed public access exists nearby, the subject lot is too narrow for adequate vertical coastal access, or public access at the site would result in unavoidable adverse impacts to ESH areas, agriculture, and public safety. LUP Policy 7-3 requires all new development between the first public road and the ocean to grant lateral easements that allow for public access along the shoreline, and at a minimum, the dedicated easement must be adequate to allow for lateral access during periods of high tide. LUP Policy 7-25 requires easements for trails as a condition of project approval on sites that contain portions of existing trails.

Parks, Recreation, Trails and Open Space

The County proposes Goal #5, Objectives PRT-EGV-1 and PRT-EGV-2, and Policies PRT-EGV-1.1, PRT-EGV-1.2, PRT-EGV-1.4, and PRT-EGV-2.1 to facilitate the provision of easily accessible and diverse recreational opportunities within the Plan area to meet the current and future recreational needs of residents, and proposed Policy PRT-EGV-1.3 specifically prioritizes underserved locations for the development of new public recreational resources. The County proposes Objectives PRT-EGV-3 and Policy PRT-EGV-3.1 to generally require the preservation and enhancement of the quality of existing recreational resources. Proposed Policy PRT-EGV-3.3 implements the directive of proposed Objective PRT-EGV-3 to preserve the quality of

existing recreational resources by prohibiting motorized off-road recreational vehicles on all County-owned lands within the Plan area. Proposed Objective PRT-EGV-4 directs the County to obtain and manage active parks to provide adequate new recreational active park resources within the Plan area. Proposed Policies PRT-EGV-4.1 and PRT-EGV-4.2 and Action PRT-EGV-4B implement proposed Objective PRT-EGV-4 by providing specific requirements for the acquisition, siting and development of active parks within the Plan area. As proposed, these policies are consistent with the requirements of Coastal Act Section 30210 to provide public recreational opportunities and the requirements of LUP Policy 7-1 for the County to take advantage of opportunities to create additional public recreational resources within the Plan area.

Proposed Objective PRT-EGV-5 directs the County to obtain and manage multiuse trails that provide adequate new trails to meet the recreational demand within the Plan area. Proposed Policies PRT-EGV-5.1, PRT-EGV-5.2, PRT-EGV-5.3, PRT-EGV-5.4, PRT-EGV-5.5, PRT-EGV-5.6, PRT-EGV-5.7, PRT-EGV-5.8, PRT-EGV-5.9, PRT-EGV-5.10 and PRT-EGV-5.11, and Actions PRT-EGV-5B and PRT-EGV-5C provide a framework of requirements to meet Objective PRT-EGV-5. Specifically, proposed Policy PRT-EGV-5.1 requires the County to protect, preserve, and provide for all opportunities for public recreational trails adopted within the Parks, Recreational and Trails maps of the County's Comprehensive Plan and the Eastern Goleta Valley Community Plan. Proposed Policies PRT-EGV-5.2 and PRT-EGV-5.6 direct the County to support south coast agencies' efforts and private efforts to plan, design, construct and maintain trails within the Plan area. Policies PRT-EGV-5.3, PRT-EGV-5.4, PRT-EGV-5.5, PRT-EGV-5.7 and PRT-EGV-5.8 provide specific requirements for the acquisition and siting of new trails within the Plan area that include provision of the relevant guidance documents (including proposed Figure 16 of the Plan) and prioritization for siting trails on publicly-owned lands and combining trail easements with flood control easements, transportation easements, wildlife corridors, and green infrastructure. Proposed Action PRT-EGV-5B directs the County to update the Goleta Trails Implementation Study to more accurately reflect existing trails within the Plan area and investigate additional opportunities for new trails within the Plan area. Proposed Action PRT-EGV-5C provides the specific directives to facilitate the acquisition and development of trails identified and mapped by the County for future development. Proposed Policies PRT-EGV-5.9 and PRT-EGV-5.10 require the County to actively pursue acquisition of public trails during the discretionary review of new development, and proposed Policy PRT-EGV-5.11 delegates the responsibility of reviewing trail easement requirements and managing the siting, design, environmental review and permit acquisition for the development of trails on publicly-owned land to the County Parks Division.

As proposed, Objective PRT-EGV-5, Policies PRT-EGV-5.1, PRT-EGV-5.2, PRT-EGV-5.3, PRT-EGV-5.4, PRT-EGV-5.5, PRT-EGV-5.6, PRT-EGV-5.7, PRT-EGV-5.8, PRT-EGV-5.9, PRT-EGV-5.10, and PRT-EGV-5.11, and Actions PRT-EGV-5B and PRT-EGV-5C are consistent with the requirements of Coastal Act Section 30210 to provide public recreational opportunities and the general directives of Coastal Act Sections 30214 and 30252 and LUP Policy 7-1 to provide and maintain public access to the coast. In addition, the proposed objective, policies and actions are consistent with the specific requirements of LUP Policy 7-25 for trail easements on sites proposed for development that contain existing trails.

The County proposes Objective PRT-EGV-6 to preserve and enhance existing trails within the Plan area, and proposed Policies PRT-EGV-6.1, PRT-EGV-6.2, PRT-EGV-6.3, PRT-EGV-6.4, and PRT-EGV-6.5 provide requirements for both the development of new trails and the preservation and enhancement of new trails. Specifically, Policy PRT-EGV-6.1 requires all trails developed by and/or dedicated to the County to be multiuse to the greatest extent feasible, and Policy PRT-EGV-6.2 requires the design and siting of new trails to minimize adverse impacts to sensitive habitat and environmental resources, as well as conflicts of use with surrounding land uses. Proposed Policies PRT-EGV-6.3 and PRT-EGV-6.4 apply to both new and existing trails and provide criteria for appropriate trail signage, maintenance, parking, the development of new trailheads, visual resources within public trails areas, and the minimization of erosion and water pollution associated with trail use. Proposed Policy PRT-EGV-6.5 requires trail corridors designated on all County Parks, Recreational and Trails maps to be maintained free of encroachments by development and incompatible land uses to the extent reasonably feasible. Collectively, and as proposed, Objective PRT-EGV-6 and Policies PRT-EGV-6.1, PRT-EGV-6.2, PRT-EGV-6.3, PRT-EGV-6.4, and PRT-EGV-6.5 are consistent with the requirements of Coastal Act Section 30210 to provide public recreational opportunities and the general directives of Coastal Act Sections 30214 and 30252 and LUP Policy 7-1 to provide and maintain public access to the coast.

The County proposes Objective PRT-EGV-7, Policies PRT-EGV-7.1, PRT-EGV-7.2, PRT-EGV-7.3, PRT-EGV-7.4 and PRT-EGV-7.5, and Action PRT-EGV-7A to provide a regulatory framework to acquire and maintain passive parks and open space within the Plan area. Proposed Policy PRT-EGV-7.1 requires the County to pursue acquisition of vacant properties for use as public parks or open spaces where the properties would create buffer zones for residential or commercial development, provide usable recreation opportunities, or preserve wildlife habitats, wildlife migration corridors, and sensitive biological resources. Proposed Policy PRT-EGV-7.2 requires the County to acquire and implement new public coastal access sites. Proposed Policy PRT-EGV-7.3 requires public open space and passive recreation areas to incorporate features that include significant natural and ecological resources, ESH areas, visual resources, significant physical constraints, and opportunities for public coastal access and parking, and proposed Policy PRT-EGV-7.4 requires coastal access to be maintained in a natural condition to the greatest extent feasible. Proposed Policy PRT-EGV-7.5 requires the County to work with south coast agencies, including nearby local governments, to site, acquire and implement public open space areas, and proposed Action PRT-EGV-7A requires the County to review, and if feasible, accept Offers to Dedicate new coastal access areas. As proposed, Objective PRT-EGV-7, Policies PRT-EGV-7.1, PRT-EGV-7.2, PRT-EGV-7.3, PRT-EGV-7.4 and PRT-EGV-7.5, and Action PRT-EGV-7A are consistent with the requirements of Coastal Act Section 30210 to provide public recreational opportunities and the directives of Coastal Act Sections 30214 and 30252 and LUP Policy 7-1 to provide and maintain maximum public access to the coast in a manner that protects sensitive coastal resources.

The County proposes Policy PRT-EGV-3.2 to provide that Tucker's Grove and Goleta Beach County Parks shall be maintained and enhanced. However, given the history of shoreline erosion at Goleta Beach County Park and the challenge of protecting an important low cost recreational beach park while avoiding longer term adverse impacts to the beach environment from coastal armoring, **Suggested Modification No. 5** (Exhibit 1) to Policy PRT-EGV-3.2 is needed to

broaden the policy and to clarify that public access and recreational opportunities at Goleta Beach County Park shall be maintained and enhanced to allow for the development of flexible shoreline management approaches for the site in the future in consideration of sea level rise. At the County's request, Suggested Modification No. 5 (Exhibit 1) also deletes reference to Tucker's Grove as the suggested modification will render the policy only applicable to development within the coastal zone portion of the Plan area and Tucker's Grove is sited within the inland portion of the Plan area. If modified to be broadened as suggested, Policy PRT-EGV-3.2 is consistent with the requirements of Coastal Act Sections 30235 and 30253, and LUP Policies 3-1 and 3-2, to allow for managed retreat of existing development at Goleta Beach County Park and the removal of existing shoreline protection should this existing, permitted shoreline management plan become unable to eliminate or mitigate adverse impacts on the erosion of shoreline sand supply at the beach and slough and lateral beach access at Goleta Beach. In addition, proposed Policy PRT-EGV-3.2 is consistent with the requirements of Coastal Act Section 30210 to provide public recreational opportunities and the general directives of Coastal Act Sections 30214 and 30252 and LUP Policy 7-1 to maintain public access to the coast.

In order to effectuate proposed Policy PRT-EGV-3.2, the County also proposes Program PRT-EGV-3A to allow for the continuation of the existing, permitted shoreline management program (pursuant to Coastal Development Permit No. 4-14-0687) at Goleta Beach County Park. As discussed above, proposed Program PRT-EGV-3A seeks to codify the current shoreline management approach for Goleta Beach which would not allow for necessary changes to the approach in the future should the current management program be found unable to eliminate or mitigate adverse impacts on the erosion of shoreline sand supply at the beach and slough and lateral beach access at Goleta Beach. Therefore, in order to achieve consistency with Coastal Act Sections 30235 and 30253, and LUP Policies 3-1 and 3-2, **Suggested Modification No. 5** (Exhibit 1) to proposed Program PRT-EGV-3A is necessary to provide the County with the flexibility to continue to develop and implement shoreline management plans for the park that address known hazards (e.g., wave hazards, erosion, and impacts from sea level rise) and uncertain future hazards. Suggested Modification No. 5 (Exhibit 1) also provides for the protection of existing development, public improvements, coastal resources, coastal access, foredune restoration, and public recreation in the development of shoreline management plans and requires plans to evaluate the feasibility of hazard avoidance, maintaining and restoring the natural sand supply at Goleta Beach and Slough, beach nourishment and planned retreat, and the use of non-structural shoreline protection. If modified pursuant to **Suggested Modification No. 5** (Exhibit 1), proposed Program PRT-EGV-3A is consistent with the requirements of Coastal Act Section 30210 to provide public access and recreational opportunities and the general directives of Coastal Act Sections 30214 and 30252 and LUP Policy 7-1 to maintain public access to the coast by preserving lateral beach access through the implementation of shoreline management plans for Goleta Beach County Park.

The County proposes Development Standard PRT-EGV-7A to require the analysis, consideration, and maximization, as feasible, of opportunities for coastal public access for projects requiring discretionary permit approval within the coastal zone. The development standard proposes to strongly encourage the provision of public access for projects that include private staircases and engineered access structures. As proposed, Development Standard PRT-

EGV-7A does not fully capture the requirements of Coastal Act Section 30210 to maximize public access, the requirements of Coastal Act Section 30211 to prohibit development from interfering with public coastal access, or the general requirements of Coastal Act Section 30212(a) to provide public access in new development projects. Further, proposed Development Standard PRT-EGV-7A is inconsistent with the requirements of LUP Policies 7-2 and 7-3 to provide public access to the coast in all new development. Therefore, **Suggested Modification No. 5** (Exhibit 1) to Development Standard PRT-EGV-7A is necessary to clarify that opportunities for coastal public access shall be considered in all coastal development permit applications and public accessways or easements shall be required in all new development proposals that include impacts associated with and proportional to the provision of public access. Suggested Modification No. 5 (Exhibit 1) to Development Standard PRT-EGV-7A also removes the provision that would only encourage public access for development proposals that include private staircases or other engineered coastal access, consistent with Suggested Modification No. 9 to Policy GEO-EGV-1.1 (discussed in Section IV.F above). If modified as suggested, Development Standard PRT-EGV-7A is consistent with the public access policies and provisions of the Coastal Act and the County's certified LUP.

The County proposes Action PRT-EGV-7B to identify additional vertical access points for public acquisition to provide adequate public coastal access. However, Coastal Act Section 30210 requires maximum public access, not merely adequate public coastal access. As such, **Suggested Modification No. 5** (Exhibit 1) to Action PRT-EGV-7B is necessary to change the proposed language to require maximum public access to coastal resources. If modified as suggested, proposed Action PRT-EGV-7B is consistent with the requirements of Coastal Act Section 30210.

More Mesa

The proposed Plan contains specific conditions for any future development of the More Mesa site, as discussed in detail in Sections IV.C and IV.E of this staff report. The County proposes Figure 13 (found on page 42 of the proposed Plan) to provide a map of the area of the More Mesa site determined to be most appropriate for future residential development in consideration of the site-specific resources of the site and the pattern of existing development surrounding the More Mesa site. This proposed development envelope was delineated during the preparation and 1993 certification of the Goleta Community Plan, and the development envelope was re-examined and maintained without any changes by the County during the County's preparation and adoption as part of the proposed Eastern Goleta Valley Community Plan after an updated environmental review of the site-specific resources was performed and after consultation with resource protection agencies, including the Coastal Commission's staff ecologist, Dr. Jonna Engel. Consistent with the requirements of IP/CZO 35-175 (see Section IV.E of this staff report), the County proposes Development Standard LUDS-EGV-1A to require the approval of a Specific Plan for the entire site before any applications for development may be submitted. Section 35-175.4(4) of the IP/CZO requires the County's adoption of a Specific Plan to include the preparation of a LCP amendment to the County's certified LUP. Therefore, any Specific Plan for the future development of the More Mesa site will be required to receive review and approval from the Coastal Commission through a future amendment to the County's LUP.

The County proposes Policy LUDS-EGV-1.1 to provide for the County-owned parcel on the More Mesa site (APN 065-320-004) to maintain the land use designation of Open Lands and the zoning designation of Resource Management. The County also proposes Development Standard LUDS-EGV-1D to require a minimum of twenty percent of the More Mesa site to be dedicated to the County, or another appropriate public agency or private organization, for exclusively public use. The proposed development standard requires a majority of the dedicated area to be located adjacent to the dry sandy beach and the preservation of an additional area of undeveloped bluff top terrace to be reserved for public space. The County proposes Development Standards LUDS-EGV-1E and LUDS-EGV-1F to provide requirements for the development of public trails and beach access and associated public parking on the More Mesa site. Section 30210 of the Coastal Act requires the provision of maximum public access to recreational opportunities within the coastal zone. Coastal Act Section 30211 proscribes development from interfering with the public's right of access to the coast, and Section 30212(a) of the Coastal Act, LUP Policies 7-2 and 7-3, and Section 35-61 of the IP/CZO require the provision of public access in new development projects. Coastal Act Section 30212.5 requires the provision of sufficient public parking in new development projects. As proposed, Policy LUDS-EGV-1.1 and Development Standards LUDS-EGV-1D, LUDS-EGV-1E, and LUDS-EGV-1F are consistent with the public access provisions of the Coastal Act and the County's certified LCP because these development standards ensure that any future development at the More Mesa site will include a public access and public recreational use component, including but not limited to public trails, public beach access, and the provision of public parking.

Transportation and Circulation

The County proposes numerous goals, objectives, policies, development standards, actions, and programs to coordinate transportation planning with land use planning, ensure that the Plan area is served by an efficient and safe transportation network, and minimize average daily trips and vehicle miles traveled to reduce energy consumption and greenhouse gas emissions generated by transportation. The County's proposed provisions require the enhancement of existing transportation networks to guarantee minimum levels of service for roadways and intersections and provide multimodal improvements that render alternative forms of transportation to single occupancy vehicle use, such as walking, biking, and public transit, more practical, safe, attractive and accessible. The proposed transportation and circulation policies and provisions also require additional public parking within the Plan area and support the installation of electric vehicle charging stations within public parking lots. In addition, the County's transportation and circulation provisions support the use of reclaimed or recycled water for all landscaping projects within the County's right-of-way. As proposed, with the exception of Development Standard TC-EGV-3C which is discussed in the Marine and Land Resources Section above, the transportation and circulation policies and provisions of the Plan are consistent with the public access requirements of the Coastal Act.

Maps

The County proposes Figure 16 (page 73 of the Plan) to provide a map of the existing and proposed parks, recreation areas, and trails within the Plan area. Additionally, the County proposes Figure 17 (page 93 of the Plan) to provide a circulation element for the inland portion

(outside of the coastal zone boundary) of the Plan area. As proposed, Figure 16 is consistent with the requirements of the public access and recreation provisions of the Coastal Act because this figure identifies existing public access and recreation resources for easy access and use by the public and includes proposed new sites for public access and recreation consistent with the intent of Coastal Act Section 30210.

For all of the reasons stated above, the Commission finds that the proposed Land Use Plan amendment, as suggested to be modified, meets the requirements of and is in conformity with the applicable public access and recreation policies of Chapter 3 of the Coastal Act.

H. SCENIC AND VISUAL RESOURCES

1. Coastal Act Policy

Section 30251 of the Coastal Act states:

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

2. Existing LUP Policies

Policy 3-13:

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

Policy 3-14:

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

Policy 4-4:

In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of

the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

Policy 4-6:

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

3. LUP Amendment Consistency Analysis

Coastal Act Section 30251 protects and requires the restoration and enhancement of the scenic and visual quality of coastal areas and recognizes the public importance of these resources. Further, Section 30251 requires the siting and design of new development to protect views to and along the ocean and in scenic coastal areas, the minimization of any alteration of natural landforms, and the compatibility of new development with its surrounding areas. In addition, the County's certified LUP contains numerous policies to protect visual resources within the coastal zone. Specifically, LUP Policies 3-13 and 3-14 require the minimization of any alteration of natural landforms. LUP Policy 4-2 requires commercial, industrial, planned development, and greenhouse projects to develop and submit landscaping plans to the County for approval. LUP Policy 4-4 requires new development to conform to the scale and character of existing development. LUP Policy 4-6 regulates signage to prevent any potential adverse visual impacts to scenic areas and public roads.

The County proposes Figure 26 of the Plan to identify priority public vistas, scenic local routes, and community gateways within the Plan area that require heightened visual resource protection. The County proposes Policy VIS-EGV-1.4 to require the preservation and enhancement of visual resources identified pursuant to Figure 26 and the regular update of Figure 26 to capture additional visual resources identified through proposed Policies VIS-EGV-1.2 and VIS-EGV-1.3 (discussed further below). As proposed, Policy VIS-EGV-1.4 and Figure 26 are consistent with the general requirements of Coastal Act Section 30251 to protect and enhance the scenic and visual quality of coastal areas by providing a framework to identify and protect visual resources.

In addition, the County is proposing the Eastern Goleta Valley Residential Design Guidelines (Design Guidelines) for certification as part of this amendment, and which would apply to all one-family and two-family development subject to the Design Control Overlay. The proposed Design Guidelines provide project-level guidance for elements such as site planning, neighborhood compatibility, second story additions, architectural styles and features, and building mass, shape and scale. With the exception of the "Trees and Vegetation" Section of the Design Guidelines discussed in the Marine and Land Resources Section above, the Design Guidelines are consistent with the general requirements of Coastal Act Section 30251 and LUP Policies 3-13 and 3-14 to protect and enhance the scenic and visual quality of coastal areas and minimize the alteration of natural landforms.

The County proposes Goal #18 and Objective VIS-EGV-1.1 to broadly require the preservation and enhancement of visual resources within the Plan area. The County proposes Policies VIS-EGV-1.1 and VIS-EGV-1.2 to effectuate Goal #18 and Objective VIS-EGV-1.1 by requiring the

minimization of adverse visual impacts to open space views and the preservation and enhancement of visual resources for public vistas and scenic public roads. Proposed Policy VIS-EGV-1.2 provides categories to be used to identify and protect visual resources within the Plan area, including prominent views along and through the Santa Ynez Mountains and rural foothills, undeveloped skyline, coastal resources (e.g., sloughs, beaches, wetlands, bluffs, mesas, and the Santa Barbara Channel and islands), open space and other natural areas, natural watershed resources (e.g., creeks, riparian corridors, wetlands, vernal pools, and habitat areas), and rural agricultural and mountainous areas. As proposed, Goal #18, Objective VIS-EGV-1.1, and Policies VIS-EGV-1.1 and VIS-EGV-1.2 are consistent with the broad requirements of Coastal Act Section 30251 to protect, restore, and enhance the scenic and visual quality of coastal areas.

The County proposes Policy VIS-EGV-1.3 to require the enhancement of the intersection of State Route 154/US Highway 101 and State Street as a gateway to the Eastern Goleta Valley Plan area and important local visual resource. However, the proposed location for the gateway lies in the inland portion of the Plan area outside of the coastal zone boundary.

The County proposes Policies VIS-EGV-1.5, VIS-EGV-1.6, and VIS-EGV-1.7 to provide design requirements for new development that are intended to address the compatibility of new development with existing development and the visual resources of public coastal areas. Proposed Policy VIS-EGV-1.5 provides general requirements for the quality, design, and landscaping of new commercial, public, agricultural, and residential development. Proposed Policy VIS-EGV-1.6 provides general requirements for the design and scale of new development to address the compatibility of new development with public visual resources. Proposed Policy VIS-EGV-1.7 provides general mixed-use development design review requirements intended to maximize compatibility between commercial and residential uses and protect visual resources in the area of the mixed-use development. Proposed Policies VIS-EGV-1.5, VIS-EGV-1.6, and VIS-EGV-1.7 are consistent with the general visual resource protection requirements of Coastal Act Section 30251 and LUP Policy 4-4 to protect public coastal visual resources, the general visual resource protection requirements of IP/CZO Section 35-59 to require compatibility between new and existing development, and the more specific requirements for the protection of visual resources through the regulation of landscaping and signage found in LUP Policies 4.2, 4-6, and 8-7.

The County proposes Policy VIS-EGV-1.8 to provide general lighting requirements to minimize lighting impacts on the night sky and sensitive resource areas, conserve energy resources, and eliminate light trespass. The County proposes Policies VIS-EGV-1.9 and VIS-EGV-1.10 to provide design requirements for new development in hillside areas. Proposed Policies VIS-EGV-1.8, VIS-EGV-1.9, and VIS-EGV-1.10 are consistent with the general visual resource protection requirements of Coastal Act Section 30251 to protect the scenic and visual quality of public and private coastal areas. In addition, proposed Policies VIS-EGV-1.9 and VIS-EGV-1.10 are consistent with the more specific visual resource protection requirements of LUP Policies 4-2 and 8-7 regarding the use of landscaping to screen new development.

In order to effectuate proposed Policy VIS-EGV-1.8, the County proposes Development Standards VIS-EGV-1H, VIS-EGV-1I, VIS-EGV-1J, VIS-EGV-1K, VIS-EGV-1L, VIS-EGV-1M, VIS-EGV-1N, and VIS-EGV-1O. Collectively, these proposed development standards

regulate interior and exterior lighting to prevent over-lighting, energy waste, glare, light trespass, and lighting impacts on the night sky and sensitive habitat areas. As proposed, Development Standards VIS-EGV-1H, VIS-EGV-1I, VIS-EGV-1J, VIS-EGV-1K, VIS-EGV-1L, VIS-EGV-1M, VIS-EGV-1N, and VIS-EGV-1O are consistent with the general visual resource protection requirements of Coastal Act Section 30251 to protect the scenic and visual quality of public and private coastal areas and the habitat protection requirements of Coastal Act Section 30240.

The County proposes Development Standard VIS-EGV-1A to provide specific design and siting requirements for new development which are intended to protect and enhance public visual resources. As proposed, Development Standard VIS-EGV-1A is consistent with the visual resource protection requirements of Coastal Act Section 30251, LUP Policies 3-13, and 3-14 to protect public views of the ocean and minimize any alteration of natural landforms. Proposed Development Standard VIS-EGV-1A is also consistent with the requirements of LUP Policies 4-2 and 8-7 regarding the use of landscaping to screen new development and the requirements of LUP Policy 4-6 regarding the regulation of signage.

The County proposes Development Standard VIS-EGV-1B to discourage the siting of new development on coastal bluffs, encourage the removal of existing development on coastal bluffs as feasible, and require the restoration of coastal bluffs upon removal of development. The County proposes Development Standard VIS-EGV-1C to regulate the siting of new development on properties containing ridgelines. As proposed, Development Standards VIS-EGV-1B and VIS-EGV-1C are consistent with the visual resource protection requirements of Coastal Act Section 30251, LUP Policies 3-13, and 3-14 to protect public views of the ocean and coastal areas, and minimize any alteration of natural landforms.

The County proposes Development Standards VIS-EGV-1D, VIS-EGV-1E, VIS-EGV-1F, and VIS-EGV-1G to require the use of setbacks, landscaping, and design to preserve public views along major roadways within the Plan area. As proposed, Development Standards VIS-EGV-1D, VIS-EGV-1E, VIS-EGV-1F, and VIS-EGV-1G are consistent with the visual resource protection requirements of Coastal Act Section 30251 to protect public views of coastal areas.

For all of the reasons stated above, the Commission finds that the Land Use Plan amendment, as submitted, meets the requirements of, and is in conformity with the policies of Chapter 3 of the Coastal Act concerning the protection of visual resources.

4. IP/CZO Amendment Consistency Analysis

Exterior Lighting

The County proposes to amend Division 7 (General Regulations) and Division 14 (Eastern Goleta Valley Community Plan Overlay District) of the IP/CZO portions of the LCP to include exterior lighting regulations for the Plan area. Specifically, the County's proposed exterior lighting regulations require the preparation of a lighting plan for permit applications that include outdoor light fixtures, the use of hooded outdoor lighting, and the prohibition of mercury vapor lights and downward unobstructed beams of light within or adjacent to existing residential development. In addition, the County's proposed outdoor lighting regulations restrict the use of

illuminated advertising signs, outdoor recreational facility lighting, and high intensity lights (e.g., search lights and laser source lights) while also providing certain exemptions from these restrictions for outdoor lighting lawfully installed prior to the effective date of the subject ordinance amendment, fossil fuel lights, traffic control signs and devices, street lights installed prior to the effective date of the subject ordinance amendment, temporary emergency lighting, moving vehicle lights, season decorations, special events, security lights, solar walkway lights, and temporary lighting for agricultural activities. Collectively, these exterior lighting regulations are intended to minimize light pollution, glare, and light trespass, as well as conserve energy and preserve the nighttime sky. As proposed, the exterior lighting regulations are consistent with the visual resource protection policies of the LUP as amended.

Maps

As discussed above, the County proposes to amend the IP/CZO to incorporate Figure 26 of the Plan to identify priority public vistas, scenic local routes, and community gateways within the Plan area that require heightened visual resource protection. As proposed, Figure 26 is consistent with the requirements of the visual resource protection policies and provisions of the LUP because it facilitates the identification, protection, and enhancement of visual resources within the Plan area.

For the reasons stated above, the Commission finds that the IP/CZO amendment, as proposed, conforms with and is adequate to carry out the applicable visual resource protection policies of the LUP as amended.

I. GENERAL LUP ADMINISTRATION (MAPS)

COASTAL and INLAND Application

As a result of the Coastal Commission's review of the Eastern Goleta Valley Community Plan for certification as an amendment to the County's certified LCP, a number of the proposed policies, actions, programs, and development standards originally adopted by the County for the entire Plan area (including areas outside of the coastal zone boundary) were modified as they apply within the coastal zone. In these instances, there are similar, but different, provisions that apply within the coastal zone portion as compared to the inland portion (outside of the coastal zone) of the Plan area. To avoid confusion in application and implementation of these proposed policies and provisions, the policies and provisions that have been modified by the Coastal Commission pursuant to the Suggested Modifications (Exhibit 1) and will only apply to the coastal zone portion of the Plan area have been marked as "COASTAL" and **Suggested Modification No. 11** (Exhibit 1) provides a directive for the County to mark the inland version of the modified policies and provisions already adopted and unchanged for the inland portion as "INLAND." In addition, **Suggested Modification No. 1** (Exhibit 1) is needed to add a policy to the proposed Plan to explain that where the Plan contains different standards for the inland and coastal portions of the Plan areas, the relevant provision will be clearly marked as either "COASTAL" or "INLAND" at the beginning of the provision's text, and further, that provisions without a "COASTAL" or "INLAND" notation must be interpreted to apply to the entire Plan area.

Maps

The County proposes Figures 1, 5, 7, 9, 13, 15, 20, 23, and 26 which contain various maps pertaining to the application and implementation of the proposed policies and provisions of the Plan and which portray the coastal zone boundary. Due to the small scale of the referenced figures, they are not appropriate for use in making parcel level boundary determinations for the coastal zone. Therefore, **Suggested Modification No. 11** (Exhibit 1) is necessary to add a disclaimer note on the maps that depict the coastal zone boundary in order to convey to applicants and decision-makers that separate data and appropriately scaled maps should be utilized for making parcel level coastal zone boundary determinations.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP submittal to find that the approval of the proposed LCPA, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b).

The County's LCP Update amendment consists of an LUP and an IP amendment. As discussed above, the LUP amendment as originally submitted does not conform with, and is not adequate to carry out Chapter 3 of the Coastal Act. The Commission has, therefore, modified the proposed LUP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed LUP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed amendment into conformity with the policies of the Coastal Act.

Further, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the LUP, as amended. The Commission has, therefore, modified the proposed IP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and

thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed amendment into conformity with the LUP, as amended, consistent with the requirements of the Coastal Act.

The LCP amendment also contains specific requirements that apply to development projects and detailed procedures for applicants to follow in order to obtain a coastal development permit. Thus, future individual projects would require coastal development permits, issued by the County, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, any individual project will be required to undergo future environmental review. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.