

ATTACHMENT 6 –ARTICLE II RESOLUTION AND ORIDINANCE AMENDMENT

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN)
AMENDMENT TO THE SANTA BARBARA COUNTY)
ARTICLE II COASTAL ZONING ORDINANCE, OF)
CHAPTER 35, ZONING, OF THE COUNTY CODE,) RESOLUTION NO.: 18 - _____
AMENDING DIVISION 5, OVERLAY DISTRICTS, BY)
ADDING SECTION 35-102G, TCWO –) CASE NO.: 18ORD-00000-00004
TRANSPORTATION CORRIDOR WETLAND)
OVERLAY DISTRICT, TO PROVIDE DEVELOPMENT)
STANDARDS FOR THE HIGHWAY 101:)
CARPINTERIA TO SANTA BARBARA PROJECT AND)
ASSOCIATED TRANSPORTATION AND COASTAL)
ACCESS PROJECTS THAT RESULT IN)
ENCROACHMENT INTO WETLANDS OR WETLAND)
BUFFER STRIPS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code.
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00004) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new development standards for the Highway 101: Carpinteria to Santa Barbara project and associated projects in or adjacent to wetlands and/or wetland buffer strips.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance Amendment is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Summerland Community Plan and Toro Canyon Plan, and the requirements of the State Planning, Zoning, and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will provide development standards for transportation and coastal access projects that may impact existing wetlands and/or wetland buffer strips in unincorporated Santa Barbara County.

E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the County Planning Commission Staff Report dated April 12, 2018.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this 2nd day of May, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DANIEL BLOUGH, CHAIR
SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:

JEFFREY WILSON
SECRETARY TO THE COUNTY PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel

EXHIBIT:

1. 18ORD-00000-00004

EXHIBIT 1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 5, OVERLAY DISTRICTS, AND ADDING SECTION 35-102G, TCWO – TRANSPORTATION CORRIDOR WETLAND OVERLAY DISTRICT, TO PROVIDE DEVELOPMENT STANDARDS FOR THE HIGHWAY 101: CARPINTERIA TO SANTA BARBARA PROJECT AND ASSOCIATED TRANSPORTATION AND COASTAL ACCESS PROJECTS.

18ORD-00000-00004

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 5, Overlay Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to add Section 35-102G, TCWO – Transportation Corridor Wetland Overlay District, to read as follows:

Section 35-102G **TCWO – TRANSPORTATION CORRIDOR WETLAND OVERLAY DISTRICT**

35-102G.1 Purpose and Intent.

The purpose of the Transportation Corridor Wetland Overlay (TCWO) district is to provide specific standards of development for the Highway 101: Carpinteria to Santa Barbara project, Santa Claus Lane Bikeway project, Santa Claus Lane Beach Access and Streetscape Improvements project, and the additional projects identified in Coastal Land Use Policies 7-31 and 7-32 where appropriate. In doing so, this overlay provides a benefit to the general public welfare through increased coastal access and recreational opportunities while maximizing and mitigating impacts to wetlands. The projects in the TCWO district may result in permanent or temporary direct wetland impacts (e.g., fill in wetlands) and indirect wetland impacts (e.g., development in wetland buffer strip). Specifically, the TCWO district establishes specific standards related to wetland impacts, wetland buffer strips, mitigation measures, drainage and stormwater management, and coastal access and recreation enhancements.

The projects, to which this Overlay applies, will achieve regional improvements to alternative transportation modes for the purposes of increasing access to coastal resources for all members of the public. The projects consist of the following:

1. The Highway 101: Carpinteria to Santa Barbara project will construct High Occupancy Vehicle (HOV) lanes along U.S. Highway 101 between the City of Carpinteria and the City of Santa Barbara, reconstruct the interchange at Sheffield Drive, replace several creek

crossings, add sound walls, and implement a long-life paving surface with noise attenuating qualities. The Highway 101: Carpinteria to Santa Barbara project will be constructed in shoulder and median areas along the existing Highway 101 corridor. Wetlands are located in the southern portion of the project area, between the City of Carpinteria boundary and 0.2 miles north of Padaro Lane.

2. The Santa Claus Lane Bikeway project is a Class I paved trail that will be located between the Highway 101 southbound lanes and the Union Pacific Railroad from Sand Point Road to Carpinteria Avenue. The project would connect to local bicycle and pedestrian networks on Santa Claus Lane and Carpinteria Avenue. Wetlands are located throughout the project area. Development of this trail would improve bicycle and pedestrian travel by providing a direct coastal route, enhancing bicycle safety, and completing a gap in the California Coastal Trail. This project shall be completed no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.
3. The Santa Claus Lane Beach Access and Streetscape Improvements project is located within existing Caltrans and County right-of-ways, along Santa Claus Lane from Padaro Lane to Sand Point Road. This project would provide safe, legal, and single-point public access across the railroad to the beach. This project would also expand coastal access and enhance pedestrian and bicycle travel by completing a gap in the California Coastal Trail. Development of the project would include a pedestrian at-grade rail crossing, additional beach parking, public restrooms, trash/recycle bins, bike racks, bike lanes, crosswalks, sidewalks, traffic calming measures, and landscaping. There are wetlands located within the limits of the project. This project shall be completed and open to the public no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.
4. The California Coastal Trail Signage project is a public awareness project located on Padaro Lane between the North Padaro Lane Interchange/Highway 101 and the South Padaro Lane Interchange/Highway 101. The project would raise awareness of the California Coastal Trail link with signage along Padaro Lane. This project shall be completed no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.
5. The Vertical Beach Access Signage project is a public awareness project located at the existing vertical accessway on Padaro Lane. The project would raise awareness of existing public beach access with signage on Padaro Lane. This project shall be completed no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.
6. The North Padaro Lane Interchange Sidewalk project is a public beach access project located between the Highway 101 southbound off-ramp at the North Padaro Lane Interchange to the entrance for the Loon Point Beach Parking Area on Padaro Lane. The project would complete a gap in the North Padaro Lane Interchange sidewalk that leads to a public beach. This project shall be completed and open to the public no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.

7. The Restroom Facilities Installation at Loon Point Beach Parking Area is a facility improvement project located at Loon Point. The project would enhance the coastal access experience at this location. This project shall be completed and open to the public no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.
8. Other coastal access improvements associated with the Highway 101: Carpinteria to Santa Barbara project (identified in Coastal Land Use Policy 7-32) are intended to provide alternative transportation modes, eliminate gaps for non-motorized travel, and enhance coastal access by establishing connectivity of the California Coastal Trail. Projects shall be completed and open to the public no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.

35-102G.2 Applicability and District Boundaries as a Guide.

The TCWO shall apply only to the Highway 101: Carpinteria to Santa Barbara project and associated coastal access improvements identified in CLUP Policy 7-32, Santa Claus Lane Bikeway project, Santa Claus Lane Beach Access and Streetscape Improvements project, California Coastal Trail Signage project, Vertical Beach Access Signage project, North Padaro Lane Interchange Sidewalk project, and Restroom Facilities at the Loon Point Beach Parking Area, on property that is located within the Toro Canyon Area Zoning Overlay map and the Carpinteria Valley Coastal Plan Zoning Overlay map. The TCWO shall not apply to wetlands that the Director determines to be located outside of the TCWO.

35-102G.3 Signage for Public Coastal Access Facilities.

The County shall provide comprehensive signage for all coastal public access improvements associated with the projects identified in Section 35-102G.1 above. Signage shall identify public parks, overlooks, parking areas, trails, and bicycle and pedestrian access ways to assist the public in locating and recognizing these coastal public access facilities. Where appropriate, signage shall include the California Coastal Trail logo, adequate safety information (e.g., road crossing signs and yield/warning signs on multi-use trail segments), and information on how to avoid adverse impacts to sensitive coastal resources when utilizing accessways. All signage shall be posted in English and in Spanish.

35-102G.4 Definitions.

As used in this Section 35-102G, the following definitions apply to the area within the TCWO district:

Wetland Enhancement: Manipulation of the physical, chemical, or biological characteristics of a wetland to improve wetland function(s). Enhancement results in the gain of selected wetland function(s), but may also lead to a decline in other wetland function(s). Enhancement does not result in a gain in wetland area.

Wetland Establishment (Creation): Manipulation of the physical, chemical, or biological characteristics present to develop a wetland that did not previously exist at an upland site (Establishment should not displace sensitive habitat). Establishment results in a gain in wetland area and functions.

Wetland Restoration: Manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing or rehabilitating natural functions to a degraded wetland. Wetland restoration plans are informed by knowledge of the historical ecology of the area. Rehabilitation results in a gain in wetland function, and may or may not result in a gain in wetland area.

35-102G.5 Development Standards.

All applicable Local Coastal Program policies and provisions shall apply to development within the TCWO, unless specifically modified by the standards detailed in this section.

All development for the Highway 101: Carpinteria to Santa Barbara project and associated coastal access improvements, Santa Claus Lane Bikeway project, Santa Claus Lane Beach Access and Streetscape Improvements project, California Coastal Trail Signage project, Vertical Beach Access Signage project, North Padaro Lane Interchange Sidewalk project, and installation of Restroom Facilities at the Loon Point Beach Parking Area shall comply with the following:

1. Fill or other impacts to wetlands or reduction of wetland buffer strips resulting from new development listed in Section 35-102G.1 above, may be approved only in conformance with the following:
 - a. New development shall be sited and designed to avoid fill or other impacts to wetlands. Impacts to wetlands that cannot be avoided through the implementation of siting and design alternatives shall be minimized to the maximum extent feasible and fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts onsite.
 - b. New development shall be sited and designed to provide a minimum 100-foot wetland buffer strip in a natural condition along the upland limits of wetlands. If there is no feasible alternative that can provide a 100-foot wetland buffer strip, the alternative that can provide the widest buffer shall be selected, and impacts shall be minimized to the maximum extent feasible.
 - c. Mitigation shall be provided for direct impacts to wetlands (e.g., fill in wetlands) and indirect impacts to wetlands (e.g., new development in wetland buffer strips). Mitigation measures shall include, at a minimum, wetland establishment (creation), wetland enhancement or wetland restoration of wetlands equal or similar to the impacted wetland type.
 - 1) Direct impacts to natural wetlands, including salt marsh, wetlands associated with creeks, and other high-functioning wetlands, shall be mitigated through wetland establishment (creation) or wetland restoration at a ratio of 4:1.

- 2) Direct impacts to created wetlands, such as low functioning wetlands associated with highway, roadway, and/or railroad infrastructure that have formed in ditches, basins, and BMP features, shall be mitigated through wetland establishment (creation) or wetland restoration at a ratio of 3:1.
 - 3) Indirect impacts to wetlands, such as development in the wetland buffer strip, shall be mitigated through wetland restoration or wetland enhancement of all available portions of the remaining undeveloped 100-foot wetland buffer strip of the impacted wetlands.
 - 4) Temporary direct and indirect impacts to wetlands shall be mitigated through the wetland restoration or wetland enhancement of temporary impact areas at a ratio of 1:1.
- d. Wetland enhancement, restoration or establishment (creation) plans shall be prepared by a qualified professional for all areas where mitigation is required by subsections 1.a., b and c, above. Plans shall include details of appropriate wetland enhancement, wetland restoration or wetland establishment acreage and location including the following:
- 1) Introduction. A purpose statement, existing site resource description and inventory, proposed wetland mitigation site plan, and map comparing existing and future site conditions.
 - 2) Mitigation Goals. A clear statement of the wetland mitigation goals including the desired wetland habitat type(s), major vegetation components, water quality improvements, and wildlife support functions.
 - 3) Planting Plan. Description of the desired amount of particular wetland plant species in habitat type(s). Based on the mitigation goals, identify the species to be planted (plant “palette”), provide a rationale for and describe the size and number of container plants and/or the rate and method of seed application, and a site plan with planting location and planting guidelines for prescribed species. Plant material shall be collected locally, unless local plant stock is not readily available.
 - 4) Grading Plan. A formal grading plan shall be included if wetland enhancement, wetland restoration or wetland establishment requires topographic alterations.
 - 5) Best Management Practices (BMPs). Erosion control, irrigation and weed eradication plans as necessary.
 - 6) Success Criteria. Selection and rationale of quantifiable success criteria. There must be an empirical basis for the selection of each success criterion (e.g., reference site data and peer-reviewed literature).

- 7) Monitoring. A monitoring program that includes a detailed description of quantitative sampling design (e.g., sample sizes and sampling techniques such as quadrats, transects, photo plots), statistical procedures proposed for judging if success criteria are achieved, provisions for a five-year monitoring period, annual reporting and contingency measures should the mitigation efforts fail to achieve quantitative success criteria.
 - 8) Final Report. A final monitoring report prepared by a qualified professional that evaluates whether the required wetland enhancement, wetland restoration or wetland establishment has achieved the goals and success criteria set forth in the approved mitigation plan.
2. For each project listed in Sections 35-102G.1 above, all of the following coastal water quality standards shall be met:
- a. Early site design planning shall emphasize Low Impact Development (LID) strategies and shall prioritize the minimization of runoff in accordance with the site hydrology and geotechnical considerations.
 - b. Earthen- (soil) based and/or bioengineered BMPs may be located and maintained within the wetland buffer strip where there is no feasible alternative location available to locate the BMPs and where they support wetland protection.
 - c. Additional measures such as grading to create topographic depressions that capture and detain runoff, amending onsite soils to increase infiltration, and adding or replacing native plants in areas that receive runoff may be located and maintained within the wetland buffer strip where there is no feasible alternative location available to locate the BMPs and where they support wetland protection.
 - d. Infiltration BMPs shall be designed, at a minimum, to handle runoff in accordance with the most current National Pollutant Discharge Elimination System (NPDES) permit regulations.
 - e. BMPs shall be sized according to the surface area draining to the BMP(s). Where it is infeasible to separate the project's runoff from any existing impervious area, LID strategies shall be used to the maximum extent practicable to treat the entire contributing area, consisting of the project and existing untreated impervious area.
 - f. Where site conditions make it infeasible to infiltrate or treat the stipulated minimum volume of runoff onsite, infiltration or treatment offsite within existing right-of-way can be substituted where it can be demonstrated that offsite infiltration or treatment will result in an equal or greater benefit to coastal water quality, consistent with the Central Coast Regional Water Quality Control Board NPDES requirements.

- g. Stormwater measures shall use plant material that is collected locally, unless local plant stock is not reasonably available, and plant material information shall be submitted to the County for review and approval.
 - h. A post-construction Stormwater Control Plan shall be submitted to the County and shall include maps, figures, supporting design calculations, and a narrative explaining the methods and approach proposed to protect or enhance coastal water quality. The plan shall include supporting information including but not limited to the infiltration and retention properties of the native or engineered BMP substrate, depth to groundwater, and the hydraulic design and pollutant treatment/removal capability of the proposed BMPs adequate to ensure that water quality will be protected to the maximum extent feasible.
 - i. Where site or project conditions constrain any of the minimum requirements or practices in subsections a. through h. above, the qualified professional shall document the nature and extent of the limitations and justify the alternative measures proposed to protect or enhance water quality.
3. To the extent allowed by Appendix C of Chapter 35, Article II, "County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development," repair and maintenance of the projects listed in Section 35-102G.1 above are excluded from permit requirements. However, such exclusions shall not apply where such repair and maintenance would occur within wetland or riparian habitat or will cause direct impacts to wetlands.

SECTION 2:

All existing section references contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 3:

Except as amended by this Ordinance, Division 5, Overlay Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal

Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel