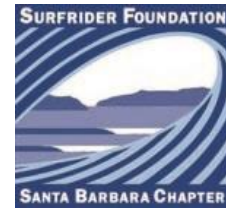


Santa Barbara Urban
Creeks Council



October 16, 2015

Board of Supervisors
Santa Barbara County
105 E. Anapamu Street
Santa Barbara, CA 93101

Re: Eastern Goleta Valley Community Plan Update

Dear Honorable Chair and Supervisors:

This letter is submitted by the undersigned conservation groups and addresses wildlife habitat protection and agriculture in the Eastern Goleta Valley Community Plan Update ("Plan"). Our groups protect and enhance the environment, watersheds and landscapes in Santa Barbara County. Our recommendations are intended to ensure that significant impacts to the Goleta Valley's watersheds, wildlife habitats and farmlands are minimized, as required by the California

Environmental Quality Act (“CEQA” – Pub. Res. Code § 21000 *et seq.*) and its implementing regulations (Title 14 California Code of Regulations § 15000 *et seq.*).

In summary, we support Alternative E recommended by the Planning Commission to mitigate significant impacts to Goleta’s urban farmland. We support Mitigation Measures BIO-1 through BIO-5 as necessary to lessen five Class I impacts (Impacts BIO-1 through BIO-5) identified in the Final Environmental Impact Report (“EIR”) for the Plan, however we strongly oppose staff’s newly-proposed limitations in Mitigation Measure BIO-1 regarding which chaparral qualifies as ESH. Additional feasible mitigation measures are available to substantially lessen the Plan’s significant impacts, and should be implemented, pursuant to CEQA:

1. Map all Environmentally Sensitive Habitat (“ESH”) in the Plan area; and
2. Increase the creek setback (Policy ECO-EGV-5.5) to match the City of Goleta’s creek setback policy.

This letter will clarify that (1) designating *all* chaparral as ESH will not hinder fire safety projects or agriculture, (2) the creek setback will not affect agriculture or actions to repair, remodel, expand or rebuild existing single-family residential development, and (3) adopting Alternative E will substantially lessen the Plan’s impacts on urban farmland.

A. Designating Four Types of Chaparral as ESH will not Impair Fire Safety Projects or Agriculture.

Designating chaparral as ESH and protecting it due to its outstanding natural resource values and public benefits as recommended in the EIR and by staff and the Planning Commission has been accomplished effectively in other counties and municipalities and does not hinder fire safety projects. Chaparral supports dozens of special-status species, protects watersheds, facilitates groundwater recharge, reduces erosion, flooding and stream sedimentation, provides diverse recreational opportunities, sequesters carbon, and forms the scenic backdrop behind our community. Yet chaparral is threatened by increasing removals, including a new clear-cut in the Plan area reported this month.

Such designation will help protect our threatened chaparral ecosystem while ensuring safety from wildfires for the following reasons:

1. The County Fire Department is exempt from Planning and Development (“P&D”) regulations, including the ESH-GOL Ordinance and the Brush Removal Ordinance and would not need an ESH permit or brush removal permit to remove ESH, including chaparral;
2. All CalFire and U.S. Forest Service (“USFS”) projects and all projects on USFS land are exempt from County regulations and would never need an ESH removal permit, brush removal permit or other County permit;
3. The ESH-GOL Ordinance is being amended to exempt permit requirements for ESH removal for defensible space within 100-feet to as much as 300 feet of all homes as

- deemed necessary by the County Fire Department. We support this exemption which will make it easier to conduct individual and community defensible space projects;
4. The ESH-GOL Ordinance also exempts up to 5,000 sq. feet of ESH removal; and
 5. Landowners can apply to remove more than 5,000 sq. ft. of ESH for additional defensible space or for any other purpose through the County's normal and fair public permitting process.

Our groups want to ensure that the public and the Board understand that conserving chaparral and the myriad of rare wildlife and plant species that occur in Goleta-area chaparral can be accomplished without compromising fire safety. Our goal is to maximize fire safety *and* wildlife conservation. We believe your staff's and the Planning Commission's recommendations accomplish this goal.

We also support the Fire Department's exemption for defensible space. The Fire Safe Council voted to not oppose designation of chaparral as ESH in the Plan. We support and encourage adoption of a CWPP(s) for the Plan area.

However, our groups strongly oppose staff's proposed last minute change to Mitigation Measure BIO-1 which will create an internal inconsistency in the Plan and substantially undermine protection for chaparral. By limiting which chaparral qualifies as ESH to only chaparral supporting rare or vulnerable vegetation alliances or sensitive species, the Plan would be internally inconsistent with DevStd ECO-EGV 5.2 which sets forth seven criteria for designating chaparral. Staff's proposed change would limit chaparral designation as ESH to only chaparral meeting the first two criteria, and would result in an internal inconsistency within the Plan.¹ Chaparral in the Plan Area meets all seven criteria as demonstrated by many biologists cited in EDC's memo submitted with our comments on the Draft EIR, and chaparral should therefore be designating as ESH wherever it occurs in the Plan area, as currently stated in the FEIR and recommended by the EIR consultants and by your Planning Commission on a 4-1 vote.

No other types of ESH in the Plan area are conditioned in the way staff proposes to limit protection of chaparral. Moreover, because no ESH is being mapped and there are no plans to survey the chaparral for rare or vulnerable vegetation alliances or sensitive species, *this change will create ambiguity, confusion and significant conflict over which chaparral qualifies as ESH.* Furthermore, because many chaparral removal projects are discovered after-the-fact, there would be no way to know if these cleared areas were ESH because any rare or vulnerable vegetation alliances or sensitive species would have been removed by the clearing. Therefore staff's proposed change severely limits chaparral protection, and is illegal in that it creates an internal inconsistency in the Plan.

¹ Government Code section 65300.5 requires that "the general plan and elements and parts thereof [shall] comprise an integrated, internally consistent and compatible statement of policies." (See also *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90.)

The Mission Canyon Association's September 5, 2015 letter to the Board misstated two key facts: (1) County Fire is exempt from ESH regulations therefore designating chaparral as ESH will not hamstring County Fire projects; and (2) County Fire is already subject to CEQA, therefore designating chaparral as an ESH will not subject County Fire to CEQA. As noted by the Fire Department, designation of chaparral as ESH will not interfere with the Department's mission to protect public safety.

The Plan will not adversely affect agriculture in the Plan area or elsewhere because the Plan does not apply ESH regulation on rural agriculturally-zoned land.

With the chaparral protections, exemptions for fire safety projects, and avoidance of ag-zoned properties, we believe the Plan and its treatment of chaparral, agriculture and fire safety exemptions is a win-win; it protects chaparral, promotes fire safety and does not affect activities on agriculturally-zoned parcels.

B. Increasing the Creek Setback in the Urban Area to match the City of Goleta's Creek Setback Policy will not Adversely Affect Agriculture or Existing Residences.

Revising the draft creek setback policy (Policy ECO-EGV-5.5) to match the creek setback policy in the City of Goleta is feasible and necessary to substantially lessen Impact BIO-4, and will not adversely affect agriculture. CEQA requires that whenever feasible, significant impacts must be avoided or substantially lessened by feasible mitigation measures before findings to approve a project can be made.² Impact BIO-4 – impacts to waters and wetlands - is identified as significant and unavoidable. (EIR at 4.6-70) It is feasible to mitigate this impact by increasing the creek setback to 100-feet and allowing reductions whenever a 100-foot setback is deemed infeasible. This provides the flexibility some landowners need, while substantially lessening the impacts to Goleta's creeks. The City of Goleta has long had such a flexible 100-foot creek policy, demonstrating that this is a feasible mitigation measure to address the impacts of the Plan update.

This measure will not adversely affect agriculture for the following reasons:

1. This measure would increase the creek setback – *but only in urban, not rural areas, where the vast majority of agriculture is located.*
2. The creek setback policy *only applies to new development, not to growing crops.*
3. Agricultural development (e.g., greenhouses) in urban areas currently only requires a 50-foot setback and we do not propose increasing this setback.

The July 22, 2015 Planning Commission staff report found that increasing the creek setback to match the City of Goleta's will adversely affect existing single-family residential development in the Plan area because existing residences within the expanded buffer would have to go through a process to reduce the buffer to allow remodels, repairs and expansions. However,

² CEQA Guidelines Section 15091.

we recommend exempting remodels, repairs, expansions and rebuilding of existing homes located within the Plan's creek buffer areas, if extended to 100 feet.

The Planning Commission staff report also notes that the City of Goleta usually reduces creek setbacks to below 100-feet. This is accurate and it speaks to the flexibility in the City's policy allowing reductions when 100-foot setbacks are not feasible.

The Planning Commission staff report further finds that increasing the creek setback will not result in substantial benefit because most of the Plan area is already built out. However, redevelopment in several areas where commercial development has been built close to creeks creates an opportunity for the Plan to substantially lessen impacts to creeks through a 100-foot buffer applied to redevelopment, where feasible. A 100-foot buffer for new development and redevelopment in the Goleta Plan area will substantially reduce Plan impacts and is feasible.

The recommended increased creek setback will not affect urban or rural agricultural operations or agricultural development, or existing single family homes, but will substantially lessen the Plan's significant impacts to streams.

C. Adopting Alternative E will Substantially Lessen Significant Impacts to Goleta Valley's Urban Farmland.

We strongly support the Planning Commission's recommendation to the Board to approve changes to the Plan pursuant to Alternative E. Incorporation of the changes identified in Alternative E EIR will preserve the South Patterson Triangle (housing opportunity site 6) parcel in agricultural zoning (AG-I-10.) As the Planning Commission Staff Report dated June 10, 2015 highlights, conserving this zoning will promote continued agricultural use of the site, which has been a thriving agricultural parcel in the Plan area (Staff Report at 5). Alternative E was identified as the environmentally superior alternative because it "avoid[s] a significant and unavoidable (Class I) impact to agricultural resources" (Staff Report at 5). EDC agrees with the Planning Commission that Alternative E eliminates Class I impacts to agricultural resources, while "still allow[ing] the EGVCP to provide affordable housing through the seven remaining housing opportunity sites, consistent with Housing Element Program 1.3" (Staff Report at 18). This Alternative clearly provides a win-win for the community and we encourage the Board to adopt the Planning Commission's recommendation to accept revisions to the Plan consistent with Alternative E.

Conclusion

In closing, we continue to support the biological mitigation measures identified in the EIR, augmented by additional feasible measures as required to lessen the Plan's five Class I biological impacts. The increased creek setback is needed to substantially reduce the significant impacts of urban development on Goleta's streams (Impact BIO-4) and will not adversely affect agriculture or existing residential development. The designation of four types of chaparral as ESH pursuant to Mitigation Measure BIO-1 will substantially lessen Impacts BIO-1, BIO-2 and BIO-3 as required by CEQA, and will not compromise fire safety projects. However, staff's

proposed last minute change to limit chaparral protection will create ambiguity and conflict.
Adoption of Alternative E will avoid Class I impacts to urban agriculture in the Goleta Valley.

Thank you for your attention to these comments.

Sincerely,

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Community Environmental Council

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Sierra Club Los Padres Chapter

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