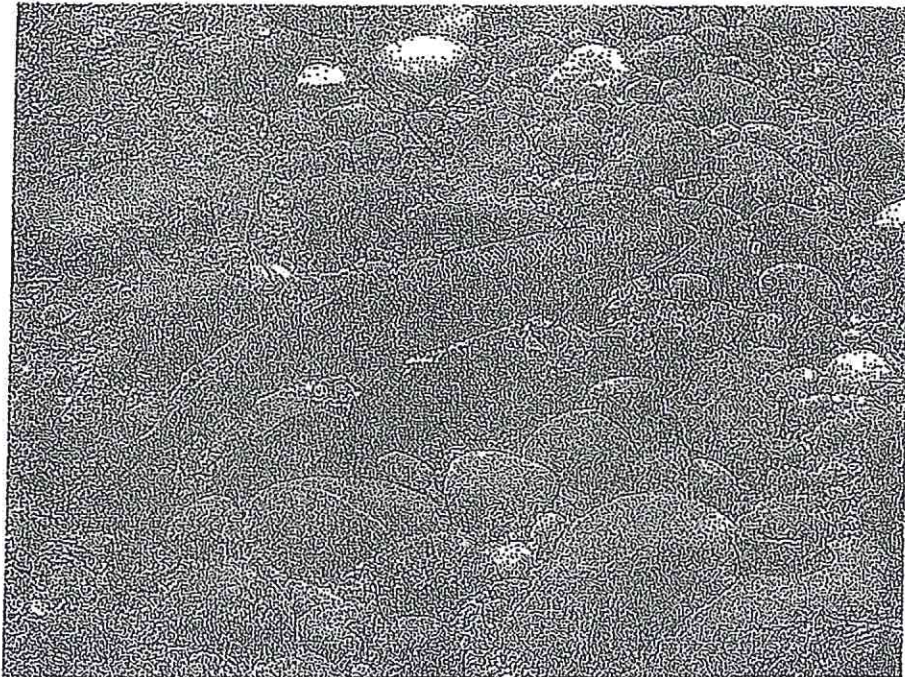


# SOUTHERN CALIFORNIA STEELHEAD RECOVERY PLAN



Southwest Regional Office  
National Marine Fisheries Service  
Long Beach, CA

January 2012

Table 7-1. Core 1, 2, and 3 *O. mykiss* populations within the Southern California Steelhead Recovery Planning Area. Higher priority populations are highlighted in bold face.

BPG	POPULATION	FOCUS FOR RECOVERY
Monle Arido Highlands	Santa Maria River	Core 1
	Santa Ynez River	Core 1
	Ventura River	Core 1
	Santa Clara River	Core 1
Conception Coast*	Jalomo Creek	Core 3
	Canada de Santa Anita	Core 3
	Canada de la Gavleta	Core 2
	Agua Caliente	Core 3
	Canada San Onofre	Core 3
	Arroyo Hondo	Core 3
	Arroyo Quemado	Core 3
	Tojiguas Creek	Core 3
	Canada del Refugio	Core 3
	Canada del Venadillo	Core 3
	Canada del Corral	Core 3
	Canada del Capitan	Core 3
	Gala Canyon	Core 3
	Dos Pueblos Canyon	Core 3
	Eagle Canyon	Core 3
	Tecolote Canyon	Core 3
	Bell Canyon	Core 3
	Goleta Slough Complex	Core 2
	Arroyo Burro	Core 3
	Mission Creek	Core 1
	Montecito Creek	Core 3
	Oak Creek	Core 3
	Son Ysidro Creek	Core 3
	Romero Creek	Core 3
	Arroyo Paredon	Core 3
	Carpinteria Salt Marsh Complex	Core 3
	Carpinteria Creek	Core 1
Rincon Creek	Core 1	
Santa Monica Mountains**	Big Sycamore Canyon	Core 3
	Arroyo Sequit	Core 2
	Malibu Creek	Core 1
	Topanga Canyon	Core 1
	Solstice Creek	Core 3





February 8, 2013

Re: Draft Negative Declaration for the Proposed Mosby Recreational Fields and Consistency Rezone Permits

Dear Ms. Carmichael:

Thank you for the opportunity to review and comment on the Mosby Recreational Fields Negative Declaration. The Grower-Shipper Association represents farmers in Lompoc and works to promote the wellbeing of the produce industry in Santa Barbara and San Luis Obispo Counties. The Association is concerned that a Negative Declaration finding is inappropriate given the potential impacts on Agricultural Resources and Land Use. The Association does not concur with the "Less Than Significant" Determination for the Mandatory Findings of Significance and requests that a full EIR with a professional consideration of all resources be prepared.

#### Agricultural Resources

The Association believes that the proposal will result in a Potentially Significant impact on Agricultural Resources. The Association is concerned that the proposal will result in potentially significant impacts resulting from the conversion of neighboring agricultural lands to non-agricultural use. More specifically, the Association is concerned about the potential future conversion of farmlands to the north and east of the project if the CUP and rezone are approved.

#### Land Use

The Association does not concur with the "No Impact" finding for c) "The induction of substantial growth or concentration of population." The formal change in land use proposed by this project could lead to a Potentially Significant series of non-agricultural developments on agricultural lands to the east of Lompoc. The same consequences necessitate a Potentially Significant finding for i) "An economic or social effect that would result in a physical change."

#### Mandatory Findings of Significance

The Association does not concur with the "Less Than Significant" determination for 3. "Cumulatively Considerable," given the potential for serial non-agricultural development of farmland in the future if this project is approved. As such, we would argue on item 5 that there *is* in fact disagreement that would warrant investigation in an EIR.

The Association has substantial concerns about this project's individual and cumulative impacts on farmland in Lompoc and the precedent it sets throughout the county. We urge you to consider these concerns and address them in an EIR that adequately identifies the Potentially Significant impacts of this project. Thank you for your attention to this matter.

Sincerely,

Claire Wineman  
President

GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES  
245 Obispo Street • P.O. Box 10 • Guadalupe, CA 93434 • (805) 343-2215

To: John Karamitsos  
Dana Carmichael

From: Sharyne Merritt

Date: February 7, 2013

Re: Negative Declaration for Mosby Recreational Fields 11CUP-00000-00032  
(APN(s) 099-141-016, 017).

Dear Ms. Carmichael and Mr. Karamitsos,

Thank you for the opportunity to comment on the Negative Declaration for Mosby Recreational Fields 11CUP-00000-00032 (APN(s) 099-141-016, 017). As a farmer in Santa Barbara County who by virtue of my membership on the Santa Barbara County Agriculture Committee may be more aware of and sensitive to issues of planning and development on Ag zoned lands (though I am writing as a private citizen and my comments are not those of the AAC), I have serious concerns with the proposed project as presented.

I understand that the Negative Declaration is a preliminary document, but if inaccurate, it may mistakenly lead to approval of a project for which further study would have led to denial.

Allow me to say at the outset that I appreciate the desire for recreation in the Lompoc Valley but think an accurate assessment would reveal this is a poor location because of its impact on agriculture.

A summary of my comments is presented below, followed by more detailed explanation.

- The wrong baseline was used resulting in inaccurate evaluation of the project and setting a precedent that will undermine State and County policies
- The calculation of Agricultural Suitability and Productivity points is inaccurate resulting in a gross underestimation of the agricultural viability of both parcels and consequent underestimation of impacts
- The project conflicts with land use policy, specifically, the Agricultural Element of the County's Comprehensive Plan and the LUDC standards for Rural Recreation projects to be located in the AG II zone.
- The ND incorrectly characterizes the subject lots' position within the 100 year flood zone
- The project may
  - require additional police protection beyond what is required on agricultural land
  - interfere with passive recreation at River Park
  - impact percolation rates, drainage patterns or the rate and amount of



- o surface runoff
- o expose people to flooding hazards

### 3.0 ENVIRONMENTAL SETTING

#### 3.2 ENVIRONMENTAL BASELINE

ND: "The environmental baseline from which the project's impacts are measured consists of the on the ground conditions described above."

I am deeply concerned that the Neg Dec uses the wrong baseline and consequently has not only failed to accurately analyze the full scope of the project's impacts, but sets a precedent that one can violate the law and then benefit from the violation.

While I am not a lawyer, my reading of legislation and current case law indicates that the circumstances of this project require the baseline to predate the unpermitted activities. Indeed, staff acknowledges "it is questionable if the current use of the site could be analyzed as baseline for CEQA purposes."<sup>1</sup>

The use of a baseline that includes an applicant's prior unpermitted activities is problematic and has broad planning implications. By incorporating a proposed project into the baseline, the agency in effect grants a unilateral exemption from CEQA for that activity.<sup>2</sup> Applying such an exemption to unpermitted uses defeats the policies of both CEQA and the County to avoid adverse effects. If a project has been operating without permits, it may already be causing impacts, but if current conditions are used as the baseline, those impacts will not be identified. This sets a precedent that could encourage others to initiate projects without first obtaining permits, undermining the State and County policies and the Land Use Code. Future applicants will know that they can engage in unpermitted activities that convert agricultural land to non-agricultural uses causing de facto environmental impacts (see Thresholds<sup>3</sup>) and afterward apply for a permit saying, "my project won't cause conversion of agricultural land to non-agricultural uses, the property is already non-agricultural."<sup>4</sup> This is just bad planning.

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<sup>1</sup> Mosby Initial Study p. 15

<sup>2</sup> *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 195-97 as quoted in State of California STATE WATER RESOURCES CONTROL BOARD, Hearing Regarding Water Rights Application 30166 of El Sur Ranch, Trout Unlimited Closing Brief

<sup>3</sup> "A California appeals court in *Cleary vs. County of Stanislaus* (1981) 118 Section App. 3d 348, has indicated that the conversion of agricultural land to nonagricultural uses may in itself be considered a significant environmental impact." County of Santa Barbara Planning and Development. Environmental Thresholds and Guidelines Manual. 2008. P 7.

<sup>4</sup> Somewhat like the story of the man who kills his parents and then asks the court for mercy because he is an orphan.

Use of a baseline for a permit that includes prior unpermitted activities also contradicts what the California Superior Court identified as one of CEQA's "first principles": in *Citizens of Goleta Valley v. Board of Supervisors of the County of Santa Barbara* the Court held that the purpose of the EIR (and by extension the Negative Declaration) "is to inform the public and its responsible officials of the environmental consequences of their decisions before (emphasis added) they are made."<sup>5</sup>

Article 9, section 15125 of the Guidelines for Implementation of The California Environmental Quality Act states: "(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally (emphasis added) constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."<sup>6</sup> Inclusion of the term "normally" indicates there are exceptions, such as when the project has been operating illegally prior to the CEQA review and the use of the current environmental setting as the baseline would effectively grant an exemption from CEQA.

Courts have determined that when there have been illegal activities prior to application for a permit, the following circumstances determine whether or not the environmental setting as it exists at the time of permit application (which includes that activity) should constitute the baseline:

- If the prior illegal activity has resulted in permanent physical change in the environment, it can be included in the baseline because the change would be present whether the permit is granted or not. In *Riverwatch v. County of San Diego* (1999) the California Court of Appeal (Fourth District, Division 1) held permanent physical conditions from prior sand mining could be incorporated into the baseline.<sup>7</sup>
- If the prior illegal activity had already undergone environmental, it can be included because CEQA does not require repetition of analysis. In *Fat v. County of Sacramento*, the California Court of Appeal (Third District) held prior environmental review had been conducted.<sup>8</sup>
- If prior illegal activity is/was subject to enforcement by another agency, it can be included in the baseline because the permitting agency should not interfere with enforcement by another agency. But, if the permitting agency is responsible for enforcement and has not done so, the baseline should precede the illegal/unpermitted activity. In *Klamath Riverkeeper et.al. v. DFG*, the San Francisco Superior Court held: "when a lead agency

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<sup>5</sup> [http://ceres.ca.gov/ceqa/cases/1990/goleta\\_valley\\_123190.html](http://ceres.ca.gov/ceqa/cases/1990/goleta_valley_123190.html)

<sup>6</sup> <http://ceres.ca.gov/ceqa/guidelines/art9.html>

<sup>7</sup> [http://ceres.ca.gov/ceqa/cases/1999/00-07-10\\_ceqa\\_riverwatch.html](http://ceres.ca.gov/ceqa/cases/1999/00-07-10_ceqa_riverwatch.html)

<sup>8</sup> [http://ceres.ca.gov/ceqa/cases/2002/Fat\\_v\\_Sacramento.html](http://ceres.ca.gov/ceqa/cases/2002/Fat_v_Sacramento.html)



issues and EIR, it cannot include activities allowed by the agency's complete non-enforcement into the baseline."<sup>9</sup> In *League to Save Lake Tahoe v. Tahoe Regional Planning Agency*, the United States District Court invalidated an EIR baseline that included existing unpermitted buoys on Lake Tahoe, stating: "an agency may not escape its duty by ignoring that duty and then presenting the results as a *fait accompli* incorporated into an environmental baseline."<sup>10</sup>

The current application does not meet any of the criteria for using the current site description as the baseline in the presence of illegal/unpermitted activities.

- The recreational activities are not permanent
- The recreational activities have not undergone prior environmental review.
- The enforcement agency is County Planning, the same agency in charge of preparing the Neg Dec and determining whether to issue a permit

For the purposes of environmental review of this application, the baseline should be set at pre-project conditions. The failure of Planning to analyze the effects of the entire project, including all current activities for which the applicant does not have a legal entitlement, undermines the policies of both CEQA and the County, and serves to abrogate the County's responsibilities to avoid adverse affects on agricultural land. It also sets a terrible precedent.

#### **4.2 AGRICULTURAL RESOURCES**

Detailed below are corrections that indicate the proposed project will result in potentially significant effects in the category of

- a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve program
- b. An effect upon any unique or other farmland of State or Local Importance

#### **4.2 AGRICULTURAL RESOURCES: Soil Classification**

ND: "APN 099-141-017 contains approximately 95% Class III –non prime soils and approximately 5% Class I prime soils. The parcel was therefore assigned points within the Class III range. The low end of the range, 8 points, was assigned to reflect the lack of agriculture on the parcel."

The point assignment is incorrect. The high end of the range should be assigned to reflect Agricultural Suitability.

<sup>9</sup>[http://waterboards.ca.gov/ssi/serp.shtml?q=Klamath+Riverkeeper+et.al.+v.+DFG&cx=001779225245372747843%3Attksqsdjfn4&cof=FORID%3A10&ie=UTF-8&siteurl=http%3A%2F%2Fwaterboards.ca.gov%2Flaws\\_regulations%2F](http://waterboards.ca.gov/ssi/serp.shtml?q=Klamath+Riverkeeper+et.al.+v.+DFG&cx=001779225245372747843%3Attksqsdjfn4&cof=FORID%3A10&ie=UTF-8&siteurl=http%3A%2F%2Fwaterboards.ca.gov%2Flaws_regulations%2F)

<sup>10</sup>[http://scholar.google.com/scholar\\_case?case=288229747664686660&hl=en&as\\_sdt=2,5&as\\_vis=1&scfhb=1](http://scholar.google.com/scholar_case?case=288229747664686660&hl=en&as_sdt=2,5&as_vis=1&scfhb=1)

- According to the USDA Soil Map parcel 017 is about 95% Metz loamy sand, 0 to 2% slope. While USDA defines this soil in its Land Capability Classification as Class III, it defines it in its Farmland Classification as "Prime farmland (emphasis added) if irrigated and either protected from flooding or not frequently flooded during the growing season"<sup>11</sup>
  - **Definition.** Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods.<sup>12</sup>
- Land Capability Class III indicates soil that while restricted in plant choice may be appropriate for valuable crops. According to the County Environmental Thresholds "sites with soils classified as non-prime, but which can support specialized high cash crops (e.g., strawberries, avocados and specialty crops) *should be assigned higher points within the ranges* (emphasis added)."<sup>13</sup> APN 099-141-017 has Metz loamy sand soil (MnA). According to the US Department of Agriculture Soil Survey, Metz loamy sand soil "is used primarily for vegetables, strawberries, walnuts, avocados, citrus crops, and field crops."<sup>14</sup> These fit the Environmental Thresholds category of high cash crops – unequivocally given the citation of strawberries in both documents. Another high value crop that grows well in sandy loamy soils is broccoli<sup>15</sup>, making Metz loamy sand, while a Class III soil, appropriate for the two top dollar crops grown in Santa Barbara County. Also, flowers and flower seed, quite high value crops, are being produced on similar soils in the immediate area.
- The lack of agriculture on the parcel is not a reason to assign lower points. This is a management decision, not an assessment of the soil as resource. If the parcel were "managed according to acceptable farming methods" it would be productive. It is worth noting that the parcel to the West of 016 is 100% Metz loamy sand, is in full production.

<sup>11</sup> <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

<sup>12</sup> National Soil Survey Handbook Part 622.

<http://soils.usda.gov/technical/handbook/contents/part622.html>

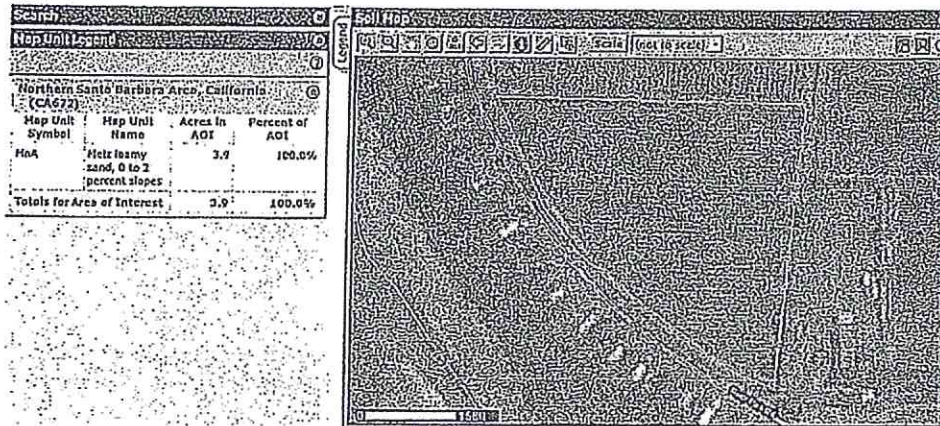
<sup>13</sup> County of Santa Barbara Planning and Development. Environmental Thresholds and Guidelines Manual. 2008. p 13

<sup>14</sup> United States Bureau of Soils. Soil Survey: Ventura Area, California. 1970. p 38

<http://books.google.com/books?id=QdLwAAAAMAAJ>

<sup>15</sup> AgriLife Extension, Texas A&M System. "Cole Crops." (E-279).





- Further supporting assignment at the top of the range, Environmental Thresholds states: "the assessment of suitability should account for the approximate frequency and intensity of frosts and other climactic factors in applying points within the ranges. Parcels which are relatively frost free and may accommodate multiple croppings may be considered more suitable than those which can support only a single crop or limited crop types due to climactic factors."<sup>16</sup> Both APN 099-141-017 and 016 are classified by the USDA as a 10a Hardiness Zone (the same as Goleta and Carpinteria and warmer than Santa Maria which is 9b.)<sup>17</sup> Zone 10a has an average annual minimum temperatures: 30-35 and is the warmest zone in Santa Barbara County. On average it is frost free from March 1 to November 30 permitting multiple croppings.

Given these facts, points should be calculated for APN 099-141-017 using the high range to reflect the potential for agriculture:  $(10*95\%)+(15*05\%) = 10.25$

#### Soil Classification (continued)

ND: "A portion of APN 099-141-016 is developed with a greenhouse. The greenhouse is underlain with Class I (prime soils) and the remaining portion of the parcel (approximately 60%) is used as the soccer field and contains Class III soils. Points for APN 099-141-016 were assigned within the Class III range, the dominant soil class type."

The point assignment is incorrect.

- Environmental Thresholds states: "Where a variety of soil types are present on a site, weight should depend upon extent of useable prime/non-prime

<sup>16</sup> County of Santa Barbara Planning and Development. Environmental Thresholds and Guidelines Manual. 2008. P 13.

<sup>17</sup> (<http://www.plantmaps.com/interactive-california-usda-plant-zone-hardiness-map.php?ZS=93436>)

acreage. As appropriate, points may be assigned according to approximate percentages (emphasis added) of site area containing various soil classifications."<sup>18</sup>

As such points for parcel 099-141-016 should be weighted to reflect soil types (60% class III and 40% class I) not assigned within the dominant class. As above, higher points within the ranges should be assigned because of potential valuable crops and potential for multiple croppings. Calculations should be:

60% class III; 40% class I  
 $(10*60\%)+(15*40\%) = 12$

#### 4.2 AGRICULTURAL RESOURCES: Water Availability

ND: "The well on APN 099-141-017 does not provide enough water to support irrigated crops, hence past dry farming practices were utilized on this parcel, thus a score of 8 points was given for this parcel. The well(s) on APN 099-141-016 provides adequate water for the greenhouses and the soccer fields thus the highest score of 15 points was given to this parcel."

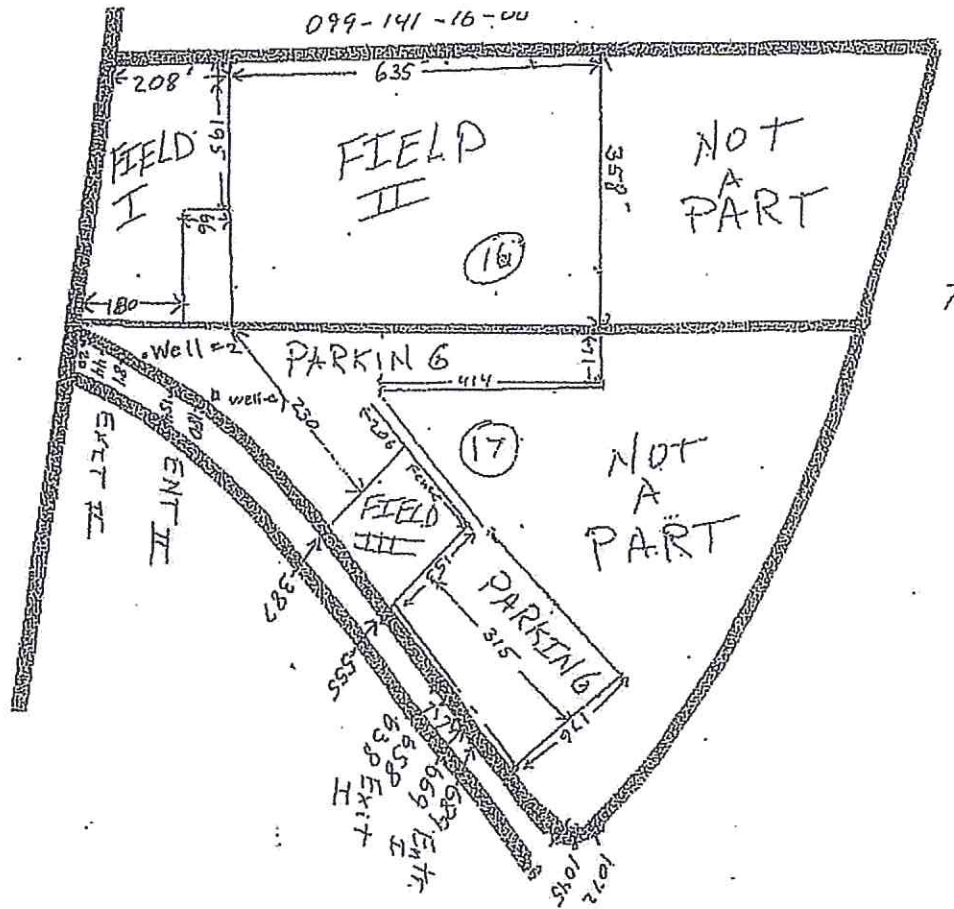
Given APN 099-141-017's proximity to the Santa Ynez River, and the fact that it is adjacent to a property that has a water availability score of 15, APN 099-141-017 should have high water availability. The current well that "does not provide enough water" may be old, poorly maintained, inadequately drilled, or provided with inadequate pumps. As such, it is a management decision to not supply an optimal amount of water, not a condition of the parcel. Also, it is possible that water from the adjacent parcel or a nearby parcel can be piped in. It is not unusual for fields to receive water from a well a mile from away.

Further, the plot map shows two wells on parcel 099-141-017 and none on 016 suggesting the adequate well is on 017 and 016 gets water from it.

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<sup>18</sup> County of Santa Barbara Planning and Development. Environmental Thresholds and Guidelines Manual. 2008. P 12





APN 099-141-017 should be assigned 15.

**4.2 AGRICULTURAL RESOURCES: Agricultural Suitability**

ND: "The land is designated as "other" in the 2010 Important Farmland maps. This is consistent with the current use of the parcel being non-agricultural. The NRCS soils data indicate the majority of soils on APN 099-141-017 indicate the majority of soils on APN 099-141-017 are considered Class III, non-prime and the 2010 Important Farmland Maps indicate designate (sic) the parcel as "Other." Historically, this parcel was utilized for dry farming, therefore the parcel is considered suitable for dry farm crops. The high end of the range, 8 points, was assigned to APN 099-141-017."

This is incorrect:  
The Important Farmland Maps designates 099-141-017 Farmland of Local

Importance (the map is admittedly difficult to read), not "Other."<sup>19</sup> See map below.

The statement that the Important Farmland map land designation "is consistent with the current use of the parcel being non-agricultural" suggests the land is non-agricultural because it is "Other." This is either a tautology or causally reversed. Important Farmland maps are based on aerial photographs showing current or recent production or lack thereof. The (inaccurate) land designation of "Other" is not "consistent" with it being non-agricultural, rather it is caused by it's being non-agricultural. According to Troy Dick, one of the individuals responsible for creating the Important Farmland maps, Important Farmland Maps "are current use, not agricultural suitability." If land with Class III soil were irrigated and farmed it would be reclassified as "Farmland of Statewide Importance."<sup>20</sup>

Further, there is overlap in the top two categories of Agricultural Suitability: the top category includes vineyard crops; the second category is dry farming which (sic) can apply to vineyard crops. "The production of some of the finest wines and olive oils in the world is accomplished with dry-farmed fruit. The famous California wines that won the 1976 Paris Wine Tasting were all dry farmed. Today, California has dry-farmed vineyards all up and down the coast, from Mendocino in the north, Sonoma, Napa (estimated 1,000 acres), to San Benito, San Luis Obispo, and Santa Barbara on the central and south coast."<sup>21</sup>

Finally, note that the Important Farmland map is incorrect in labeling Mr. Mosby's greenhouse on 016 as urban and his aquaculture ponds on 099-141-015 "urban".

Clearly using these maps alone to define suitability is inaccurate.

APN 099-141-017 should be assigned 10.

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<sup>19</sup> State of California Department of Conservation California Important Farmland Finder. <http://maps.conservation.ca.gov/ciff/ciff.html>

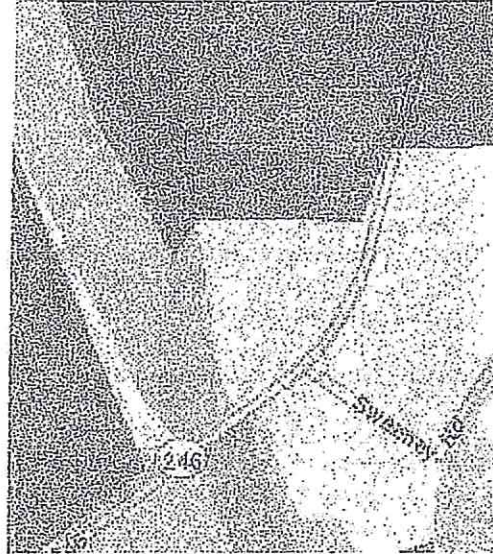
<sup>20</sup> Personal telephone conversation with Troy Dick, Research Analyst, Division of Land Resource Protection, State of California Department of Conservation

<sup>21</sup> California Agricultural Water Stewardship Initiative. "Dry Farming." [http://agwaterstewards.org/index.php/practices/dry\\_farming/](http://agwaterstewards.org/index.php/practices/dry_farming/)



**CIFF Farmland Type Legend**

-  Prime Farmland
-  Farmland of Statewide Importance
-  Unique Farmland
-  Grazing Land
-  Farmland of Local Importance
-  Farmland of Local Potential
-  Other Land
-  Confined Animal Agriculture
-  Nonagricultural or Natural Vegetation
-  Vacant or Disturbed Land
-  Rural Residential Land
-  Semi-agricultural and Rural Commercial Land
-  Urban and Built-Up Land
-  Water Area
-  Irrigated Farmland
-  Nonirrigated Farmland
-  Out of Survey Area



#### 4.2 AGRICULTURAL RESOURCES: Adjacent Land Uses

ND: "The existing parcels lie within a rural region. River Park is located adjacent and to the southwest of the proposed recreational fields and the County's road yard is located to the east. The remaining neighboring parcels to the north are zoned Agriculture. These parcels are active in cultivation. With this in mind, each parcel was assigned points in the range for "Partially surrounded by agricultural or open space with some urban uses adjacent, in a region with adequate agricultural support use," and both were assigned 8 points each. This is because the park would be considered a land use that is more compatible for urban uses."

This is incorrect.

- River Park is passive recreation, not urban. Furthermore, the portion of River Park that is adjacent to 099-141-017 is an open field. See map below:



- Parcel 099-141-017 is a triangle. The County's road yard (099-141-010) is opposite the bottom point of the triangle and is not "adjacent" on any side of the triangle. Should P&D decide this qualifies as "adjacent," please note that many of the activities of the County road yard support agriculture and as such, its presence should be interpreted as supportive of agricultural use.
- Parcel 099-141-016 is completely surrounded by active agriculture with the exception of adjacent Parcel 099-141-017, which is zoned Ag 40 and currently has some fallow land and some non-permitted recreational use

Both Parcel 099-141-017 and parcel 099-141-016 should be assigned 10 points.

#### **Combined Farming Operation**

Look again at the plot map. The two parcels share a well. This is a combined farming operation.



## SUMMARY of POINTS

### Correct Agricultural Suitability and Productivity Analysis

Category	APN 099-141-017	APN 099-141-016
Parcel Size	6 points	6 points
Soil Characteristics	10 points	12 points
Water Availability	15 points	15 points
Agricultural Suitability	10 points	10 points
Existing and Historic Land Use	4 points	5 points
Comprehensive Plan Designation	5 points	5 points
Adjacent Land Uses	10 points	10 points
Agricultural Preserve Potential	0 points	0 points
Combined Farming Operations	3 points	3 points
<i>Total</i>	<i>63 points</i>	<i>66 points</i>

#### 4.2 AGRICULTURAL RESOURCES: Impacts

##### *Potentially Significant Impact*

According to the Environmental Thresholds Point system, parcels with a designated point value of 60 and above are considered agriculturally viable parcels. As noted above, both parcels are agriculturally viable and the proposed (existing) project is/will impact agricultural productivity of farmland of State or Local Importance

The Neg Dec is only partially correct in stating, "if the current property owner wanted to use the lots for agriculture in the future, the proposed non-agricultural use for the land is not permanent and with amendments to the soils, the subject lots could be converted back to a cultivational (sic) use."

I urge P&D not to underestimate how much compacting (from trampling and parking) can degrade soil, making it less suitable for long-term agricultural sustainability. Soil properties considered most representative of the overall soil health or quality include: organic matter content, soil structure, bulk density, infiltration rate, and activity of the biological community. The impacts on these soil properties increase with intensity and duration of compaction as do the financial and time costs of restoration/remediation. Financial costs will include soil amendments, labor, equipment, fuel and reduced yields; time costs will be incurred for natural processes that improve soil such as biological activity and

soil aggregation to take place.<sup>22</sup>

As such, contrary to the ND, the longer the subject lots have non-agricultural activities that compact their soil, the more costly and therefore less likely it will be for any owner to convert them back to cultivation.

The proposed non-agricultural use is clearly detrimental to agricultural resources.

**4.11 LAND USE: b Conflict with any applicable land use plan, policy . . . adopted for the purpose of avoiding or mitigating an environmental effect:**

ND: "As described in the Agricultural Resources Section of this document, herein incorporated by reference, the proposed recreational use would not affect each parcel[']s capability of being agriculturally suitable."

This is incorrect.

Reference to the Agricultural Element Policy 1 A. 1 a-b is inaccurate. This policy does not allow for recreation, it restricts the County from imposing trails.

Policy 1A. The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

Imposition of any condition requiring an offer of dedication of a recreational trail or other recreational easement shall be discretionary (determined on a case-by-case basis), and in exercising its discretion, the County shall consider the impact of such an easement upon agricultural production of all lands affected by and adjacent to said trail or other easement.

1. On lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, provisions for recreational trails or other recreational easements defined in the Comprehensive Plan may be imposed by the County as a condition for a discretionary permit or land division only in the following circumstances: a. The area in which the trail is proposed to be located is land which is not under cultivation or being grazed or is not part of a rotation program, or is not an integral part of the agricultural operations on the parcel; or,

b. The land use permit requested is not for a use which is compatible with agricultural production on the property, as defined in the County Agricultural Preserve Uniform Rules. In this instance, the recreational trail or other recreational use shall be required to be located only on the portion of the property taken out of agricultural production for the permit

Reference to Section 35.43.240 – does not exist in LUDC

35.42.240 is "Rural Recreation." It specifically states

**Inland area.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle

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<sup>22</sup> Gimenez, D., Kluchinski, D, Murphy, S., Muldowny, L.S. "Assessment of Soil Disturbance on Farmland." Presented to New Jersey State Agriculture Development Committee. (2010)



range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable standards included in Subsection C. (Standards) below.

**C. Standards**

**1. AG-II and AG-II CZ zones.** The following development standards shall apply to projects located in the AG-II and AG-II CZ zones.

- a. Is in character with the rural setting.
- b. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
- c. Does not include recreational facilities open to the general public who are not using the recreational facility.
- d. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.
- e. Does not include commercial facilities open to the general public who are not using the recreational facility.

The proposed project is high intensity.

The proposed project will affect the parcels' capability of being agriculturally suitable. The project takes 63% of the two parcels out of agricultural production. That clearly affects their being used for agriculture. Further, trampling and parking degrade the ground. It will take considerable money and time to bring the ground back to production.

The proposed project conflicts with County land use policy, specifically, the Agricultural Element of the County Comprehensive Plan:

- The Preamble states: the County recognizes the need to "provide for the conservation of its agriculture."
- Goal I, Policy IA states "The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses."
- Goal I, Policy IB states that the "rights of operation, freedom of choice as to . . . functions within the traditional scope of agricultural management decisions . . . shall be conducted in a manner which is consistent with . . . sound agricultural practices that promote the long-term viability of agriculture"
- Goal I, Policy I.E. states "The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported."
- Goal I, Policy I.F. states "The quality of availability of . . . soil resources shall be protected through provisions including . . . the stability of Urban/Rural Boundary Lines."
- Goal I, Policy I.G, states "Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil."
- Policy II.D. Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.
- The purpose of an agricultural designation is to preserve agricultural land

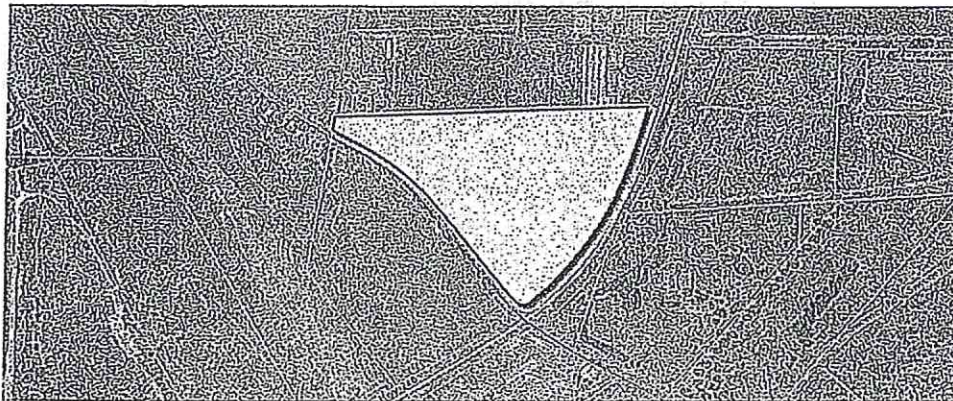
for the cultivation of crops and the raising of animals. For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, *land with agricultural potential* (emphasis added), and lands under Williamson Act contracts.

### 3.1 PHYSICAL SETTING

Surface Water Bodies (including wetlands, riparian areas, ponds, springs, creeks, rivers, lakes, and estuaries):

ND: "Current mapping indicates that the subject lots do not lie within the river's 100-year floodway."

While the properties may not within the rivers "floodway" (defined as "The channel of a river or stream and the parts of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the flood water or flood flow of a river or stream"<sup>23</sup>), they are within the "100-year floodplain" (defined as "The area adjoining a river or stream that has been or may be covered by the 100-year flood"<sup>24</sup>). A search of the Santa Barbara County Flood Zone Look Up – Online Map shows both properties within the "100-year flood zone." (In the map below parcel APN 099-141-017 is shown in yellow and APN 099-141-016 is visible above. Blue indicates 100-year flood zone.)

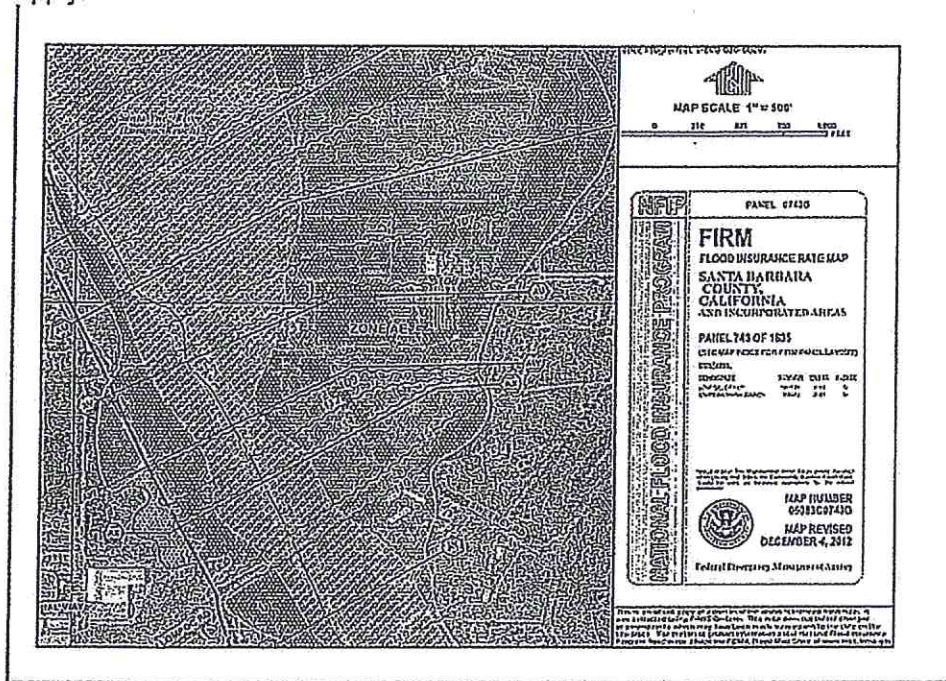


<sup>23</sup> Development Services Division. County of Yolo. "Floodways Vs. Floodplain: A quick guide to floodplains and floodways.

<sup>24</sup> Ibid.



FEMA Flood Rate Insurance Map (see below) shows it to be in Zone AE: "Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply."<sup>25</sup>



**4.13 PUBLIC FACILITIES: a. A need for new or altered police protection**

The project will have a potentially significant impact. It is difficult to imagine how 700 people a day at a recreation facility without part-time or full-time staff (only volunteer monitors?) would not require police protection beyond what would be required by agricultural usage.

**4.14 RECREATION: c. Substantial impact on the quality or quantity of existing recreation opportunities.**

Given its intensive nature, the project will have a potentially significant impact on the passive recreation (hiking, bird watching, picnicking) recreational opportunities at River Park.

<sup>25</sup> <http://www.fema.gov/national-flood-insurance-program-2/zone-ae-and-a1-30#0>

4.16 WATER RESOURCES/FLOODING a. Changes in percolation rates, drainage patterns nor the rate and amount of surface runoff

ND: "No new development or impervious surfaces are proposed"

Mocho loam has moderate permeability and slow surface runoff;<sup>26</sup> Metz loamy sand has rapid permeability, very slow surface runoff.<sup>27</sup> It is quite likely that soil compaction caused by use of a parking lot for 150 cars and continued recreational activities will result in further soil compaction that can change percolation rates, drainage patterns, and/or rate and amount of surface runoff. This is a potentially significant impact.

4.16 WATER RESOURCES/FLOODING f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain).

ND: "Both parcels are outside of the 100 year flood plain"

The County Flood Zone Lookup Map and FEMA map indicate both parcels are inside the 100-year flood zone.<sup>28</sup>

**Conclusion:**

The proposed project MAY have a significant effect on the environment and an EIR must be prepared.

Thank you,  
Sharyne Merritt, Ph.D.

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<sup>26</sup> United States Bureau of Soils. Soil Survey: Ventura Area, California. 1970. p 41  
<http://books.google.com/books?id=QdLwAAAAMAAJ>

<sup>27</sup> *ibid.*, p 38

<sup>28</sup> [https://www.cartograph.com/v2.5/viewer/?do=start&project=938&application=CG3Viewer&embedded=1&query\\_url=0&context=2&search\\_layer=3599&criteria=address\\_number\\_street;contains;](https://www.cartograph.com/v2.5/viewer/?do=start&project=938&application=CG3Viewer&embedded=1&query_url=0&context=2&search_layer=3599&criteria=address_number_street;contains;)

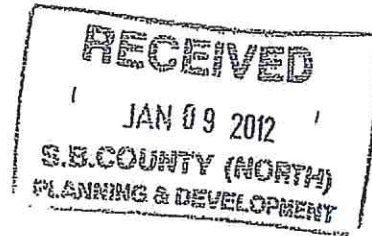




Santa Barbara County  
Air Pollution Control District

January 6, 2012

John Zorovich  
Santa Barbara County  
Planning and Development  
624 W. Foster Road  
Santa Maria, CA 93455



Re: APCD Comments on Mosby Recreational Fields, 11CUP-00000-00032

Dear John:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of the use of agricultural property for athletic fields. Uses of the fields include a Paintball field, a remote control car track, and a soccer field. The fields will be opened primarily on weekends between the hours of 8 am and 5 pm; minimal use will occur during the week. No permanent structures will be built at this time. The proposed project is designed to have minimal, and no permanent, effects to the existing use of the property (agricultural-entertainment and fallow farming). The subject property, a 19.5-acre parcel zoned 40-AG and identified in the Assessor Parcel Map Book as APN 099-141-016,-017, is located at 625 E. Hwy 246/2 Riverpark Road in the community of Lompoc.

The APCD has no comment on this project at this time.

If you or the project applicant have any questions, please feel free to contact me at (805) 961-8890 or via email at [cvw@sbcapcd.org](mailto:cvw@sbcapcd.org).

Sincerely,

Carly Wilburton,  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: James Mosby  
TEA Chron File

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 ds\_naho@pacbell.net

clear  
01/22/13  
RECEIVED  
JAN 14 2013

December 26, 2012

STATE CLEARING HOUSE

Ms. Tammy Weber, Planner

**County of Santa Barbara Planning and Development**

624 W. Foster Road, Suite C  
 Santa Maria, CA 93436

Re: SCH#2012121065; CEQA Notice of Completion; proposed Negative Declaration for the "Mosby Recreational Fields and Rezone Consistency;" located one-half mile north of the City of Lompoc; Santa Barbara County, California

Dear Ms. Weber:

The California Native American Heritage Commission (NAHC) is the State of California 'trustee agency' for the preservation and protection of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you



make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead-agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254( r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

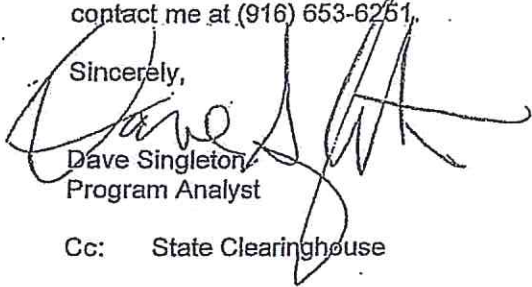
To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

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If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

STATE OF CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES  
COMMUNITY CARE LICENSING DIVISION



Mosby  
 Recreational  
 Fields CUP &  
 Rezone  
 12RZN-00000-00003  
 11CUP-00000-00032



All dimensions  
 are approximate.

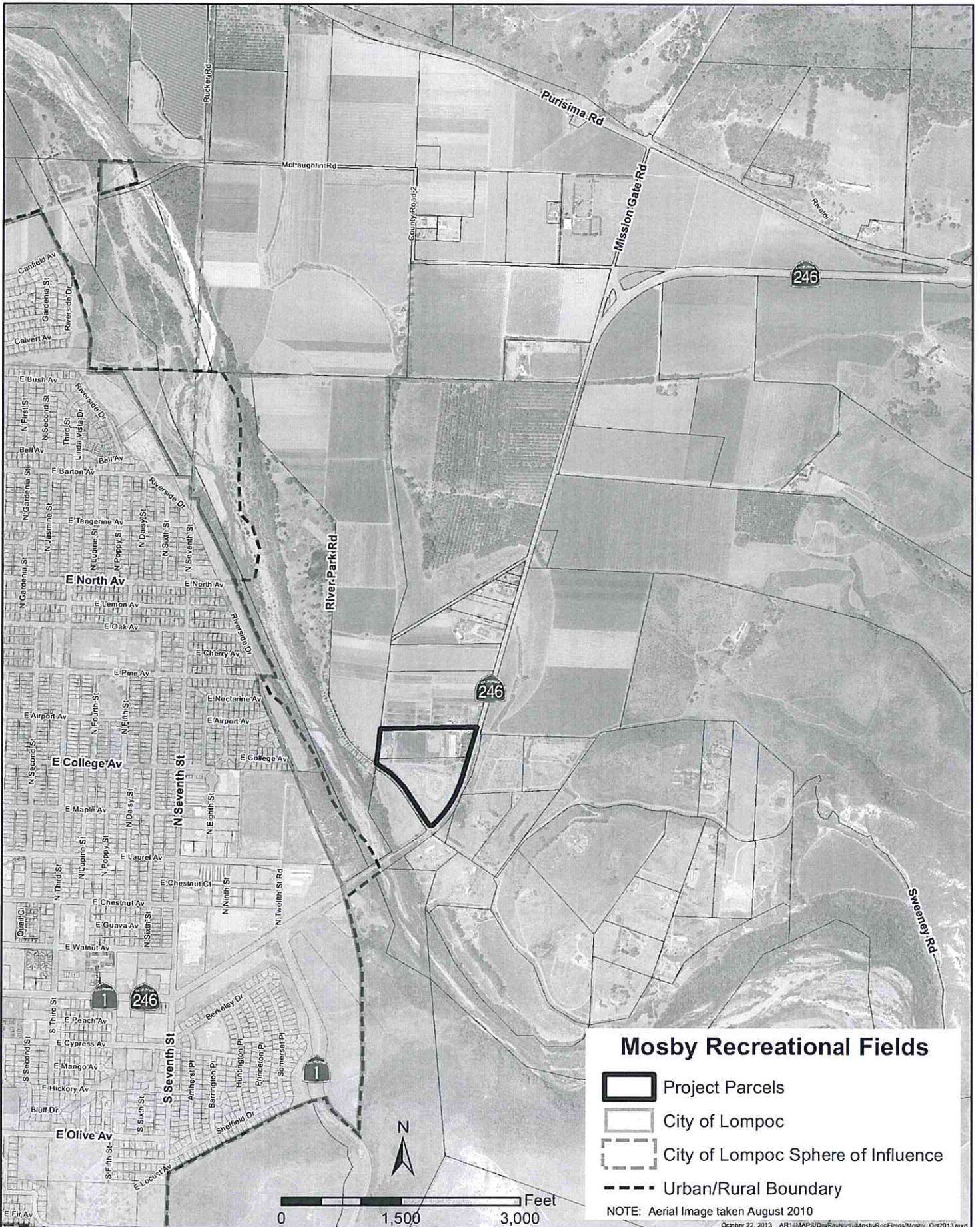
Scale  
 1"=200'




Photo provided by Google Earth 2012

AR 0695





### Mosby Recreational Fields

-  Project Parcels
-  City of Lompoc
-  City of Lompoc Sphere of Influence
-  Urban/Rural Boundary

NOTE: Aerial Image taken August 2010

October 22, 2013 AR14MAP3-Div\Raw\GIS-Mosby\RecFields\Mosby\_Oct2013.aerid



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

IN THE MATTER OF RECOMMENDING ) RESOLUTION NO.: 13 - \_\_\_\_\_  
TO THE BOARD OF SUPERVISORS THAT )  
AN ORDINANCE BE APPROVED AMENDING) CASE NO.: 12RZN-00000-00003  
SECTION 35-1, THE SANTA BARBARA )  
COUNTY LAND USE AND DEVELOPMENT )  
CODE, OF CHAPTER 35 OF THE SANTA )  
BARBARA COUNTY CODE, BY AMENDING )  
THE COUNTY ZONING MAP BY CHANGING )  
THE ZONING OF ASSESSOR'S PARCEL )  
NUMBERS 099-141-016, -017 FROM 40-AG TO)  
AG-II-40 )

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas all zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps", of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they relate to Assessor's Parcel Numbers 099-141-016, -017 as shown in Exhibit A of Exhibit 1.
- B. Whereas the County Planning Commission has held a duly noticed public hearing, as required by Section 65484 of the Government Code on the proposed amendment to a zoning ordinance, at which hearing the proposed amendments were explained and comments invited from persons in attendance.
- C. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the zoning map amendment to the applicable general and specific plans, which is hereby identified as necessary to provide needed residential development within the existing urban core rather than extending the Urban Boundary line into the designated Rural area of the County consistent with the General Comprehensive Plan.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by changing the zoning of Assessor's Parcel Numbers 099-141-016, -017 from 40-AG to AG-II-40 based on the findings included as Attachment A of the Planning Commission staff report dated August 22, 2013.

2. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this 13th day of November, 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
JOAN HARTMANN, Chair  
Santa Barbara County Planning Commission

ATTEST:

\_\_\_\_\_  
Dianne Black  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBITS:

1. Ordinance



**EXHIBIT 1**

LAND USE DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBERS 099-141-016, -017

Case No. 12RZN-00000-00003

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

**SECTION 1**

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Numbers 099-141-016, -017 shown on the map attached hereto as Exhibit A and incorporated by reference.

**SECTION 2**

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated (date of approval by Board of Supervisors), which re-designates Assessor's Parcel Numbers 099-141-016, -017 from 40-AG to AG-II-40 and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

**SECTION 3**

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

**SECTION 4**

Except as amended by this Ordinance, Section 35.14.020 of the Land Use Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

---

**SECTION 5**

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, 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 \_\_\_\_\_, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

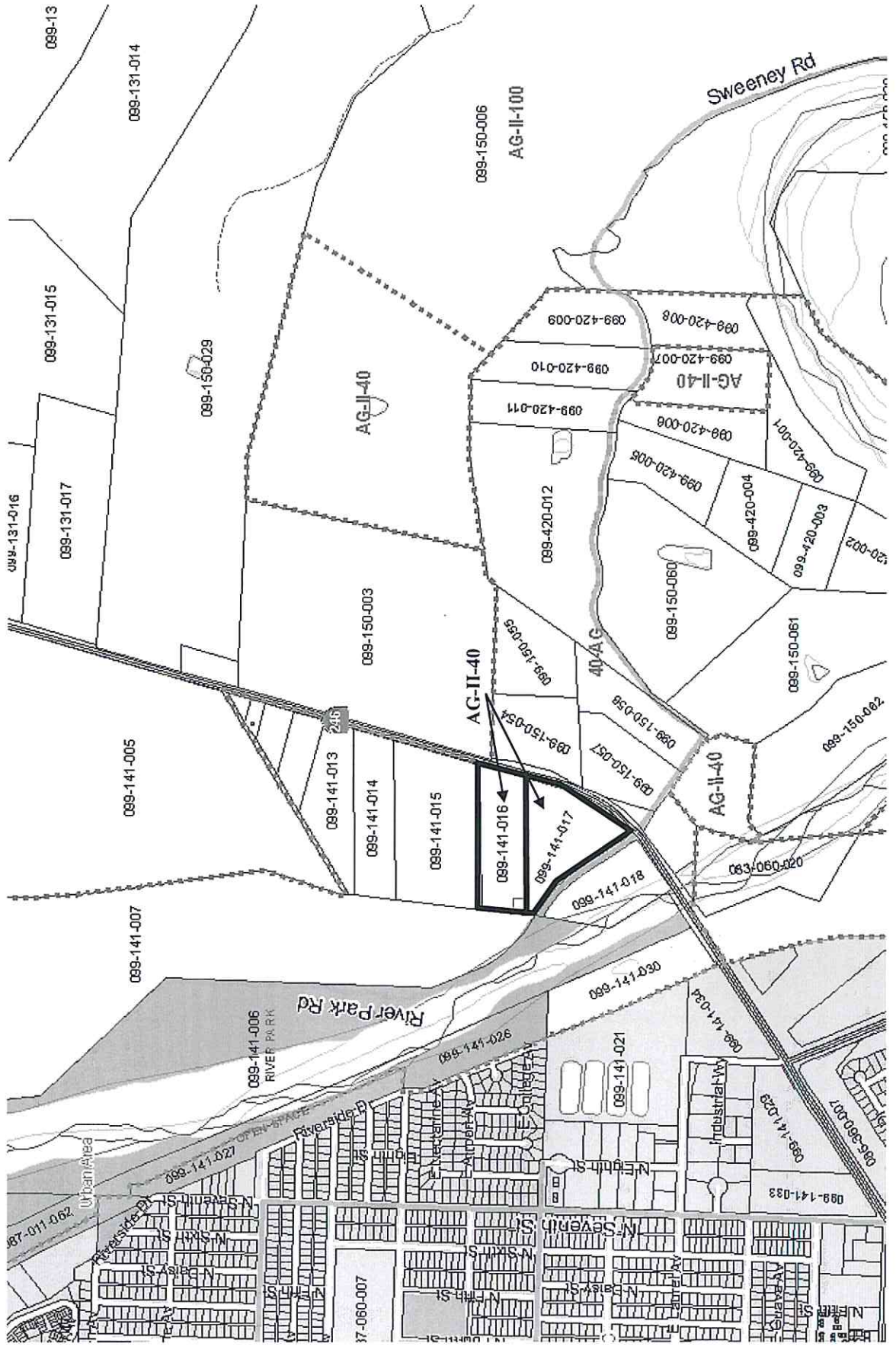
\_\_\_\_\_  
SALUD CARBAJAL, Chair, Board of Supervisors  
County of Santa Barbara  
State of California

DENNIS A. MARSHALL  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel



EXHIBIT A





October 15, 2013

Dana Eady, Planner  
Planning & Development Department  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

**Re: Proposed Mosby Sports & Outdoor Recreation Facility Project;  
Mitigated Negative Declaration (MND)**

Dear Ms. Eady,

The following comments on the Mosby Sports & Outdoor Recreation Facility Project (Project) and MND are submitted by the Environmental Defense Center on behalf of the Santa Barbara County Action Network (SB CAN).

The Project consists of an outdoor recreation facility spread out over nearly 20 acres and comprised of existing, unpermitted athletic fields, a paint ball field and a remote control car track.

We appreciate that the Project applicant has asked County staff to revise the Project MND in response to concerns we raised in a letter dated September 9, 2013. In particular, it is appropriate for the revised environmental review documents to incorporate an accurate pre-Project "baseline" for the purpose of (re)analyzing the Project's impacts.

Use of the pre-Project baseline will allow the County to consider both the Project's construction and ongoing operational impacts. For example, grading activities associated with the athletic fields, paint ball field or remote control car track may have exacerbated surface water run-off on the subject parcels, leading to water quality impacts.

"Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." PRC § 21002.1(b); *Lincoln Place Tenants Assn. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508; *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 356. We request that the following mitigation

906 Garden Street, Santa Barbara, CA 93101 (805) 963-1622  
[www.EnvironmentalDefenseCenter.org](http://www.EnvironmentalDefenseCenter.org)

AR 0702



measures and conditions of approval be incorporated into the MND or an environmental impact report (EIR) prior to the Planning Commission's hearing of November 13, 2013.

#### 4.1 AESTHETICS/VISUAL RESOURCES

The Project Description states: "Hours of operation would be 7 a.m. to dusk daily. . . . No outdoor lighting . . . or signage is proposed." (Proposed Final MND, at p. 1.) The discussion of visual impacts concludes that therefore, "there would be no change in the visual character of the area from lights or structures." (*Id.*, at p. 4.) The Project should include Conditions of Approval which make these limitations explicit and provide adequate mitigation for potential impacts: hours of operation should be curtailed at dusk or 7 p.m., whichever is earlier, and outdoor lighting and signage should be prohibited. If outdoor lighting is ever permitted in conjunction with the Project, it should be of low-intensity, must be no more than ten (10) feet in height, and must be hooded and aimed toward the ground in order to prevent and mitigate for light spillover into adjoining habitats and open spaces.

#### 4.4 BIOLOGICAL RESOURCES

The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that, when left fallow for extended periods of time and allowed to support native/non-native vegetation, they provide potential foraging habitat for one or more special-status wildlife species.<sup>1</sup> Prior to construction of the Project, the parcels likely provided upland foraging, nesting, dispersal and/or cover habitat for numerous special-status species. These species are known from the vicinity of the Project, such as in Santa Ynez River riparian and aquatic habitats. Historic aerial photographs show that the subject parcels contained grassland and shrubland vegetation, and sandy soils that could have been used by one or more of the following:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondi*) – California Species of Special Concern (foraging and cover habitat)
- Cooper's hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)
- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)

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<sup>1</sup> Personal communications with Lawrence E. Hunt, Hunt & Associates Biological Consulting Services, Sept. 6, 2013.

- Burrowing owl (*Athene cunicularia*) - California Species of Special Concern (foraging and possible nesting habitat)
- Long-eared owl (*Asio otus*) - California Species of Special Concern (foraging habitat)
- Loggerhead shrike (*Lanius ludovicianus*) - California Species of Special Concern (foraging and possible nesting habitat)
- California horned lark (*Eremophila alpestris actia*) - California Species of Special Concern (foraging habitat)
- Bell's sage sparrow (*Amphispiza belli belli*) – Watch List (foraging and possible nesting habitat)
- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
- Lawrence's goldfinch (*Carduelis lawrencei*) - California Species of Special Concern (foraging habitat)
- Pallid bat (*Antrozous pallidus*) - California Species of Special Concern (foraging habitat)
- Townsend's big-eared bat (*Corynorhinus townsendii*) - California Species of Special Concern (foraging habitat)
- Western red bat (*Lasiurus blossevillii*) - California Species of Special Concern (foraging habitat)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) - California Species of Special Concern (foraging and cover habitat).<sup>2</sup>

Removal of all vegetation and grading of the parcels for the Project likely eradicated habitat for one or more of the aforementioned animals. The greatest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss).

Similarly, conversion of the parcels from fallow field to recreational uses removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat.

The revised environmental documents should include a mitigation measure which requires the preparation, County approval and applicant implementation of a restoration plan for native habitats which could occur on unused or underutilized portions of the parcel and/or which were affected by the Project's construction and ongoing operations.

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<sup>2</sup> *Id.*



#### 4.16 WATER RESOURCES/FLOODING

The MND states that "no new development or impervious surfaces are proposed" for the Project. (Proposed Final MND, at p. 27.) However, as we have noted previously, the soils on the site will be changed and compacted by continued recreational activities and the presence of automobiles. One soil type present, Mocho loam, has moderate permeability and slow surface runoff;<sup>3</sup> while Metz loamy sand has rapid permeability, and very slow surface runoff. It is quite likely that importation of road base and soil compaction for a parking lot for 150 cars and recreational activities can result in a change in percolation rates, drainage patterns, and/or rate and amount of surface runoff. Consequently, the revised environmental documents should analyze changes to infiltration, runoff and water quality, and include a mitigation measure which requires preparation of a drainage plan to reduce or eliminate sediment and other run-off. Such a plan should include: (1) planting of native vegetation to reduce erosion on exposed soils; (2) sedimentation or detention basins to reduce turbidity and sedimentation in nearby surface waters; and (3) vegetated swales to filter pollutants from parking lot runoff.

Thank you for considering these requests.

Sincerely,



Nathan G. Alley, Staff Attorney



Brian Trautwein, Environmental Analyst / Watershed Program Coordinator

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<sup>3</sup> MND, at p. 15.

**ITEM NO. 1**

**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

**TO:** County Planning Commission

**FROM:** Dana Eady, Planner

**DATE:** September 10, 2013

**RE:** Mosby Sports and Outdoor Recreational Facility  
Case Nos. 11CUP-00000-00032, 12RZN-00000-00003

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Mr. Mosby requests that the Planning Commission continue the Mosby Sports and Outdoor Recreational Facility project from the September 11, 2013 Planning Commission agenda to November 13, 2013. This continuance is requested to provide time for the analysis of project impacts under an additional baseline scenario (i.e. a pre-recreational use condition).



**Villalobos, David**

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**From:** ART HIBBITS [ahibbits01@gmail.com]  
**Sent:** Monday, December 02, 2013 8:32 AM  
**To:** Villalobos, David; Eady, Dana; Karamitsos, John  
**Subject:** Fwd: PC 12/04/2013 meeting  
**Attachments:** Mosby Maps089.pdf

**Categories:** Purple Category

AGENDA ITEMS  
ITEM #: 1  
MEETING  
DATE: 12-4-13

**From:** ART HIBBITS <ahibbits01@gmail.com>  
**Date:** Dec. 2, 2013  
**Subject:** PC 12/04/2013 meeting, Mosby CUP  
**To:** David Villalobos

David: Please forward to the Planning Commissioners and staff:

Reference: Staff Report, Nov. 26, 2013, Mosby, Attachment C, pg.1, right paragraph 2: "Inconsistent: The recreational.....and is located on the urban fringe of the City."

I believe this is misleading, if not in error. (Please see the attached maps) The distance between Mosby SW corner of APN 099-141-015, which is the SW corner of the Paint Ball Facility, and the City of Lompoc City Limits to the West, is approximately 1000 ft. Note that this is the shortest distance. The distance to the East property line of Mosby is at least 2000ft.

This 1000 ft.between the Mosby SW corner and the City is comprised of about 370 ft. of riparian vegetation starting the West, then 260 feet of actual Santa Ynez River channel, then 105 ft. of more riparian veg. and the balance is used for the Campsites/RV parking. Almost all of the above is in the 100 yr. flood zone, except approximately the West 100 ft.

A more accurate statement would be "...and is over 1000 ft East of the existing City Limit, with the Santa Ynez River in between. This has been the buffer between the City and Ag for over 100 years."

Reference: Same page, 4th paragraph on right: The sentence: "The project also has the potential..." and following sentence: "...with these Lompoc area community goals." makes no sense. Are the "sensitive receptors" on the Mosby property or in River Park.

Finally, under 2.1.2 Good Planning Practice is to use existing natural features as your buffers between incompatible uses, ie Urban and Ag. Also, what about the Growth-inducing impacts resulting by allowing this CUP to go forward?

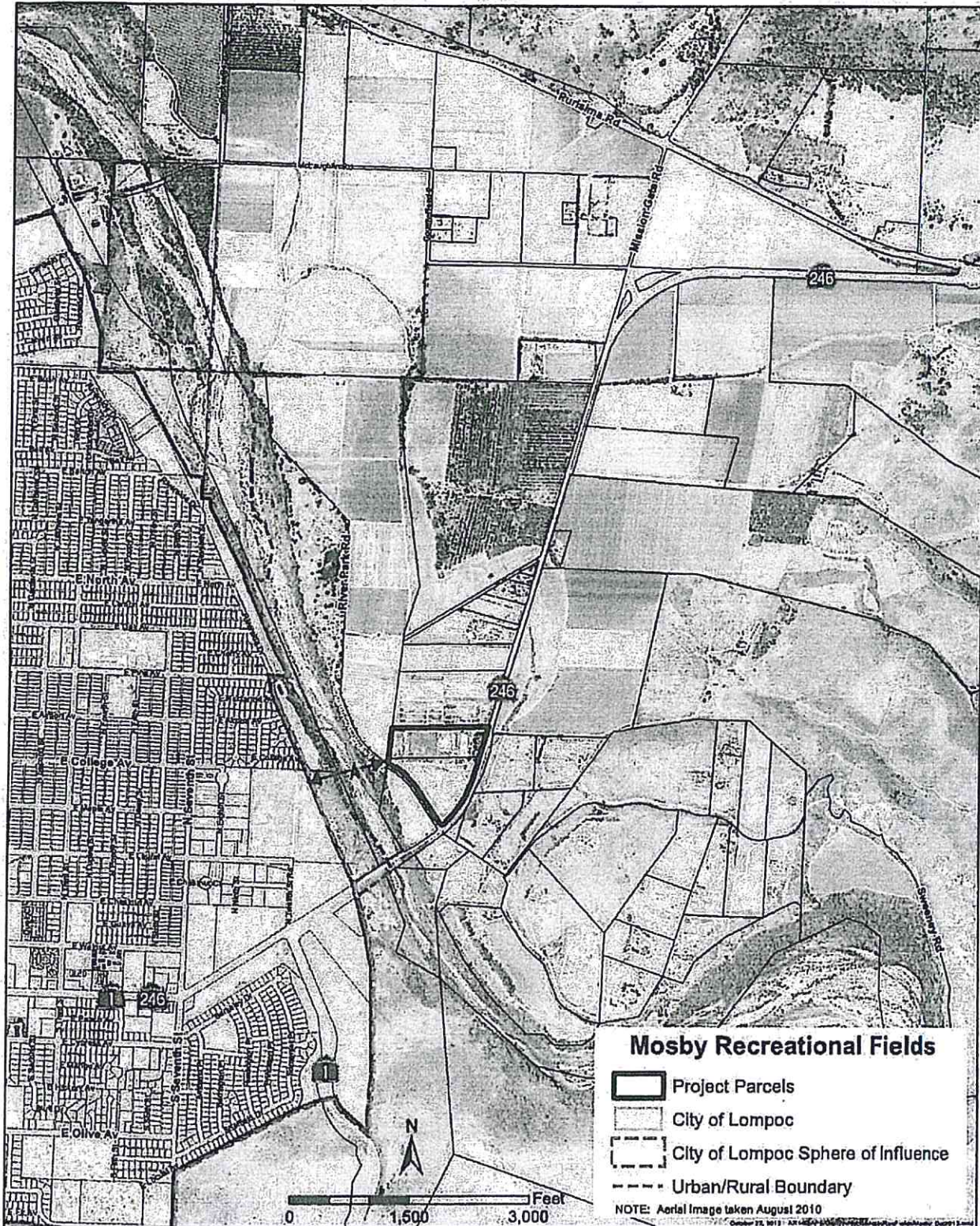
I will not be able to attend this meeting. Please call if any of this needs clarification. Thanks, Art Hibbits

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DEC 02 2013

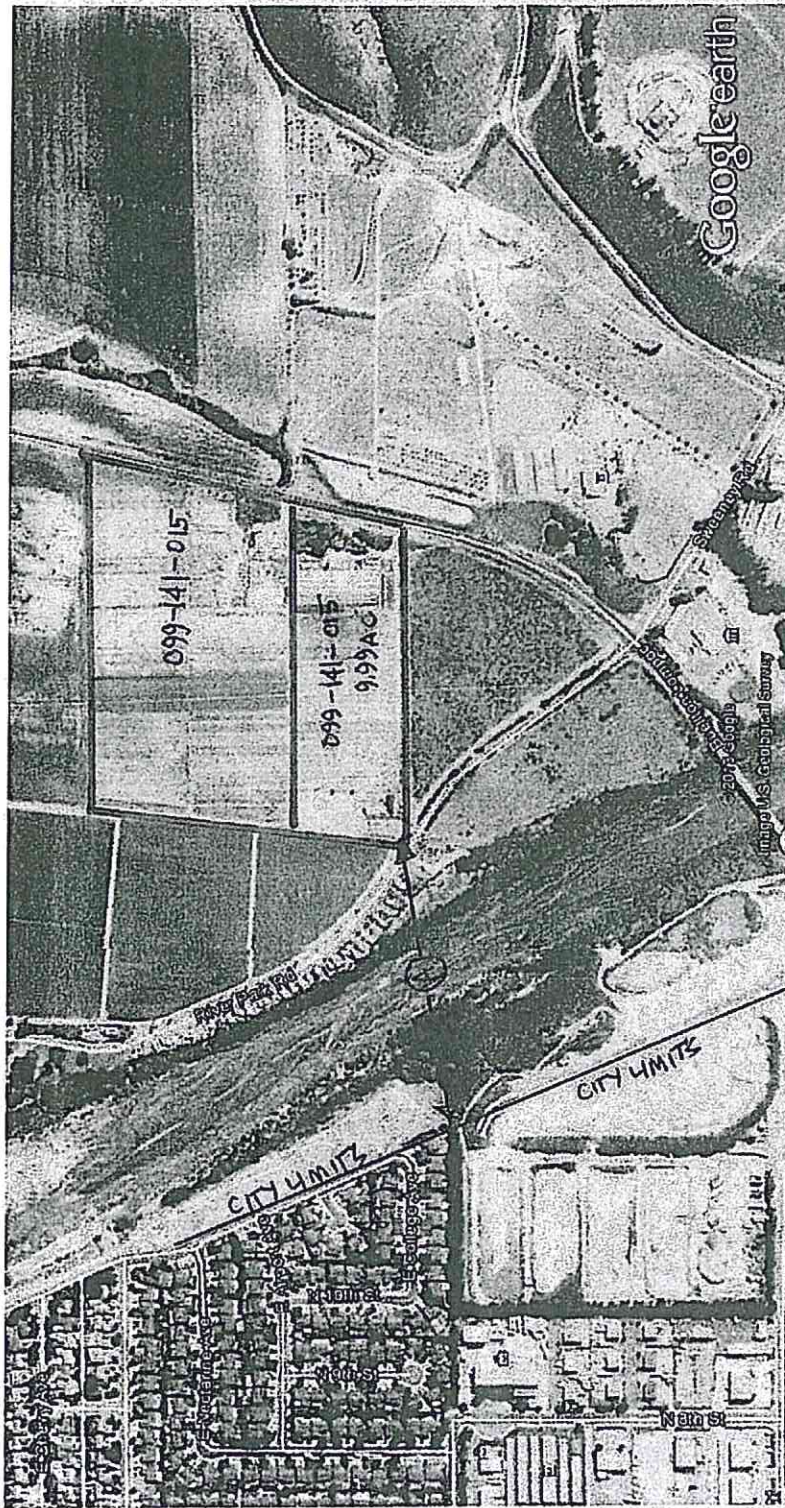
LOS ANGELES COUNTY  
PLANNING & DEVELOPMENT  
SUPPORT





A = APPROX. 1000 FT.





9/2/1994



1994 MOSBY APN LINES AND AG  
 ⓐ = APPROX. 1000 FT.

Google earth



Villalobos, David

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**From:** Mary Ellen Brooks [mebrooks@sbceo.org]  
**Sent:** Saturday, November 30, 2013 11:26 AM  
**To:** Villalobos, David  
**Subject:** Public Comment for Mosby item  
**Categories:** Purple Category

AVAILABILITY  
ITEM #:  
MEETING  
DATE: 12-4-13

Dear Staff: Please forward this information to all Planning Commissioners for the Mosby item on Wednesday. I received this from Richard Jacoby, past Lompoc City Council member. Mary Ellen Brooks

Begin forwarded message:

I was a member of the Lompoc City Council from 1966 to 1970. During that time there was a move to create a bypass around the city on the east side of the river. In that connection there had been an official survey and appraisal of the land to be acquired for the bypass.

The bypass project was abandoned and at that time there was a federal/state initiative to provide green belts in urban areas. With the surveys and appraisal finished (for the bypass project) we went to Sacramento and applied for funding to acquire the land for a "green belt." That land is now River Park.

It was in furtherance of the Green Belt Initiative that we qualified and were funded for the land acquisition.

I hope this is adequate. If you want more details, let me know.

Thanks for your work on this project.

Dick

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DEC 02 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT



To: Chair Hartmann and Honorable Members of the Planning Commission  
Date: Dec 1, 2013  
From: Sharyne Merritt  
RE: Mosby Recreation Fields

AGENDA ITEMS  
ITEM #: 1  
MEETING  
DATE: 12-4-13

The issue of LAFCO's denial of the City of Lompoc's request to expand beyond the natural boundary of the Santa Ynez River was raised at the November 13, 2013 Planning Commission meeting. In order that the record be more thorough, I have attached four public documents that make reference to this denial.

(1) SB LAFCO minutes of Feb 4 1999 (Attachment 1) details LAFCO's acceptance of 3 of 4 areas requested by the City of Lompoc for inclusion in its Sphere of Influence (SOI) and denial of expansion of the SOI East of the Santa Ynez River. Top of page 2:

"Denied including that portion of Component 2 (River Park/River Bend Park) located east of the Santa Ynez River, with Commissioners Burnett, Orach and Urbanske opposed."

(2) Montecito Water District minutes of Feb 16 1999 (Attachment 2) provides a report on the Feb 1999 LAFCO meeting by LAFCO Commissioner, Campbell. Top of page 6:

"Director Campbell reported that the next LAFCO meeting will be held on March 11th at the County Planning Hearing room. He said that Lompoc is trying to expand its sphere of influence. He said that LAFCO agreed to expand Lompoc's boundaries up to the middle of the Santa Ynez River, but would not approve crossing it."

(3) Lompoc City Council agenda Nov 16 2004 (Attachment 3) discusses a request for annexation of parcels APN 099-141-17 and 099-141-18 and notes the 1999 LAFCO rejection. Second paragraph page 2:

"LAFCO denied the City's application to include River Park and the subject parcels in the City's Sphere of Influence. The decision seemed to be based upon LAFCO's determination that the Santa Ynez River is a natural boundary which should not be crossed, because extending the City would have a growth inducing effect. It is unknown whether LAFCO will consider the subject request favorably."

(4) In 2008, The City of Lompoc commissioned Rincon Consultants to analyze four areas for potential annexation for the City of Lompoc General Plan Update. (Attachment 4). One of areas to be assessed was East of the Santa Ynez River, including parcel 099-141-17, (see map on page 6 of report). Rincon identifies five constraints associated with potential annexation of this area (page 8 of report) one of which is:

"Previous annexation requests denied by LAFCO due to presence of a natural barrier (the river) and precedent-setting effect."

(See report for other constraints identified by Rincon in addition to the LAFCO denial.)

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S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

AR 0711

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

February 4, 1999

City Council Chambers  
City of Lompoc

1. Chair Bob Orach called the meeting to order at 2:05 p.m. Present were Commissioners Burnett, Campbell, Langer, Marshall, Orach, Umenhofer and Urbanske, Alternate Commissioners Fox, Leich, and Pointer, Executive Officer Bob Braitman and Legal Counsel Alan Seltzer.
2. Upon motion by Urbanske, second by Campbell, Commissioner Umenhofer was selected as Chair, and upon motion by Urbanske, second by Langer, Commissioner Marshall was selected as Vice Chair, both to serve until February 2000.
3. The minutes of the December 2, 1998 meeting were approved, with corrections.
4. Public Comment Period – There was no public comment.
5. City of Lompoc – Sphere of Influence Expansion  
Upon motion by Marshall, second by Umenhofer, the Commission reopened the public hearing to allow further testimony. Upon motion by Urbanske, second by Campbell, the Commission reconsidered including the Campbell property within the sphere.  
  
Upon motion by Burnett, second by Orach, the Commission included the Campbell property in the sphere of influence, with Commissioners Langer, Marshall and Umenhofer opposed.
6. The Commission briefly suspended the hearing to allow Deputy County Clerk Angie Andreus administered the Oath of Office to newly arrived Commissioner Susan Rose.
7. The Commission resumed the hearing on the Lompoc sphere of influence expansion.

Testimony was received from Anna Bass, Bob Campbell, Art Hibbits, DeWayne Holmdahl and Will Schuyler, interested citizens; Jeff Martin, representing Big E Produce; John Lewis and Cathy Schlottman, representing the Mission Hills Community Services District; and Marlene Demery and Arleen Pelster, representing the City of Lompoc.

The Commission certified it had reviewed the information contained in the EIR, and upon separate motions took the following actions:

- Included Component 1 (Federal Correctional Institution and Allan Hancock College).
- Included that portion of Component 2 (River Park/River Bend Park) located west of the Santa Ynez River, with the staff to prepare a map for Commission approval.



- Denied including that portion of Component 2 (River Park/River Bend Park) located east of the Santa Ynez River, with Commissioners Burnett, Orach and Urbanske opposed.
- Included Component 3 (City landfill area).

The staff was directed to prepare a resolution encompassing the Commission's actions for adoption at the next meeting.

8. Commissioner Orach left the meeting at this time due to a schedule conflict.
9. 99-1 – Westside Annexation No. 3 to the Santa Ynez Community Services District  
After due consideration, upon motion by Urbanske, second by Marshall, the Commission found the proposal to be categorically exempt from CEQA, approved the proposal, waived the conducting authority proceedings and directed the staff to complete the annexation.
10. 99-3 – Via Clarice II Annexation to the Goleta Sanitary District  
After due consideration, upon motion by Marshall, second by Langer, the Commission found the proposal to be categorically exempt from CEQA, approved the proposal, waived the conducting authority proceedings and directed the staff to complete the annexation.
11. 99-2 – Out-of-Agency Service Agreement, City of Santa Barbara (Johnson)  
After due consideration, upon motion by Burnett, second by Langer, the Commission authorized the City to provide water and sewer service for this property subject to the limitations set forth in the staff report including the condition that prior to connection the property owner shall record a covenant and agreement to annex the property to the City.
12. Appointment of Alternate Public Member  
Upon motion by Urbanske, second by Burnett, the Commission reappointed Alternate member Penny Leich for a term extending to May 5, 2003.
13. Executive Officer Performance Evaluation  
The Chair appointed an ad hoc personnel committee of Commissioners Campbell, Langer and Marshall, to be chaired by Campbell, to review the performance and compensation of the Executive Officer, with a report to the Commission at the March meeting if possible.

14. Schedule of 1999 LAFCO meetings

The Commission cancelled the regular meetings of March 4 and April 1 and tentatively scheduled special meetings for March 11 and April 8.

15. The Commission received and filed the Mid-Year Financial Status Report.

16. Santa Barbara County Taxpayers Association request for a study of unincorporated areas

Testimony was provided by Ken Taylor. After due consideration, the Commission received and filed the request and the staff report.

17. Request from the Goleta Roundtable regarding unincorporated governmental options

Ken Taylor spoke and withdrew the request by the Goleta Roundtable for coordination of the study requested by the Taxpayers Association with other intergovernmental activities.

18. Status report on the draft *Guidelines for Orderly Government*

Ken Taylor spoke regarding this item. Upon motion by Marshall, second by Langer, the Commission directed the staff to provide a further report regarding the proposed *Guidelines* at the April LAFCO meeting.

19. The Commission received and filed staff reports on:

- Selection of City and Special District Commissioners
- 1999 CALAFCO meeting schedule

20. The Executive Officer announced that the Committee on Local Governance for the 21<sup>st</sup> Century has agreed to meet in the Tri-Counties area. The chair indicated that he and the executive officer would be the liaison with the Committee for arranging the meeting.

21. The meeting was adjourned at 5:05 p.m.

*Next scheduled LAFCO meeting March 11 in Santa Barbara.*

*Final Minutes Approved by the Commission*  
On \_\_\_\_\_

By \_\_\_\_\_



- History & Back
- Board of D
- Agendas & M
- Public Info
- Billing Info
- District F
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## Agendas & Minutes

**MINUTES OF A REGULAR MEETING  
of the  
BOARD OF DIRECTORS OF THE MONTECITO WATER  
DISTRICT  
held at the  
DISTRICT BOARD ROOM**

583 SAN YSIDRO ROAD, MONTECITO, CALIFORNIA  
at 3:00 p.m. on TUESDAY, FEBRUARY 16, 1999

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order by President Puddicombe at 2:00 p.m.

Those in attendance were:

<b>Present:</b>	Directors Abel, Campbell, Jones, Puddicombe, Wilson
<b>Absent:</b>	None
<b>Also Present:</b>	C. Charles Evans, General Manager/Secretary Tom Mosby, Engineering Manager Evalyn Kerman, Business Manager Chip Wullbrandt, District Counsel Gary Ricks, Counsel Cathy Muneio, Secretary

**PUBLIC FORUM**

There were no comments made from the public during public forum.

**CONSENT AGENDA**

Several corrections were made to the minutes of January 19, 1999. A motion was made by Director Jones, seconded by Director Campbell and unanimously carried to approve the consent agenda, including the amended minutes of January 19, 1999.

**TENTATIVE AWARD OF BID CONTRACT FOR HIGHLINE MAIN  
RELOCATION  
2303 BELLA VISTA DRIVE**

The General Manager reported that he had spoken with Russell Trenholme, the buyer of the property at 2303 Bella Vista Drive, who indicated that he is only willing to pay \$30,000 to relocate the Highline under the house he is purchasing. He said that he had discussed a possible Highline break with his insurance company, and that his policy would take care of any damage if the Highline were to break. The District has received bids for this work, with a low bid of \$88,000 from Lash Construction, including \$80,000 for the Highline relocation. The Engineering Manager said that the bid could be held for several months until there is an agreement reached. The District offered a solution of splitting the cost of the Highline relocation 50/50. The seller had provided \$50,000 in the sale of the home to the buyer for this relocation. A motion was made by Director Abel to send a letter to Mr. Trenholme stating the District offered a solution and he agreed to that solution, and that he purchased the property with the knowledge and the need to fix the problem, and that the Board receive a copy of this letter prior to it being reviewed by Operations Committee so that the Operations Committee could review any comments from other Board members. The motion was seconded by Director Wilson. The motion carried unanimously.

Director Jones left the meeting. The General Manager and Counsel left the meeting to attend a funeral.

**MONTECITO ASSOCIATION REPORT**

Director Wilson said there was nothing new to report regarding the Montecito Association.

**1998-99 SECOND QUARTER DISTRICT BUDGET STATEMENTS  
AND FINANCIAL REPORT**

Director Campbell stated that the Finance Committee had reviewed the second quarter budget statements, and he complimented staff on their clarity and explanatory information. The Board reviewed the budget information.

**QUARTERLY REPORT ON INVESTMENT POLICY**



The Business Manager said that the District is mandated to provide the Board with a quarterly report on investments. She also informed the Board that the District has sufficient funds to pay its expenses for the next six month period.

#### **REVISED ORTEGA RESERVOIR INFLOW/OUTFLOW PIPING PROPOSAL**

The Engineering Manager indicated that this item had come before the Board on several occasions. Carpinteria Valley Water District has reviewed the latest proposal and approved it. Letters have been sent to the City of Santa Barbara and COMB for review. Director Abel made a motion to approve Montecito's participation on a 50/50 cost share basis with Carpinteria Valley Water District to install a new pipeline costing approximately \$250,000 to improve circulation patterns at Ortega Reservoir, and to appropriate \$125,000 from the 1998A bond funds for Montecito's share of the work. The motion was seconded by Director Wilson and carried unanimously.

#### **LETTER TO RIVEN ROCK MUTUAL WATER COMPANY RELATIVE TO WATERLINE CAPACITY**

President Puddicombe said that the Operations Committee had met with the Fire District staff to discuss this, and that a letter had been sent to the Board of the Riven Rock Mutual Water Company supporting the letter from the Montecito Fire Protection District, and requesting that a meeting of the parties be held. Director Wilson said that the District may receive some assistance from the Montecito Association regarding the fire flow problems at Riven Rock. President Puddicombe said that the District was awaiting a response from the Board of Riven Rock.

#### **REQUEST FROM PROPERTY OWNER FOR COST SHARE AGREEMENT FOR UPGRADE OF PICACHO LANE, JR. WATER MAIN**

The Engineering Manager said that Mr. Fred Lukas had purchased the 9 acre parcel behind the District and that he was requesting that the District participate in a cost share main replacement project on Picacho Lane, Jr., to improve water distribution and fire flow. President Puddicombe said that the Operations Committee had reviewed this and that it appears to qualify under the Water Availability Charge and that a 50/50 cost sharing would be appropriate. Director Campbell made a motion to approve entering into a cost share agreement with Fred Lukas for a 50/50 cost sharing in replacing a 1941 4" cast iron water main with a new 8" DIP water main, and to appropriate funds from the 1998 A bonds in an amount of \$17,500 for the District's 1/2 share of the estimated \$35,000 total project cost. The motion was seconded by Director Abel and carried unanimously.

#### **POLICY ON STRUCTURES BUILT ON DISTRICT RIGHTS OF WAY**

The Business Manager said that the neighboring districts were contacted to see if they had a policy regarding encroachments on district rights of ways, and they did not. The District is concerned that building permits are issued by the County without checking on easements. The County receives title policies in which the easements are recorded, but does not seem to be reviewing these policies. Staff was directed to work with Counsel to develop a policy to restrict structures for placing buildings on District rights of way.

#### **DISTRICT OVERTIME POLICY**

The Business Manager said that in 1996 the District switched to following the policy for District overtime to the Federal law. Subsequently, the District has experienced a problem that, if an employee took a day off during a 40 hour work week, the employee would be paid straight time, not overtime, if he was called out during that week until he actually had worked a 40 hour period. She said that the City of Santa Barbara, Goleta Water District, Carpinteria Valley Water District and the Central Coast Water Authority were paying in a different manner, and that a work week can be defined as the District chooses. It was recommended that the District define the work week to include any paid time. A motion was made by Director Campbell, seconded by Director Abel and unanimously carried to approve a District policy that provides for time and a half pay to be paid after 40 hours in a week, including other paid time.

#### **APPROPRIATION OF FUNDS FOR NEW FACSIMILE MACHINE**

A motion was made by Director Campbell, seconded by Director Abel and unanimously carried to approve the purchase of a new facsimile machine for \$1,719, and to appropriate \$1,719 for the purchase of this machine from the District's General Capital Repair and Replacement Fund.

#### **PROPOSED DISTRICT MEDICAL REIMBURSEMENT PLAN**

The Business Manager explained the proposed District Medical Reimbursement Plan. She said that this was an offer to employees to set aside monies in a fund that is non-taxable. Any medical expenses, co-payments, prescriptions, etc. would be paid from that employee's fund. The District staff requested between \$450-500 to put this plan together. This differs from most plans of this type since the employees would receive back any unused funds at the end of the year. A motion was made by Director Wilson, seconded by Director Abel and unanimously carried to approve establishing a District Medical Reimbursement Plan, and approved \$500 to put a plan together.

#### **BOARD MEETING SCHEDULE**

By consensus, the Board approved retaining the Board meeting schedule of one meeting per month on the third Tuesday with the option to call special meetings



as necessary. Director Abel was requested to apprise the other Board members of any informative meetings regarding year 2000 water rights hearings.

#### **VERBAL REPORTS ON MEETINGS**

##### **SANTA BARBARA WATER PURVEYORS AGENCY MEETING OF JANUARY 22, 1999**

Director Wilson reported that Rob Almy spoke on the Bradbury Dam winter modified flow program.

##### **SPECIAL DISTRICTS ASSOCIATION MEETING OF JANUARY 25, 1999**

Director Campbell reported that Bob Braitman, LAFCO Executive Officer, discussed the proposed LAFCO Guidelines for Orderly Government. He said Joni Gray, 4th District Supervisor, also spoke.

##### **CACHUMA CONSERVATION RELEASE BOARD MEETING OF JANUARY 27, 1999**

Director Abel reported that Lompoc was interested in talking with the water agencies regarding the proposed Below Narrows Exchange. She also reported on the participation in the Pacific Coastal Salmonid Recovery Initiative. She said that CCRB prepared information for planning and lobbying for this initiative and that the name had been changed from Northwest Coastal Salmon Initiative to the Pacific Coast Salmon Initiative to include a larger area of interested parties. She also reported that CCRB meetings will now be held at the same place and date as the COMB meetings, at 1:30 p.m. with COMB at 4:00 p.m.

##### **CENTRAL COAST WATER AUTHORITY MEETING OF JANUARY 28, 1999**

President Puddicombe said that a written report was included in the Board packet.

##### **ACWA BOARD OF DIRECTORS MEETING OF JANUARY 29, 1999**

Director Abel said that a Director of the Department of Water Resources had not yet been selected.

She said that Governor Davis was taking a hands on approach to filling posts, but there were many left to fill. She said that ACWA's goals and housekeeping changes were discussed. She said that there was an addition of a new goal regarding the relationship of ACWA to the California environmental community in seeking to develop partnerships.

##### **LAFCO MEETING OF FEBRUARY 4, 1999**

Director Campbell reported that the next LAFCO meeting will be held on March 11th at the County Planning Hearing room. He said that Lompoc is trying to expand its sphere of influence. He said that LAFCO agreed to expand Lompoc's boundaries up to the middle of the Santa Ynez River, but would not approve crossing it.

## **COMMITTEE REPORTS**

### **OPERATIONS**

#### **REQUEST FROM MIRAMAR BEACH HOMEOWNER'S ASSOCIATION FOR COST SHARE AGREEMENT FOR MAIN EXTENSION**

The Engineering Manager reported on the request from the Miramar Beach Homeowner's Association for the District to participate in a 50/50 cost share agreement for an 8" main extension on Miramar Beach Road, with the District sharing in the costs of this project. President Puddicombe said that the area does not have adequate fire protection and that this would solve that problem. A motion was made by Director Abel, seconded by Director Campbell and unanimously carried to approve a conceptual cost share agreement with the Miramar Beach Homeowners Association for a water main extension on Miramar Beach Road, with the District sharing in water main construction, water related engineering and surveying costs on a 50/50 basis for the extension of an 8" water main from Eucalyptus Lane to a terminus on Miramar Beach Road. Tom Mosby reported that the complexity of the project increased significantly with the homeowners wishing to underground all utilities in a common trench. We will also contact the Miramar Hotel to determine if they will participate in the looping of the main.

### **OTHER**

President Puddicombe said that the Operations Committee items were already reported on.

### **FINANCE**

Director Campbell stated that the Finance Committee items were previously reported on.

### **PUBLIC INFORMATION**

Director Abel gave the Public Information Committee report. She distributed a sheet regarding water quality questions that may arise regarding the new movie "A Civil Action", and a Wall Street Journal article on Enron and the privatization of water worldwide. She said that the first edition of the District newsletter will be



out April 1 and will include the annual water quality report. President Puddicombe requested that an article be placed in the newsletter regarding fluoride.

#### **WATER MARKETING**

There was nothing new to report regarding water marketing.

#### **ITEMS FOR NEXT AGENDA**

Director Campbell requested that a LAFCO report and Special District report be placed on the next agenda. Director Abel requested that a report on the ACWA DC Conference be placed on the next agenda.

#### **CLOSED SESSION**

There was no need for a closed session.

#### **ADJOURNMENT**

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

---

C. Charles Evans, Secretary

Approved:

---

Robert Puddicombe, President

Note: The agenda for this meeting was posted at the front counter and on the front wall at the Montecito Water District on February 16, 1999.

▲ Up    ◀ Back    Next ▶



## ***Lompoc City Council Agenda Item***



City Council Meeting Date: November 16, 2004

**TO:** Gary Keefe, City Administrator

**FROM:** Peggy Woods, Associate Planner  
p\_woods@ci.lompoc.ca.us

**SUBJECT:** REQUEST BY COASTAL VISION INC. FOR CONSIDERATION OF ANNEXATION OF 18 ACRES OF PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF STATE HIGHWAY 246/RIVER PARK ROAD (APNS 099-141-17 AND 099-141-18), ANNEXATION NO. 72

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### **RECOMMENDATION:**

That the City Council:

1. Take public testimony; and
2. Determine whether to refer the annexation request to the Planning Commission to take public testimony and forward a recommendation to the City Council indicating whether annexation, amending the City's General Plan, and rezoning of the subject property should be studied.

### **BACKGROUND:**

The Community Development Department received a letter dated May 26, 2004, Attachment 1, requesting that the City of Lompoc discuss whether there would be support for annexing approximately 18 acres of property located northwest of the intersection of State Highway 246 and River Park Road, east of the present city limits. The project representative does not have a project planned for these parcels at the present time. The request was placed on hold temporarily until the applicant submitted an application and paid a deposit to cover expenses incurred by staff in researching the property and preparation for public hearing. A deposit was submitted on June 9, 2004.

### **DISCUSSION:**

As shown in the Project Vicinity Map, Attachment 2, the property consists of two parcels, Santa Barbara County Assessor's Parcel Numbers 099-141-17 and 099-141-18. The property is located northwest of the intersection of State Highway 246 and River Park Road, in Santa Barbara County. One parcel is to the west of River Park Road and the second parcel is to the east of River Park Road. The parcels are not contiguous to the present City limit line as the eastern City limits and the parcels are separated by the

Santa Ynez River. The area is not within the City's Sphere of Influence but is within the City's Urban Limit Line. For this area to be annexed the Santa Barbara County Local Agency Formation Commission (LAFCO) would need to expand the City's Sphere of Influence.

In February of 1999, LAFCO denied the City's application to include River Park and the subject parcels in the City's Sphere of Influence. The decision seemed to be based upon LAFCO's determination that the Santa Ynez River is a natural boundary which should not be crossed, because extending the City would have a growth inducing effect. It is unknown whether LAFCO will consider the subject request favorably.

The property is currently designated as an A-II-40 (Agriculture II) land use under the County of Santa Barbara's Comprehensive Plan. The zoning of the subject site is 40-AG (40 acre minimum parcel size, General Agriculture) under the County's Ordinance 661 zoning district. The properties to the north, west, south, and east are also zoned 40-AG under the County's Ordinance 661 zoning district. The soils underlying the site are Class III soils and not considered prime agricultural land.

The City of Lompoc's Land Use Element Map designates APN 099-141-18 as Open Space and APN 099-141-17 as Agriculture. Both properties have a Park Overlay on the site and are designated in the Parks and Recreation Element as an 18 acre Regional Park. State Highway 246 borders both properties along their southern property lines and the Urban Design Element designates State Highway 246 east of the intersection of State Highways 246 and 1 as a Scenic Road. In addition, the properties are visible as one travels west on State Highway 246 and are located near a designated City Entry (east entrance into the City at State Highways 1 and 246) in the Urban Design Element. As noted in the annexation inquiry, the property owner does not have a project for the site and, therefore, the proposed use is not known at this time.

The annexation application would involve amending the City's General Plan and rezoning the site. As part of a formal request for annexation, environmental review would be required. The site contains potentially significant environmental constraints, and it is likely that a complex environmental impact report would be required.

Based on a cursory review of the City's General Plan and maps available in the Community Development Department, the following constraints apply to the site. The list of constraints included herein is not intended to be an exhaustive list. Should the City Council determine to refer the annexation request to the Planning Commission, a more detailed study would be completed by City staff.

Properties' proximity to the Santa Ynez River a *biologically significant riparian vegetation and stream habitat* (Resource Management Element).

The City of Lompoc's General Plan Safety Element identifies the Santa Ynez River as a *Floodway* and the two properties as being located in the *Floodway Fringe and Liquefaction Hazard Area*.

Extension of City utilities and services, such as water, sewer, electric, and fire and police protection, across the Santa Ynez River.



Consistency with policies contained in the General Plan. Briefly, the Land Use Element, Recreation and Parks Element, and Urban Design Element specifies open space with a *Park* overlay and preservation of scenic beauty and natural resources including open space, and scenic roads.

Development of the properties may conflict with policies related to growth toward the east beyond the Santa Ynez River. The Land Use Element specifies maintaining a compact urban form and growth pattern and opposes urbanization of agricultural lands east of the City unless necessary to protect environmental resources. The properties were included within the City's Urban Limit Line to be used for park purposes.

Urban development on the two properties may result in potential inducements to growth to the east of the present City limits across the Santa Ynez River and into prime agricultural land.

#### Brief Analysis of Consistency with City of Lompoc General Plan

The following goals and policies are examples of the proposal's potential General Plan inconsistencies:

##### ***Land Use Element***

*Goal 1: Maintain a compact urban form and growth pattern which provides adequate space to meet housing, employment, business, and public service needs.*

*Policy 1.2: The City shall encourage development of underdeveloped and vacant land within its boundaries; and shall oppose urbanization of agricultural lands east of the City and west of Bailey Avenue, unless necessary to protect environmental resources.*

*Policy 1.3: The City shall encourage Santa Barbara County and the Local Agency Formation Commission to plan urbanization within municipalities in order to protect prime agricultural land outside the Urban Limit Line and to efficiently utilize public infrastructure.*

*Goal 5: Protect the Lompoc Valley's natural resources.*

*Policy 5.1: The City shall maintain Open Space designations for areas used for the preservation of scenic beauty, natural resources, or outdoor recreation; or the managed production of resources; or the protection of public health & safety.*

*Policy 5.4: The City shall minimize conflicts between agricultural and urban uses.*

*Policy 5.8: Development proposals in the vicinity of natural objects that have unique aesthetic significance shall not be permitted to block, alter, or degrade existing visual quality without the provision of suitable visual enhancement. This may include open space, eucalyptus groves, or vegetation that serves as a view corridor or has important visual attributes. Development proposals shall be sited to ensure that these features are retained or replaced to the extent feasible, resulting in minimal view impairment.*

**Urban Design Element**

*Policy 1.3: The City shall protect and enhance the views along the scenic roads noted on the Scenic Ridgelines and Roads map.*

**Resource Management Element**

*Goal 2: Protect natural habitats in recognition of their biological, educational, and scientific values.*

*Policy 2.1: The City shall ensure that the biologically significant areas identified on the Biologically Significant Areas map are preserved.*

*Policy 2.2: The City shall protect the valuable natural resources of the Santa Ynez River and tributaries which serve as flood channels, wildlife habitats, critical links in Lompoc's water supply, and components of the City's urban form. Watercourses shall be retained in a natural state, rather than be concrete-lined or placed underground, so long as proper flood protection is provided.*

*Policy 2.3: The City shall encourage the restoration and management of natural habitats for wildlife enhancement and public enjoyment.*

**Safety Element**

*Goal 2: Protect the community from loss of life and property resulting from flooding while maintaining protection of natural resources located in flood hazard areas.*

*Policy 2.1: The City shall designate floodways, as shown on the Flood Hazard Areas Map, for open space land uses. Developments which impair the ability of the floodway to convey floods shall be prohibited.*

*Policy 2.2: The City may permit development within the floodway fringe provided that: building setback requirements from the Santa Ynez River and other streams are met and finished floor elevations are at least one foot above the 100-year flood elevations.*

*Policy 2.3: The City shall ensure that all new developments will not compound the potential for flooding.*

*Policy 2.6 The City shall preclude new developments from compounding the potential for flooding.*

---

Peggy Woods, Associate Planner

**Attachments:** Attachment 1 – Annexation Inquiry dated May 26, 2004  
Attachment 2 – Project Vicinity Map



Attachment 3 – Aerial Photo  
Attachment 4 – Topography and Site Plan

**APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Community Development Director

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

\_\_\_\_\_  
Gary P. Keefe, City Administrator

**Issue Paper on  
Infill and Annexation**

City of Lompoc General Plan Update

*Prepared by:*

**Rincon Consultants, Inc.**  
1530 Monterey Street, Suite D  
San Luis Obispo, California 93401

*July 2008*



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## BACKGROUND

### City Setting

The City of Lompoc is currently home to approximately 41,915 residents. Over the last thirty years 2,500 new homes have been built in the Lompoc Valley. This influx has created many jobs and increased the City's tax base, although most of these new jobs are in the relatively low-paying service sector. Major employers in the City of Lompoc currently include Vandenberg Air Force Base, the Lompoc Federal Correctional Complex (FCC), the nearby diatomaceous earth mine, and local agriculture. 44% of residents are employed in the City of Santa Barbara, or other cities outside of the Lompoc Valley, and commute from Lompoc to take advantage of its comparatively lower housing costs.

The City is located in the Lompoc Valley, at approximately 80-100 feet above mean sea level (msl), and is surrounded by rolling hills to the north, east, and south. The Lompoc Valley is the final passage of the Santa Ynez River before it meets the Pacific Ocean south of Vandenberg Air Force Base. The river does not have surface flow for most of the year, but the riverbed still provides a natural border to the north and east of the City. Major developments north of the River include the La Purisima Highlands neighborhood, and approved Burton Ranch Specific Plan area (which would contain 476 residential units) within the City, the unincorporated area of Mission Hills to the northeast (pop. 3,142), and the unincorporated area of Vandenberg Village to the north (pop. 5,802). In addition, much of the undeveloped area to the north is dominated by the 5,200 acre Burton Mesa Ecological Reserve, which straddles either side of Vandenberg Village.

The southern edge of the City extends to the foothills of the Santa Ynez Mountains. The only existing southward path through these mountains is San Miguelito Road. The region west of the City is dominated by some of the county's best prime agricultural land. As the City of Lompoc grows, this and other land around the City is becoming increasingly desirable for urban expansion.

### Annexation and Infill Basics

The City has the primary responsibility for planning and regulating land use within its boundaries. The General Plan must cover all incorporated territory within the City. However, State guidelines encourage General Plans to go beyond the existing City Limits to include any land outside its boundaries which bears relation to its planning. Accordingly, the General Plan Update may logically include adjacent lands as part of the long-term (i.e. 20-year) growth strategy and vision.

*Annexation.* Annexation is the process of incorporating land under county jurisdiction into a city, expanding the limits of the city. The annexation process is established by State law, and requires negotiation between a city and county, overseen by a Local Agency Formation Commission (LAFCO). There is a LAFCO for each county, which reviews proposals for boundary changes and establishes the ground rules for how a city must process annexations.





A "Sphere of Influence" (SOI) is a plan for the probable future boundaries and service area of a city. It is the primary area outside current city boundaries within which urban development may be encouraged. The SOI is intended to combat urban sprawl, provide orderly growth patterns, and give appropriate consideration to prime agricultural lands and open space. The SOI must be adopted before an annexation to the City can be considered. Lompoc's SOI exceeds the current City limits in the following locations:

- Open space areas east of City Limits, including River Bend Park
- A portion of the landfill property
- One very low density residential area south of West Willow Avenue
- The Wineman property west of V Street
- The Drive-in Property east of H Street

*Infill.* Infill development is the creative use or reuse of vacant or under-utilized properties within a city or town to improve or revitalize the community. Infill is a key component of "smart growth." The 10 guiding principals of "smart growth" have been described as follows:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environment areas;
7. Strengthen and direct development towards existing communities;
8. Provide a variety of transportation choices;
9. Make development predictable, fair, and cost effective; and
10. Encourage community and stakeholder collaboration in development decisions

Infill development embodies many of these principles, including compact building design, walkable neighborhoods, and the preservation of open space and farmland. Infill development is also often characterized by the inclusion of mixed uses. Mixed-use development allows more than one type of use in a building or set of buildings. This can mean some combination of residential, commercial, industrial, office, institutional, or other land uses.

The potential benefits of utilizing infill development to accommodate growth in Lompoc include:

- Adaptation and reuse of vacant parcels and empty buildings
- Location of housing near job centers, transit, shopping, and community facilities
- Development of affordable housing
- Enhancement and revitalization of downtown Lompoc
- Increase in the base on property tax
- Capitalization on community resources, such as infrastructure, services, and parks
- Promotion of smart growth rather than sprawl and greenfield development
- Provision of alternatives to single-occupant vehicles
- Creation of a sense of being "downtown."

The challenges of infill development include the following:

- Neighborhood opposition (NIM BYism)
- Perception of increased demands on infrastructure and services
- Lack of open space for kids & pets (best suited for people who prefer public amenities to private space)
- Land redevelopment
- Bank funding and financing
- Construction costs
- Consumer preference for "big box" retailers vs. shopping several smaller stores.

Cities that utilize infill are characterized by compact neighborhoods, pedestrian- and bicycle-friendly communities, mixed land uses, and a variety of housing options. The goal of smart growth is to create vibrant, sustainable communities with a strong sense of place in a manner that enhances public health and the local environment. Infill and mixed-use development revitalize previously developed communities in the urban center at higher densities, and put services closer to residents, thereby reducing traffic, encouraging walking and bicycling, and conserving energy.

Compact, mixed-use neighborhoods enhance social capacity by offering residents places to socialize, shop, and work that are close to where they live and easily accessible without cars. Historic buildings and natural and man-made landmarks are used to define communities within the City, creating a unique sense of community. By identifying the City closely with its architectural and natural elements, Lompoc can foster the development of cohesive neighborhoods while promoting the unique culture and values that have always drawn visitors, increasing tourism and economic vitality.

#### **Existing Urban Form Goals and Policies**

The current General Plan calls for the City to "maintain a compact urban form and growth pattern which provides adequate space to meet housing, employment, business, and public service needs" (Land Use Goal #1). Associated policies include encouraging the development of underdeveloped and vacant land within the city, limiting development of agricultural land surrounding the City, protecting of prime agricultural land outside of the Urban Limit Line, and encouraging mixed-use development in certain areas. In addition, the General Plan Circulation Element contains a goal to "reduce automobile use and the associated emissions by maintaining a compact and well-designed urban form which encourages alternative transportation modes."

#### **Community Input**

At the first General Plan Update workshop on January 12, 2008, 80% of commentators said that they would support mixed-use development on H Street outside of the downtown area, and 74% said that it is "very important" to provide for infill and land use intensification along the H Street corridor. In addition, 48% said that what they like the best about Lompoc is the fact that it is a small town, and 52% said it is "very important" to place a higher priority on protecting the environment and open space than on expanding land area for development. In addition to





these survey questions, residents at the workshop, along with key stakeholders and people in neighborhood meetings have expressed the following views about growth and infill development:

- Limited growth in the City – about 1% per year for the next five years.
- New growth should be based on measures such as the Regional Housing Needs Assessment and countywide projections.
- New development should pay for itself.
- Infrastructure should precede development.
- Infill should be supported on existing underutilized and vacant lots before expanding the City boundaries.
- Mixed-use development should be encouraged in infill areas.
- A vacant lot inventory should be conducted.
- Intelligent growth for Lompoc would be up, rather than out.

## CONCEPTUAL INFILL AREAS

Infill development may be appropriate on vacant or underutilized parcels that contain or are located to City infrastructure and services. Mixed use development may be appropriate in existing vacant or underutilized commercial or residential areas, and can often serve as a "transitional" land use between more intense commercial areas and residential areas. Conceptual infill areas are shown as Area 1 on Figure 1. These infill areas are located along the H Street and Ocean Avenue corridors and may be appropriate locations for a mixed use zoning district. Infill development in these areas would efficiently utilize currently vacant and underutilized lands, reduce incremental demands on City utilities and services, reduce average vehicle trip lengths, and promote additional commercial demand.



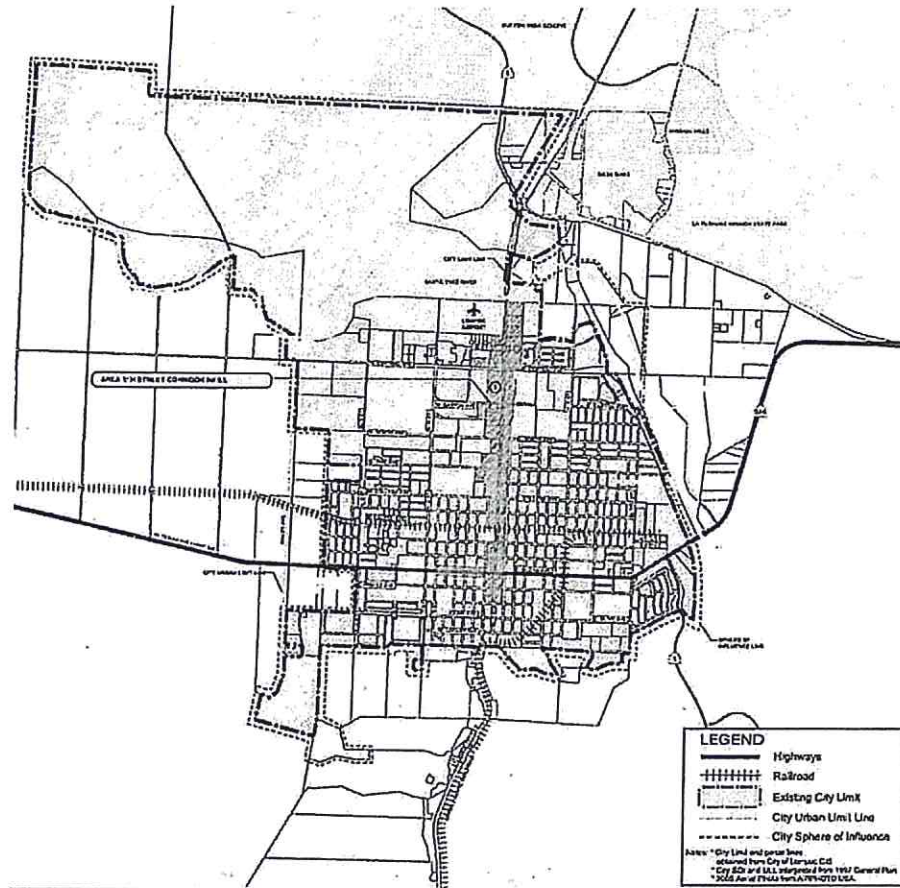


Figure 1: Conceptual Infill Locations – the incorporated portions of the City of Lompoc are shaded in grey. Potential areas for infill are colored red. Source: RRM Design Group, 2008.

## CONCEPTUAL ANNEXATION AREAS

Lompoc has recently received several annexation inquiries for sites within and around the current City Sphere of Influence. In addition, City decision-makers have indicated preliminary support for considering annexation of areas within and around the Santa Ynez River and River Park. Conceptual annexation areas are shown on Figure 2. Each of these potential annexation areas is discussed below. Constraints and opportunities related to each area are preliminary identified.



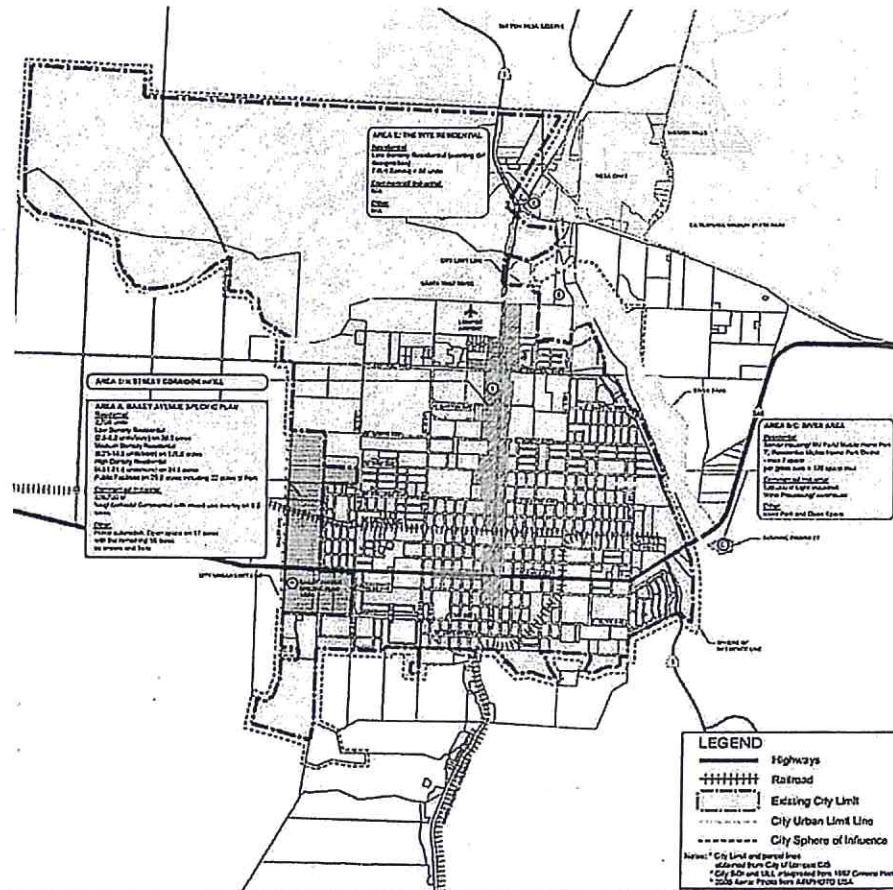


Figure 2: Conceptual Annexation Locations – the incorporated portions of the City of Lompoc are shaded in grey. Potential areas for annexation are colored. Source: RRM Design Group, 2008.

It should be noted that although an annexation inquiry was filed for the Plains Exploration and Production Company (PXP) site, located three miles north of the City, southwest of Harris Grade Road, this project is no longer active due to a negotiated agreement between the applicant and environmental groups to preserve the site as public open space. The agreement is currently undergoing consideration by the County. At this time, the reasonably foreseeable condition on the site is public open space.

**Bailey Avenue Corridor Specific Plan Area**

This is a 270-acre area located east of Bailey Avenue, north and south of Ocean Avenue, and contiguous to the existing City boundary. The site is predominantly vacant. It is currently in agricultural use, and is zoned for agricultural use by the County, but is designated by the City for



low density residential use. An application has been filed for a Specific Plan that would allow up to 2,719 residences, and 228,700 square feet of commercial uses, parks, and public uses. This project would require a General Plan amendment, a change to the SOI line, annexation, a zone change, and a Specific Plan.

Constraints associated with this potential annexation area include the following:

- Conversion of prime agricultural lands
- Potential contamination of soils from historic agricultural use
- Traffic impacts on currently constrained intersections
- Development would block scenic views to west and change aesthetic character of site
- Located at urban/rural interface
- Site bisected by railroad

Opportunities associated with this potential annexation area include the following:

- Logical growth pattern
- Agricultural buffer would provide hard urban edge and limit future conversion of agricultural lands to west
- Could help build critical mass of demand for old town and Ocean Avenue commercial services
- Large parcel of land facilitates large-scale planning effort
- Facilitates housing production in accordance with State mandates
- Prevents sub-optimal outcome of development within County

#### Miguelito Canyon

The Miguelito Canyon area is located immediately south of the City boundary, and features hilly, varied topography. There are no pending inquiries for annexation of this area.

Constraints associated with this potential annexation area include the following:

- Development may be visible from town
- Traffic through town would need to cross south side neighborhood
- Possible precedent setting/growth inducement effects
- Potential land use conflicts with the existing mining operation
- Exposure to fire hazards

Opportunities associated with this potential annexation area include the following:

- Logical growth pattern
- Could help build critical mass of demand for Old Town and Ocean Avenue commercial services
- Facilitates housing production in accordance with State mandates
- Prevents sub-optimal outcome of development within the County

#### East of Santa Ynez River

This area is located immediately east of the City boundary and contains the Santa Ynez River and River Park. Most of this land is either floodplain or park area. Annexation inquiries have





been filed for two parcels (a total of 18 acres) that flank the entrance to River Park and one parcel (10 acres) on Sweeney Road, south of State Route 246. Land uses preliminarily identified for these potential annexation areas include mobile home park, recreational vehicle park, or senior housing uses on the parcels flanking the entrance to River Park, and a wine processing warehouse on the Sweeney Road parcel.

Constraints associated with this potential annexation area include the following:

- Difficult/costly to extend infrastructure and provide services across the river.
- Conversion of prime agricultural lands
- Traffic impacts on currently constrained SR 246 intersections
- Proximity to sensitive biological resources associated with the Santa Ynez River
- Previous annexation requests denied by LAFCO due to presence of a natural barrier (the river) and precedent-setting effect

Opportunities associated with this potential annexation area include the following:

- Logical growth pattern
- Capture River Park within the City boundary
- Could help build critical mass of demand for Old Town and Ocean Avenue commercial services
- Facilitates housing production in accordance with State mandates

#### Wye Parcel

This is a 10-acre parcel located immediately north of the City boundary at the northeast corner of Harris Grade Road and Purisima Road. The land is currently vacant and designated by the City and the County for low density residential use. There is an annexation inquiry for 120,000 square feet of commercial use, although the prospective applicant has stated a willingness to consider development of a low density residential use on the site.

Constraints associated with this potential annexation area include the following:

- Traffic impacts on currently constrained intersections
- Access issues
- Development would alter aesthetic character of the site
- May divert commercial demand from Old Town district and other existing commercial areas

Opportunities associated with this potential annexation area include the following:

- Logical growth pattern
- Generation of tax revenues
- Prevents sub-optimal outcome of development within the County



## POLICY CONSIDERATIONS

The following issues will be addressed in the Land Use Element of the 2030 General Plan.

- **Appropriate Areas for Infill Development**

Considerations for determining appropriate areas for infill development include the following: what areas are most appropriate to take advantage of compact building design, create walkable communities, and foster a strong sense of place; what areas are most appropriate for retention at lower development intensities or for preservation of open space, farmland, and environmental resources.

Areas appropriate for mixed use development will be determined. Appropriate areas may include vacant or underutilized commercial parcels within the City's core, where additional commercial and residential development is most likely to enhance and revitalize existing commercial districts, increase the base on City property taxes, and capitalize on existing community resources, such as infrastructure, services, and parks. However, these objectives must be balanced against potential land use conflicts with surrounding properties.

The City could consider prioritizing or otherwise encouraging certain types of development deemed to meet the City goals. This could include offering incentives for infill and/or mixed use development or prioritizing such development over annexations that affect prime farmland or other resources.

- **Appropriate Areas for Annexation**

Considerations for adjusting the Sphere of Influence and/or annexing land include the following: the current and planned uses for the area, such as agriculture and open space, the likelihood of substantial growth in the area, the City's ability to provide public services to the site, the presence of natural physical boundaries, the efficiency of future growth patterns, the effects of annexation on the tax base, City center, community identity, and neighborhood communities, and whether more suitable vacant space is available within the current SOI.

Annexation of additional land into the City would control development patterns on lands currently outside of the City boundaries, generate tax revenues, and establish forward-looking mechanisms to pay for necessary facility and service improvements for the City. However, annexations require the City to extend services to additional lands. In addition, development further from the City's center will increase vehicle trip lengths, with associated traffic congestion, air contaminant emissions and noise generation. It can also be a challenge to integrate annexation areas into the physical design "fabric" of the existing City. Additionally, annexation of rural areas may result in conversion of existing agricultural lands to urban use, and may create land use conflicts with adjacent agricultural and/or urban land uses.





The City could consider policies requiring certain characteristics of projects that would be suitable for annexation, such as: compatibility with adjacent City land uses, fiscal neutrality or benefit to the City, provision of open space, provision of affordable housing in accordance with State mandates, and/or other amenities.



## REFERENCES

Burton Mesa Ecological Reserve, Land Management Plan; Department of Fish and Game website: <http://www.dfg.ca.gov/lands/mgmtplans/bmer/>

Lompoc, History of; City of Lompoc website:  
<http://www.cityoflompoc.com/government/history.htm>

Lompoc Planning Documents and Maps; City of Lompoc website:  
[http://www.cityoflompoc.com/departments/comdev/plan\\_docs\\_maps.htm](http://www.cityoflompoc.com/departments/comdev/plan_docs_maps.htm)

Santa Barbara County 2030: The Open Lands; County of Santa Barbara Planning and Development Department, Office of Long Range Planning website:  
<http://www.countyofsb.org/plandev/comp/programs/Newsletters/openlands/default.asp>

Smart Growth in Ventura County; Local Government Commission website:  
[http://www.lgc.org/freepub/land\\_use/presentations/index.html](http://www.lgc.org/freepub/land_use/presentations/index.html)

Smart Growth, About; Smart Growth Online: <http://www.smartgrowth.org/about/default.asp>





**Villalobos, David**

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**From:** Timothy R Smith [timrsmith@earthlink.net]  
**Sent:** Sunday, November 24, 2013 5:02 PM  
**To:** Villalobos, David  
**Subject:** CPC Public Comment Submission

**Categories:** Purple Category

RECEIVED

NOV 25 2013

**RE: MOSBY RECREATIONAL FIELDS**

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

Dear Members of the Santa Barbara Planning Commission:

I have been a resident of Lompoc for 29 years. I visit the River Park area several times a week, and see first-hand the valuable service Mosby Recreational Fields provides this community. It hardly takes an extensive evaluation to conclude the environmental impact of the current sports-related activities is minimal compared with agriculture, the latter of which has resulted in considerable water quality degradation to the aquifers along this course of the Santa Ynez River valley. Costs to the City of Lompoc to improve the quality of water drawn from the aquifer are significant, yet agriculture simply has not borne its share of this environmental and financial burden to the City. Agricultural land is valuable, to be sure, but any reasonable assessment of this site finds no irreversible impact should it prove desirable to farm it in the future. Further, common sense readily deduces there is no conflict between the current recreational uses of this property and surrounding agricultural operations. Finally, to the families that enjoy Mosby Recreational Fields, no attractive alternative for its current recreational activities has been provided by either the Santa Barbara County Planning Commission or the project's detractors. Especially with the many social issues facing community youth these days, every kid bouncing a ball in the fresh air at Mosby Recreational Fields every weekend is one more healthy youngster we don't have to worry quite so much about for the moment. Unless, of course, the Fields go away.

So, the only real issue that's left is the zoning. Mr. Mosby proposes in good faith to appropriately modify zoning of the property for its current use. The Santa Barbara County Planning Commission should simply accept this request and move on to other matters in our County that are far more pressing.

Sincerely,

Timothy R Smith

816 W Fir Ave  
Lompoc, CA 93436  
Tel. (805)-735-6129

AGENDA ITEMS  
ITEM #: \_\_\_\_\_ 1 \_\_\_\_\_  
MEETING  
DATE: \_\_\_\_\_ 12-4-13 \_\_\_\_\_

**Villalobos, David**

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**From:** Larry Ferini  
**Sent:** Tuesday, November 12, 2013 9:06 PM  
**To:** Villalobos, David  
**Subject:** Fwd: OUSL Player STats  
**Attachments:** OUSL Player Statistics.xlsx

Hi David,  
Mr. Velasco gave me the attached document earlier today. I requested an electronic copy of the document from Mr. Velasco. Because of technical difficulties I did not receive the electronic version until this evening. I would like to make sure the rest of the Commissioners have the opportunity to review the numbers.

Thanks  
Larryf

----- Forwarded message -----  
**From:** Ricardo Velasco <[rickandmarty@verizon.net](mailto:rickandmarty@verizon.net)>  
**Date:** Tue, Nov 12, 2013 at 8:54 PM  
**Subject:** OUSL Player STats  
**To:**  
**Cc:** [rickandmarty@verizon.net](mailto:rickandmarty@verizon.net)

AGENDA ITEMS  
ITEM #: \_\_\_\_\_  
MEETING  
DATE: 11-13-13

Attached you will find the OUSL player stats. Call me for any further information.

Rick Velasco

"Committed to Community Service"

"Volunteers Are Not Paid -- Not Because They are Worthless, But Because They Are Priceless"

805-937-0760

805-621-3522

RECEIVED

NOV 13 2013

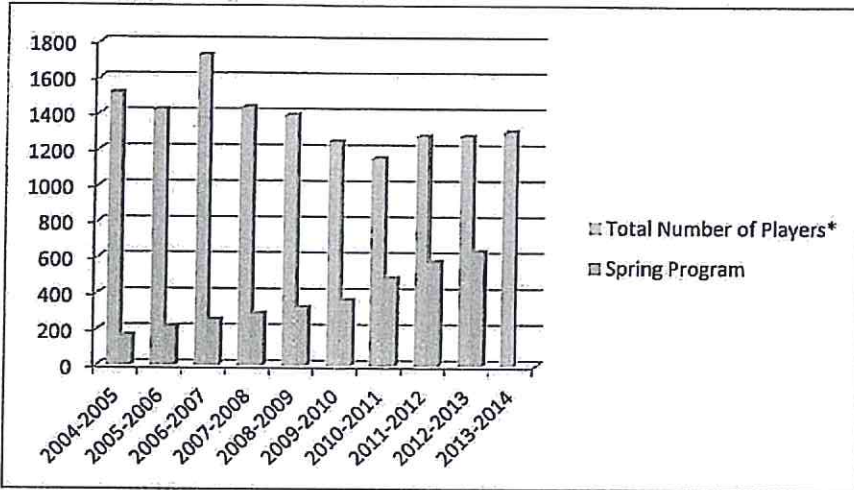
S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

Orcutt United Soccer League  
Statistical Player Yearly Amounts  
2004-2014

Seasonal Year	Total Number of Players*	Spring Program
2004-2005	1517	165
2005-2006	1424	215
2006-2007	1728	255
2007-2008	1438	289
2008-2009	1393	325
2009-2010	1248	365
2010-2011	1155	486
2011-2012	1279	577
2012-2013	1279	636
2013-2014	1303	

Notes: \* Includes Club Players as well as recreational players  
Seasonal Year: Sep 01-Aug 31  
OUSL Fall Program: Aug- Nov  
OUSL All Star Program: Nov-Jun  
OUSL Club - Crusaders Year Round  
OUSL Spring Program: Mar-May





**Villalobos, David**

---

**From:** Eady, Dana  
**Sent:** Tuesday, November 12, 2013 4:42 PM  
**To:** Villalobos, David  
**Subject:** FW: urban limit line maps outdated

One more email (see below) from Jim Mosby (received today 10:52am)

Thanks,  
Dana

Dana Eady, Planner  
Development Review Division  
Planning & Development  
624 W. Foster Rd. Ste. C  
Santa Maria, CA 93455  
(805)934-6266 (Phone)  
(805)934-6258 (Fax)  
[dana.eady@countyofsb.org](mailto:dana.eady@countyofsb.org)

AGENDA ITEMS

ITEM #: 1

MEETING  
DATE: 11-13-13

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NOV 12 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

---

**From:** [MosbyEnterprises@aol.com](mailto:MosbyEnterprises@aol.com) [mailto:[MosbyEnterprises@aol.com](mailto:MosbyEnterprises@aol.com)]  
**Sent:** Tuesday, November 12, 2013 10:52 AM  
**To:** Eady, Dana  
**Subject:** urban limit line maps outdated

November 12, 2013

Dana Eady,  
Planning and Development Department  
County of Santa Barbara

Please be advised that the current maps recognizing the urban limit line on the eastern side of Lompoc are not correct. The maps that you are referencing are the old maps. The urban limit line was moved more than a decade ago (1997 I believe). The current urban limit line includes River Park and progresses eastward dividing parcels 099-141-016 & 099-141-017. Parcel 099-141-017 is within the urban limit line and has open space zoning with a park overlay. This is a very critical component of my project. This as well as the recent purchase of the neighboring parcel by the city of Lompoc shows the anticipated movement of the community.

Sincerely,

James Mosby

AGENDA ITEMS

ITEM #: 1

09/07/2013 revised 11/12/2013 page 1 of 4

MEETING 11-13-12

DATE: TO: Chairperson and Members of SBCo Planning Commission  
FROM: Art Hibbits, 1251 E. Highway 246, Lompoc, 93436  
REFERENCE: 11CUP-00000-00032/12RZN-00000-00003  
HEARING DATE: Nov. 13, 2013

**BACKGROUND:** These Applications are to abate multiple, long-standing, un-permitted, commercial, recreational uses on APN (s) 099-141-016 and 017.

The parcels are located East of the City of Lompoc and the Santa Ynez River. They are in the Rural Area and are contiguous to highly productive agricultural operations on three sides: the Northwest, North, and across Highway 246 on the East.

Your staff report correctly points out that other non- agricultural uses are nearby, including (1) A SBCo owned homeless shelter, (2) City-owned River Park, and (3) SBCo Road Yard and gas station.

However, the predominate, historic use in the area has always been Agriculture, including the subject parcels prior to current ownership.

**DISCUSSION:** During the Environmental review process, we and many others submitted extensive detailed comments, suggestions, and corrections. (these are attached to the proposed "Mitigated ND.")

Following continuance of this item at your Sept. 11, 2013 meeting, Planning Staff revised the MND to include a pre and post unpermitted environmental baseline comparison.

In our previous letter to you, we expressed our concerns about using an environmental baseline focused on the condition of the premises **FOLLOWING THE UNPERMITTED SITE MODIFICATIONS AND USES.**

In reviewing the MND before you today, we find to our surprise that the additional review produced no change in the Agricultural Resource Assessment. Throughout the new document you will note that very little

NOV 12 2013

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changes at all...the unpermitted work completed and the operation of **EXTENSIVE, COMMERCIAL, RECREATIONAL PROJECTS** results in "...less than significant impact..."

This conclusion, while surprising and disappointing, reminds us that the MND is only one part of what we would hope you will consider:

Additional considerations are:

- (1) **GOOD PLANNING**,
- (2) **ESTABLISHED POLICIES**,
- (3) **PROCEDURES**, and
- (4) **PRECEDENTS**

The following are a brief summary of some our concerns:

- (1) **PLANNING:** In our view, one of the primary reasons for the planning process is to avoid conflicts. It is well known that certain uses are incompatible with other land uses.

For example, homes and other urban uses should never be considered in the approach and departure zones of an airport... or locating a residential subdivision down-wind from a feedlot... or allowing housing next to a waste water treatment facility... or lots of people near a landfill site.

In the case of **EXTENSE RECREATIONAL USES NEXT TO AGRICULTURE**, we hope to convince you that these same **HEALTH, SAFETY, and WELFARE** issues alone, are a sound basis for denial of the applications before you.

- (2) **POLICIES:** For many years the importance of Agriculture to County has been recognized, and clear protection policies have been adopted and remain in place today: The Agriculture Element, the Comprehensive Plan, and the recently adopted Buffer Ordinance, to mention only a few.

For example, The Ag Element clearly states: "The integrity of agricultural operations **SHALL NOT** (my emphasis) be violated by recreational or other non-compatible uses. (policy IA. pg.6)

It further states: "The quality and availability of water, air, and soil resources SHALL BE (my emphasis) protected through provisions including but not limited to, the stability of the Urban/Rural Boundary Lines, maintenance of buffer areas around agriculture areas, and the promotion of conservation practices. (Policy 1.F, pg. 7)

Also: "Expansion of urban development into active agricultural areas outside urban limits is to be discouraged, as long as infill development is available." (Policy 111.A, pg. 8)

Without getting into further detail, the SBCo Comp Plan and Buffer Ord. strongly reinforce these clear Policy Statements.

- (3) **PROCEDURES:** As this particular application moved through the process it became clear to some of us, that allowing a long term (over seven years) unpermitted commercial recreational uses to not only continue to operate, but also to expand, is an issue that should be reviewed. What message does that send to the rest of us?
- (4) **PRECEDENTS:** Some of the more obvious precedent-setting issues are as follows: (a) Crossing the Natural buffer that already exists between the City and Ag...the Santa Ynez River, if approved, (b) If approved, relying on another jurisdiction, the City of Lompoc, to provide restrooms for the project, (c) If approved, allowing CUP non-agricultural uses to exceed 50% of the area of the parcel in the Ag -II-40 zone. Please note that the existing 661 zone is Ag 40 does not allow for this proposed use at all, and (d) Allowing CUP uses that are clearly in conflict with SBCo clearly stated Policies.

**SUMMARY:** Over many years, the County Board of Supervisors and LAFCO have consistently voted to maintain the natural buffer that the

**Santa Ynez River provides between the City on the West and the highly productive Agriculture uses on the North and East. Granting this request therefore would set a terrible precedent.**

**These proposals should be denied based on the wording and intent of the County's Comprehensive Plan, the Agricultural Element, and the newly adopted Buffer Policy.**

**No one argues with the need for more recreational opportunities. The problem here is that this simply is the wrong location. The proper location is the already planned and funded site to the north. Intensely cultivated Agriculture operations are NOT compatible with extensive recreational uses.**

**RECOMMENDATION:**

**In order to continue our County's long-term commitment to avoid conflicts with, and to protect of our valuable Agricultural Resources, I urge your Committee to forward a recommendation of denial on this proposed Rezone and CUP, to the Planning Commission and the Board of Supervisors.**

**Respectfully submitted,**

**Art Hibbits**



Richard and Carol Nash  
432 St. Andrews Way  
Lompoc, CA 93436  
Email: [mnash@earthlink.net](mailto:mnash@earthlink.net)

AGENDA ITEMS

November 12, 2013

ITEM #: 1

Santa Barbara County Planning Commission  
Joan Hartmann, Chair

MEETING

DATE: 11-13-13

Dear Chair Hartmann and Planning Commissioners:

We are out of town and not able to be present at the November 13th Planning Commission Hearing for the Mosby Conditional Use Permit. We write to ask that you deny this CUP. It negates good land use planning principles and establishes bad precedent.

This land is zoned AG, surrounded by AG land and is separated beautifully from urban uses by the Santa Ynez River. The applicant has illegally developed intense recreational activities on this land for years without permit. Urban sprawl has been "encouraged" by use and advertising. The nature of these activities brings increased vehicular traffic and necessitates parking on site for 150 cars.

Our family has lived in the Lompoc Valley since January 1961 when my husband came to open the NASA office on, what was then, Point Arguello Naval Missile Facility. We appreciate that agriculture is the economic backbone of the Lompoc Valley. We urge you to preserve the integrity of agricultural zoning. Ratifying this CUP would validate the applicant's "illegal uses" of this property.

Please do not approve this CUP.

Sincerely,

Richard and Carol Nash

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NOV 12 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT



# CITY OF LOMPOC

AGENDA ITEMS

ITEM #: 1

MEETING

DATE: 11-13-13

November 12, 2013

Dr. Joan Hartmann, Chair  
Santa Barbara County Planning Commission  
123 East Anapamu Street  
Santa Barbara, CA 93101

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NOV 12 2013

RE: Mosby Rezone and Recreational Fields  
11CUP-00000-00032; 12RZN-00000-00003

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

Dear Chair Hartmann and Members of the Planning Commission:

You recently received a letter from the County of Santa Barbara Agricultural Advisory Committee opposing the project, which concluded, "Active recreational uses are not compatible with adjacent agricultural uses." This conclusion was not supported by any facts in the letter and is also not supported by our experience of operating parks next to agricultural fields for decades. River Park, which adjoins the Mosby property along the west side, also extends 4,500 feet to the north and is bordered by active agricultural fields along the east side. This symbiotic relationship with the adjoining agricultural uses has existed since the 1970s. Agricultural uses are separated from urban development and park users enjoy the scenic fields.

In 2007, the River Bend Soccer Fields were completed. At River Bend Park, the entire 1,600 foot western side of the park is bordered by intense row crop production on the other side of only a barbed wire fence. There have not been any substantial issues for the park with the agricultural fields or the agricultural fields with the park. The city also owns farm fields on the south side of River Bend Park, which the city has continued to lease out for crop production since before the soccer fields were built. If there had been issues with adjacent agricultural fields, the city would not have continued to lease these fields out.

It should also be noted that unlike River Park and River Bend Park, where the agricultural fields are on the other side of the fence from the park, Mr. Mosby's facilities are bordered by the expansion area for the River Park recreational vehicle spaces on

November 12, 2013  
Mosby Rezone and Recreational Fields  
Page 2 of 2

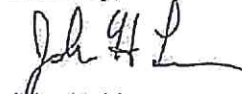
the west, Highway 246 and the Bridgehouse homeless shelter to the southeast, and Mr. Mosby's other agricultural land and fish ponds on the north. The nearest agricultural land to Mr. Mosby's project is 300 feet to the north. The river and City of Lompoc property are on the west; small parcels that are not farmed, as they have no water, are on the east; and some small parcel dry farming is located 700 feet south. The prevailing wind is from west to east.

Additionally, the city appreciates the facilities that Mr. Mosby supplies to augment the recreational facilities provided by the City of Lompoc during these difficult economic times. Our current facilities are so heavily booked that when a new youth football league formed in 2009, the only grass they could practice and have games on was the Lompoc Valley Middle School, as all city parks were booked for other youth sports. If Mr. Mosby's land were not available, both the paintball fields and the Radio Control Car track would have to discontinue operation. Soccer players would also have a difficult time finding alternative grass to play on.

Mr. Mosby's restrooms are constantly used by travelers on Highway 246 that pull into the River Park Road and assume they are part of the park. Conversely, our public restrooms are available to Mr. Mosby's guests, along with any other member of the public.

Each week, hundreds of City of Lompoc and Santa Barbara County residents in the Lompoc Valley and beyond, enjoy Mr. Mosby's facilities at no cost to either the city or the county. We embrace the national goal of providing enhanced recreational opportunities for Lompoc Valley residents as part of our Healthy Community Strategy and this facility provides more options.

Sincerely,



John H. Linn  
Mayor

c: Lompoc City Council  
Teresa Gallavan, Interim City Administrator

Electronically to the Planning Commission via email to [dvillalo@co.santa-barbara.ca.us](mailto:dvillalo@co.santa-barbara.ca.us)



La Liga de Lompoc  
Jose Mario Orellana  
135 North G  
Lompoc, CA 93436  
Phone (805) 868-5230

November 12, 2013

Dana Eady, Planner,  
Planning and Development Department of  
Santa Barbara County

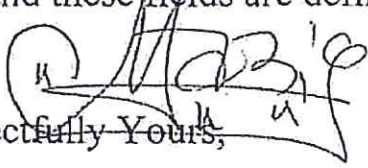
AGENDA ITEMS  
ITEM #: 1  
MEETING  
DATE: 11-13-13

RE: Mosby Recreational Facility

I am the president of La Liga de Lompoc. We represent over two thousand family members and players of soccer in the Santa Ynez Valley. For over two and a half years we have had the opportunity to use the facility known as Mosby Fields. We have never had any problems with any of the neighbors of this property nor have any of the neighbors had any problems with us. (this includes the neighboring farmers, City of Lompoc, Santa Barbara County Road Yard, The Bridge House Homeless Shelter and Lompoc Valley Motorsports Committee )

The owner of the property has been very generous with our organization and we feel privileged to be able to continue to play upon these fields. They are some of the best soccer fields in the County of Santa Barbara.

Last year over a hundred of our members met with the then County Supervisor Joni Gray, in a public forum and we all told her that these fields are of great importance to us and the people of the Valley. A closure of these fields would be a tremendous loss to our members and the people of the Valley. Currently Santa Barbara County does not have any parks in our area where we can play and these fields are definitely needed.

Respectfully Yours,  


Jose Mario Orellana

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NOV 12 2013  
S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

SANTA RITA FLOWER FARM  
Jeff Hendrickson  
217 1/2 South G "st"  
Lompoc, CA 93436  
Phone (805) 705-6783

AR 0754

AGENDA ITEMS

ITEM #: \_\_\_\_\_  
MEETING  
DATE: 11-13-13

November 11, 2013

Honorable Planning Commissioners and  
Planning and Development Department of  
Santa Barbara County

Subject: Mosby Recreational Fields

I am the farmer directly to the north of the recreation area known as "Mosby Recreation Fields". I have observed the activities on the parcels to the south of my current farming operation and have never found their occupancy to be deleterious nor incompatible to my farming activities. The actions on the parcels in question have never hindered my ability to conduct all of my required duties as a farmer.

I believe that a disallowance of the current operation would be a tremendous hindrance on the local citizens of the valley.

Sincerely

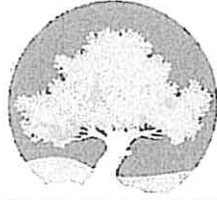


Jeff Hendrickson

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NOV 12 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT



**environmental**  
DEFENSE CENTER

November 12, 2013

Joan Hartmann, Chair  
Planning Commission  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

AGENDA ITEMS

ITEM #: \_\_\_\_\_

MEETING

DATE: 11-13-13

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NOV 12 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

**Re: Proposed Mosby Sports & Outdoor Recreation Facility Project**

Dear Chair Hartmann and Honorable Commissioners,

The following comments on the proposed final Mitigated Negative Declaration (MND) and Findings for the Mosby Sports & Outdoor Recreation Facility Project (Project) are submitted by the Environmental Defense Center on behalf of the Santa Barbara County Action Network (SB *CAN*).

SB *CAN* works within Santa Barbara County to promote social and economic justice, to preserve environmental and agricultural resources, and to create sustainable communities. EDC is a non-profit public interest law firm that represents community organizations in environmental matters affecting California's south central coast.

Your Commission has been asked to: (1) recommend that the Board of Supervisors make the required findings for approval of the Project, including CEQA findings; (2) recommend that the Board adopt an MND and adopt a mitigation monitoring plan; (3) recommend that the Board approve a zoning map amendment to change the zone district on the subject parcels from 40-AG to AG-II-40; and (4) recommend that the Board approve a Conditional Use Permit (CUP).

We appreciate that the Project applicant asked County staff to revise the MND to incorporate an accurate pre-Project "baseline" for the purpose of analyzing the Project's impacts. The MND states that a component of the Project was installed in 2010, and that "immediately prior to development of the track, this area of the parcel was devoid of vegetation." (Proposed Final MND, at p. 20.) However, aerial photographs show that native vegetation *was* present onsite prior to construction of the Project.<sup>1</sup> Therefore, we

<sup>1</sup> See attached letter from Lawrence E. Hunt, Hunt and Associates Biological Consulting Services. November 8, 2013.

906 Garden Street, Santa Barbara, CA 93101 (805) 963-1622  
[www.EnvironmentalDefenseCenter.org](http://www.EnvironmentalDefenseCenter.org)



urge you to include additional mitigation measures and/or conditions of approval in the final MND. Without the additional mitigation, it is possible the Project will have resulted in significant and avoidable impacts to the environment, necessitating the preparation of an environmental impact report (EIR).<sup>2</sup> Our specific comments and further recommendations are below.

## THE PROJECT

The proposed project is a request for the approval of: (1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the Santa Barbara County Land Use & Development Code (LUDC); and (2) a CUP to rectify an existing zoning violation for unpermitted outdoor recreational development and activities consisting of a paintball field, athletic fields and a remote controlled car track.

**Consistency Rezone:** The subject 9.99 and 9.50 gross/acre parcels are legal non-conforming as to size and are currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. Ordinance 661 does not allow outdoor recreational activities to be permitted on parcels with a 40-AG zone designation. In order to permit the subject recreational development and activities, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40), consistent with the current Land Use and Development Code. The subject parcels would remain non-conforming as to size.

**Conditional Use Permit:** Applicant requests approval of a CUP to permit existing unpermitted outdoor development and recreational activities consisting of a paintball field, athletic fields, and a remote controlled car track on the subject parcels (APN(s) 099-141-016, -017). These activities received a zoning violation since their use is not permitted under the existing Ordinance 661 zoning. Existing unpermitted development consists of a paintball field of approximately 1.5 acres, 2 athletic fields of approximately 4.5 acres, and a remote control car track of approximately 5 acres. One hundred and fifty parking spaces composed of compacted base and screened with a landscaped berm planted with pine trees would be provided on APN 099-141-017, which apparently contains some prime soils.

## PROJECT IMPACTS

There is substantial evidence which supports a fair argument that significant impacts have been and/or will be caused by the Project. Fortunately, these impacts can be mitigated.

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<sup>2</sup> CEQA Guidelines § 15064(a)(1); *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.

#### 4.1 Aesthetics/Visual Resources

The Project is located on the north side of Highway 246 approximately 0.5 miles northeast of the City of Lompoc and the intersection of Highway 1 and Highway 246, in a designated rural area bounded by a park and rural residential uses. The subject parcel is visible to travelers on Highway 246. The overall visual characteristics of the neighborhood include scattered residential and agricultural buildings amongst an area that supports a public passive-use park (Riverpark), the County's road yard, vineyards, orchards, grazing land and residential ranchettes, and the Santa Ynez River.

The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe and *travel corridors* as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, *obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas.* (Proposed Final MND, p. 4, emphasis added).

When the pre-project baseline is used to analyze the Project, it is clear that it has created significant visual impacts. The zoning violation was originally reported due to the public's clear observation of major, non-agricultural extensive grading along Hwy 246. The erection of fencing and numerous other structures for the paintball operation and other aspects of the active recreational use are also extensive and change the views of the site from the public, passive park adjacent to the site, at Riverpark. Additionally, the natural character of the site has been substantially altered. The addition of at least 150 parked cars on a daily basis that would be visible from Highway 246 is a significant impact. Additional mitigation, such as planting native plants to screen views from the road, should be required to ensure that impacts are kept to a level below significant.

#### 4.2 Agricultural Resources

We are concerned about the conversion of agricultural lands to other, non-agricultural uses. While recreational facilities may be an allowed use under the AG-II-40 zone designation, they are not appropriate for every agricultural property, especially where there is a potential for projects to create cumulative and/or growth-inducing impacts. The Project appears incompatible with the surrounding agricultural area. The County should ensure that this Project does not create a precedent or become a model for other properties to come out of agriculture or constrain true agricultural uses.

#### 4.3 Air Quality

We note that the proposed Final MND analyzes "Greenhouse Gas Emissions/Global Climate Change" using an "interim" threshold of 1,100 MT/yr for non-stationary sources and 10,000 MT/yr for stationary sources. Instead, the document should use a "zero emissions" threshold. The concentration of GHGs in our Earth's



atmosphere recently crossed the 400 parts-per-million (ppm) threshold; experts predict that current trends will cause global temperatures to rise at least two degrees, causing potentially catastrophic changes.<sup>3</sup> In other words, GHG emissions must be reduced from their current global levels, and *any* new input of GHG emissions exacerbates that global problem. The Project must be consistent with CEQA's requirement that *all* potentially significant impacts be evaluated and mitigated or avoided where feasible.

#### 4.4 Biological Resources

The MND's Biological Resources section fails to identify the project's impacts to habitats and species that may have been present before project construction.

The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that, when left fallow for extended periods of time and allowed to support native/non-native vegetation, they provide potential foraging habitat for one or more special-status wildlife species. Prior to construction of the Project, the parcels likely provided foraging, nesting and/or cover habitat for numerous special-status species. These species are known from the vicinity of the Project, such as in Santa Ynez River riparian and aquatic habitats. Historic aerial photographs show that the subject parcel bordered by River Park Road and Highway 246 contained grassland and shrubland vegetation, and sandy soils that could have been used by one or more of the following:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondit*) – California Species of Special Concern (foraging and cover habitat)
- Cooper's hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)

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<sup>3</sup> See, e.g., Neela Banerjee, "Carbon Dioxide in the Atmosphere Crosses Historic Threshold," *L.A. Times*, May 10, 2013, available at <http://articles.latimes.com/2013/may/10/science/la-sci-sn-carbon-atmosphere-440-ppm-20130510>; Hanson J., et al. "Target atmospheric CO<sub>2</sub>: where should humanity aim?" *Open Atmospheric Science Journal* 2 (2008): 217-231; Eby, M., Montenegro A., Zickfeld K., Archer D., Meissner K., & Weaver A. "Lifetime of anthropogenic climate change: millennial time scales of potential CO<sub>2</sub> and surface temperature perturbations." *Journal of Climate* 22, Special Collection (May 2008): 2501-2511; Matthews D., & Caldeira K.. "Stabilizing climate requires net zero emissions." *Geophysical Research Letters*, February 27, 2008: 1-5; Allison I., Bindoff N.L., Bindshadler R.A., Cox P.M., de Noblet N., England M.H., et al. (2009). *The Copenhagen Diagnosis*. The University of New South Wales Climate Change Research Centre (CCRC). Sydney: CCRC; Lowe A., Huntingford C., Raper S., Jones C., Liddicoat S., & Gohar L. "How difficult is it to recover from dangerous levels of global warming?" *Environmental Research Letters*, March 11, 2009; Zickfeld K., E. M. (2009). Setting cumulative emissions targets to reduce the risk of dangerous climate change. *National Academy of Sciences of the United States*, 106 (38), 16129-16134; England M., Alexander S.G., & Pitman A.J. "Constraining future greenhouse gas emissions by a cumulative target." *National Academy of Sciences of the United States of America* 106, no. 39 (September 2009): 16539-16540.



- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)
- Burrowing owl (*Athene cunicularia*) - California Species of Special Concern (foraging and possible nesting habitat)
- Long-eared owl (*Asio otus*) - California Species of Special Concern (foraging habitat)
- Loggerhead shrike (*Lanius ludovicianus*) - California Species of Special Concern (foraging and possible nesting habitat)
- California horned lark (*Eremophila alpestris actia*) - California Species of Special Concern (foraging habitat)
- Bell's sage sparrow (*Amphispiza belli belli*) – Watch List (foraging and possible nesting habitat)
- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
- Lawrence's goldfinch (*Carduelis lawrencei*) - California Species of Special Concern (foraging habitat)
- Pallid bat (*Antrozous pallidus*) - California Species of Special Concern (foraging habitat)
- Townsend's big-eared bat (*Corynorhinus townsendii*) - California Species of Special Concern (foraging habitat)
- Western red bat (*Lasiurus blossevillii*) - California Species of Special Concern (foraging habitat)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) - California Species of Special Concern (foraging and cover habitat).<sup>4</sup>

Removal of all vegetation and grading of the parcels for the Project likely eradicated habitat for one or more of the aforementioned animals. The greatest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss).<sup>5</sup>

Similarly, conversion of the parcel from fallow field to recreational uses removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat.<sup>6</sup>

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<sup>4</sup> See attached letter from Lawrence E. Hunt, Hunt & Associates Biological Consulting Services. September 2, 2013.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

The proposed MND states that the remote control car track was installed in 2010, and that "immediately prior to development of the track, this area of the parcel was devoid of vegetation." (Proposed Final MND, at p. 20.) However, aerial photographs show that native vegetation *was* present onsite prior to construction of the Project; Hunt specifically notes that shrubby vegetation, which he believes to have been native plants including coyote brush and coast golden bush, was present on the site in 2009, prior to construction of the Project.<sup>7</sup>

Hunt concludes that impacts to biological resources could have been mitigated to a level below significant if: (1) pre-project surveys were undertaken; (2) work was scheduled to avoid/minimize impacts; and/or (3) a biological monitor had been hired to oversee construction.

These measures were not implemented concurrently with the Project's construction, and so Hunt recommends after-the-fact mitigation to avoid a significant biological impact.<sup>8</sup> The riparian corridor of the Santa Ynez River adjacent to the southern parcel is restricted to the top-of-bank, bank, and the edges of the river channel and consists of a variable cover of mature arroyo willow (*Salix lasiolepis*), black cottonwood (*Populus balsamifera* subsp. *trichocarpa*), elderberry (*Sambucus mexicanus*), with a dense to sparse understory of shrubs dominated by coyote bush and mule-fat (*Baccharis salicifolia*). There is an opportunity to expand the width of the riparian corridor through habitat restoration of the grassy space between the existing edge of the riparian corridor and the kid's motocross track (see photograph below). Such restoration is necessary to avoid a potentially significant impact and is therefore necessary to avoid CEQA's requirement to prepare an EIR.

#### *Habitat Enhancement Program*

A minimum of 100 native riparian trees and 175 native riparian scrub shrubs of the following species and numbers should be planted in the area outlined in the photograph below:

*Trees:* coast live oak (*Quercus agrifolia*) – 25; black cottonwood (*Populus balsamifera* subsp. *trichocarpa*) – 35; arroyo willow (*Salix lasiolepis*) – 40. The trees should be 15-gallon stock and come from genetic sources within the Santa Ynez River watershed. Sources include: SB Natives, Inc., Goleta (805.698.4994) or Growing Solutions, Goleta (805.452.7561). All trees should be placed on temporary drip irrigation for a period of three years until self-sufficient.

*Shrubs:* coast goldenbush (*Hazardia squarrosa*) – 50; elderberry (*Sambucus mexicana*) – 25; mule-fat (*Baccharis salicifolia*) – 50; toyon (*Heteromeles arbutifolia*) – 25; lemonadeberry (*Rhus integrifolia*) – 25. All shrubs should be 5-gallon stock and come from genetic sources within the Santa Ynez River watershed. Sources include: SB Natives, Inc., Goleta (805.698.4994) or Growing Solutions,

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<sup>7</sup> Hunt, November 8, 2013.

<sup>8</sup> *Id.*



Goleta (805.452.7561). All shrubs should be placed on temporary drip irrigation for a period of three years until self-sufficient. The landowner could enlist the help of a local volunteer group to install and regularly care for these plants for a period of three years post-planting, when they can be taken off drip irrigation and the temporary drip lines removed. The drip irrigation system should be placed on a timer and maintained by the landowner.



If this mitigation is successfully implemented, it would obviate the need to prepare an EIR. Specifically, the MND should require implementation of the above restoration plan and: (1) annual monitoring for three to five years, including photographic surveys, measurement of percent survival and measurement of growth rates, all reported to the County's biologist; (2) for three years, replace vegetation that dies; (3) use drip irrigation for three to five years to support restoration; and (4) fence off the restoration area, and permanently protect it.

## CONCLUSION

The MND is based on an inaccurate description of the environmental setting and inadequately analyzes Project impacts. The MND should acknowledge that the Project has resulted in significant impacts to biological and other resources and should require additional mitigation as described above.

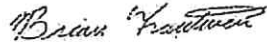


Thank you for considering our recommendations.

Sincerely,



Nathan G. Alley, Staff Attorney



Brian Trautwein, Environmental Analyst / Watershed Program Coordinator

Cc: SB *CAN*

Attachments: Letter from Lawrence E. Hunt, Hunt and Associates Biological Consulting Services. November 8, 2013.

Letter from Lawrence E. Hunt, Hunt & Associates Biological Consulting Services. September 2, 2013.

**Lawrence E. Hunt  
Consulting Biologist**

Brian Trautwein and Nathan Alley  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, California 93101

8 November 2013

**Subject: Comments on Final Mitigated Negative Declaration (12NGD-00000-00024), 15 August 2013, for the Mosby Recreational Fields & Consistency Rezone Project, Santa Barbara County, California.**

The comments in this letter are based on site observations and conclusions of my review of the Draft Mitigated Negative Declaration for this project summarized in my letter, dated 2 September 2013.

**Final Mitigated Negative Declaration.** The conclusions in the Final MND regarding potential impacts of the proposed project on biological resources are basically unchanged from those in the Draft MND. Although the Final MND uses both the "pre-grading" and "existing" condition of the parcel (APN 099-141-017), the condition of the parcel before unpermitted grading and vegetation removal occurred is not adequately described. Consequently, I believe the potential project-related impacts to wildlife resources in the area have been underestimated. The Conclusion section at the end of this letter contains an evaluation of potential impacts to wildlife resources caused by the unpermitted grading and conversion of the parcel.

**Aerial Photographs:** see following pages.

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111

Phone: (805) 967-8512 Fax: (805) 967-4633  
e-mail: [anniella@verizon.net](mailto:anniella@verizon.net)

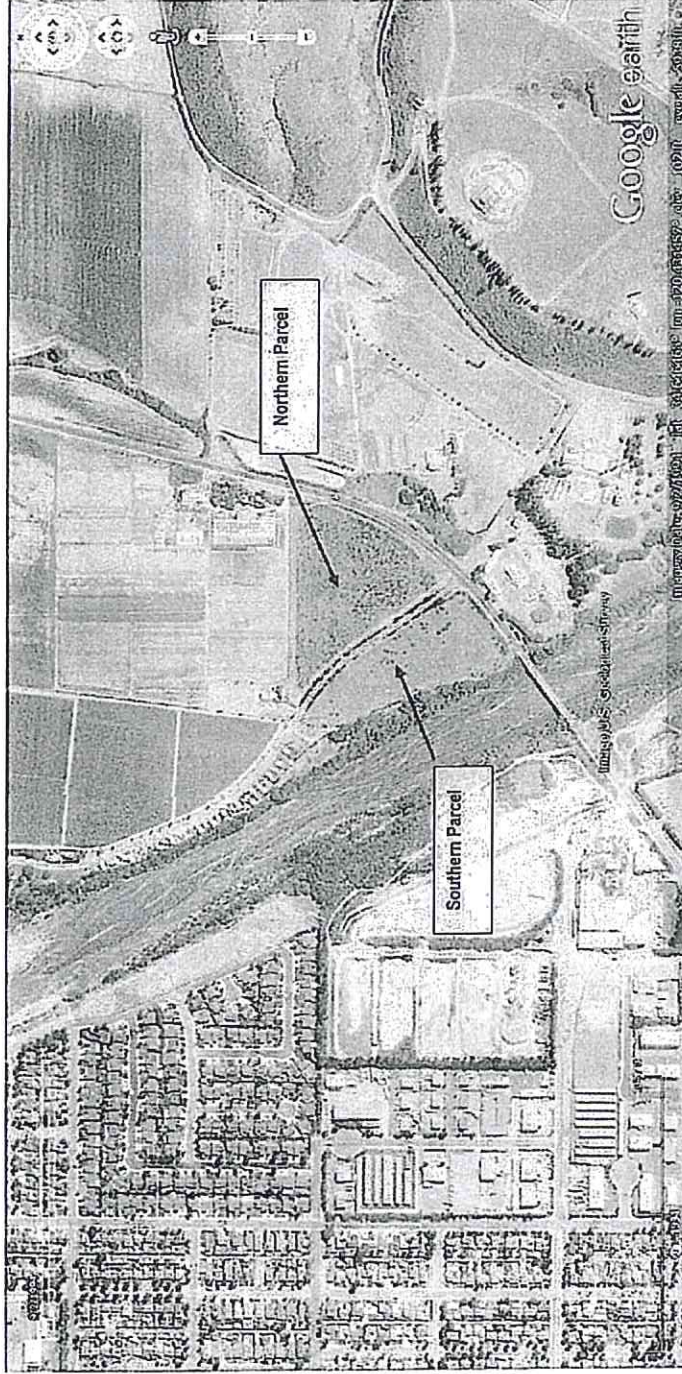


**January 1938:** Subject parcels are indicated by circle in lower left portion of photo. The subject parcels are under cultivation at this time. Signs of recent overwash during flood events is evident. River Park Road does not exist; note location of Lompoc-Buellton Road bridge upstream of current position.

**1964** (no photo; evaluation is based on aerial photograph base maps in: *Shipman, G.E. 1972. Soil survey of northern Santa Barbara County. Soil Conservation Service, Washington D.C.*): Same conditions as in 1938 photo—parcels are under cultivation. River Park Road and River Park do not exist.

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111  
(805) 967-8512 (phone) (805) 967-4633 (fax)  
e-mail: anniella@verizon.net





**2 September 1994:** The northern parcel appears to be vegetated with a variable cover of shrubs, probably coyote bush, herbaceous vegetation, and annual grasses. There are a few larger shrubs along the margin of Buelton-Lompoc Road that may be elderberry. The southern parcel is an open field, apparently vegetated with annual grasses and widely scattered clumps of shrubs, probably coyote brush and/or elderberry. River Park campground is visible in this photo.

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Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111

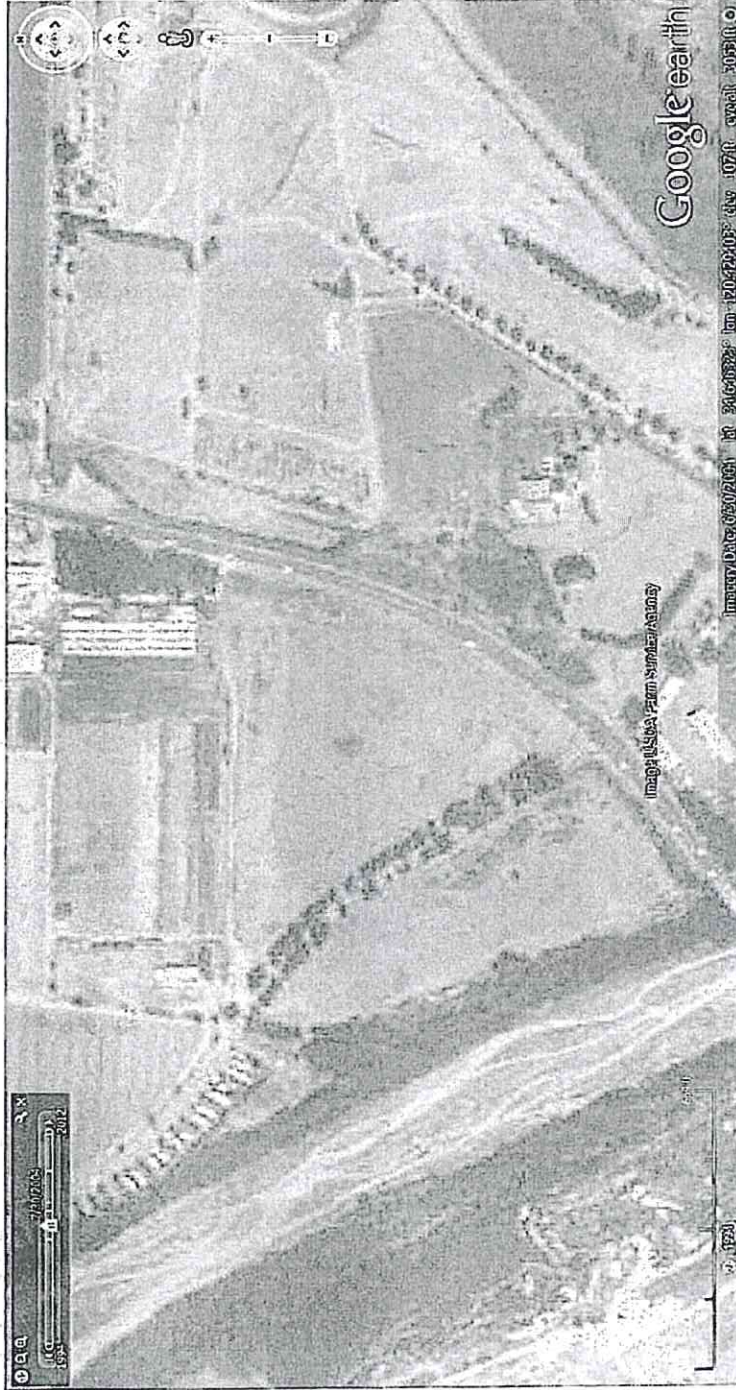
Phone: (805) 967-8512 Fax: (805) 967-4633  
e-mail: [anniella@verizon.net](mailto:anniella@verizon.net)



**19 June 2003:** Vegetation described in the 1994 photo of the northern parcel is denser and forms an almost continuous shrub canopy across most of the parcel. Shrubs are likely to be native coyote brush and coast goldenbush because these species occur today in lightly disturbed areas adjacent to this reach of Lompoc-Buellton Road. Compare conditions to the northern portions of this parcel, which have been cleared for agricultural use. The parcel south of River Park Road appears the same as in 1994, except that shrub cover has expanded since that time.

Hunt & Associates  
 Biological Consulting Services  
 5290 Overpass Road, Suite 108  
 Santa Barbara, California 93111  
 (805) 967-8512 (phone) (805) 967-4633 (fax)  
 e-mail: [anniella@verizon.net](mailto:anniella@verizon.net)

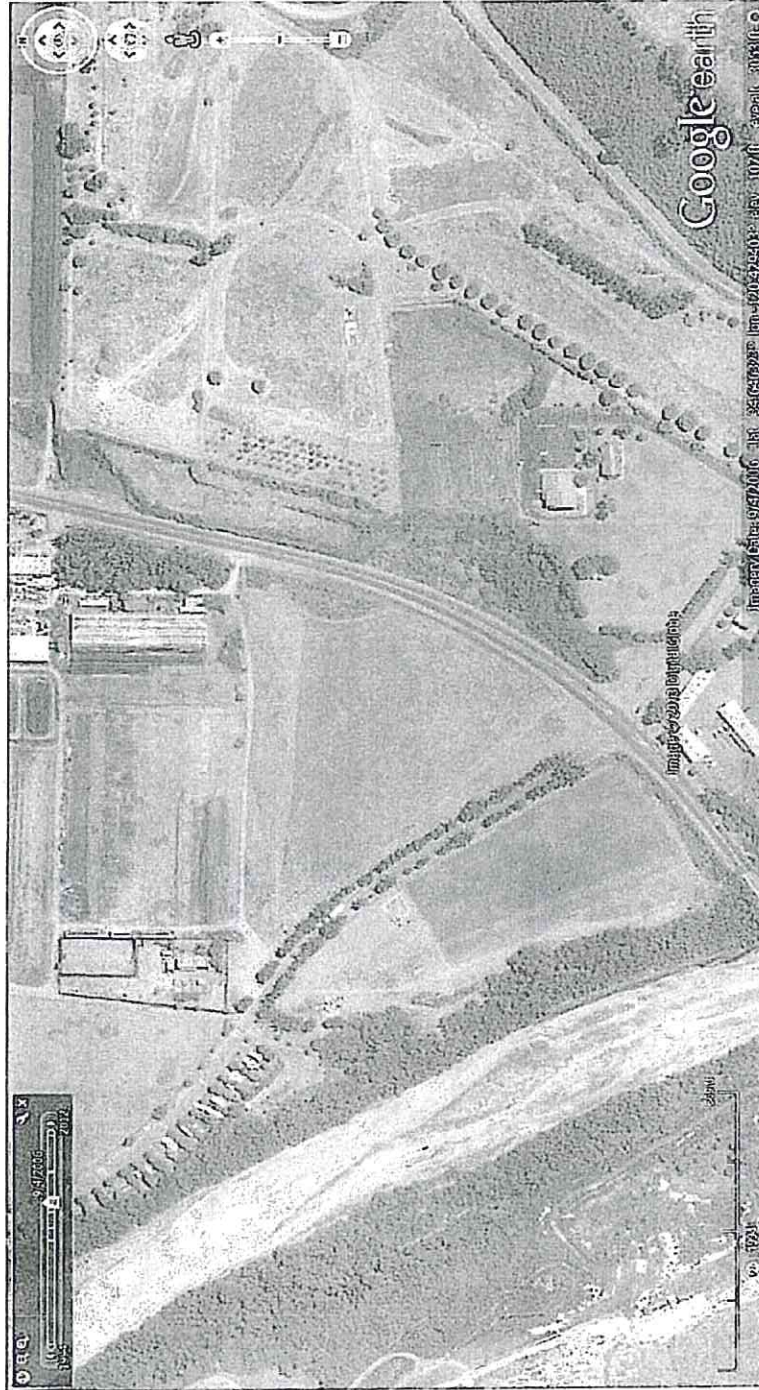




30 July 2004: The northern parcel has been cleared of shrub vegetation. The parcel south of River Park Road has been disked, but a small amount of shrub cover remains.

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Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111  
(805) 967-8512 (phone) (805) 967-4633 (fax)  
e-mail: annielia@verizon.net

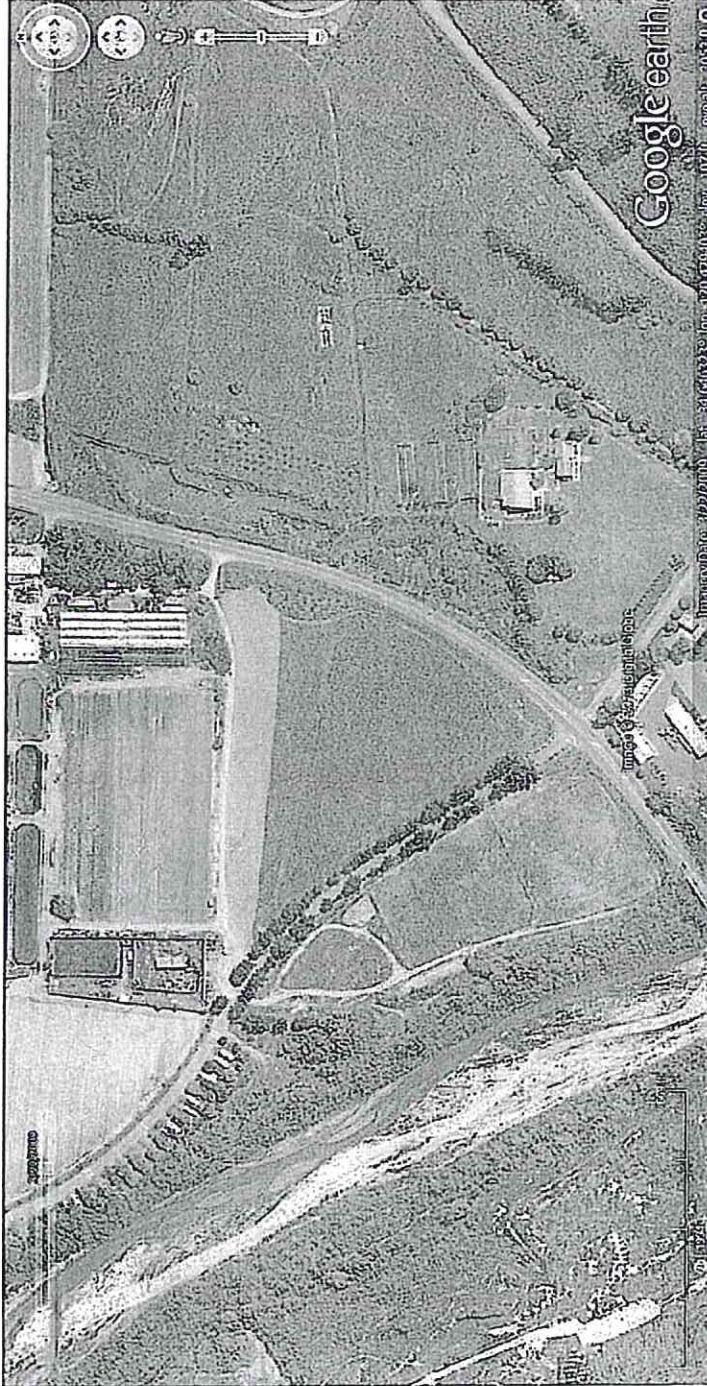




**4 September 2006:** The northern parcel appears to be vegetated with annual grasses; no shrubs. Note patch of shrubs, probably coyote bush and coast goldenbush, along east edge of this parcel along Lompoc-Buellton Road. The southern parcel has what appears to be a cover crop on the eastern three-quarters of the parcel (disking marks are evident). There are vehicles and a fence-like structure and bare soil on the western 25% of the southern parcel.

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111  
(805) 967-8512 (phone) (805) 967-4633 (fax)  
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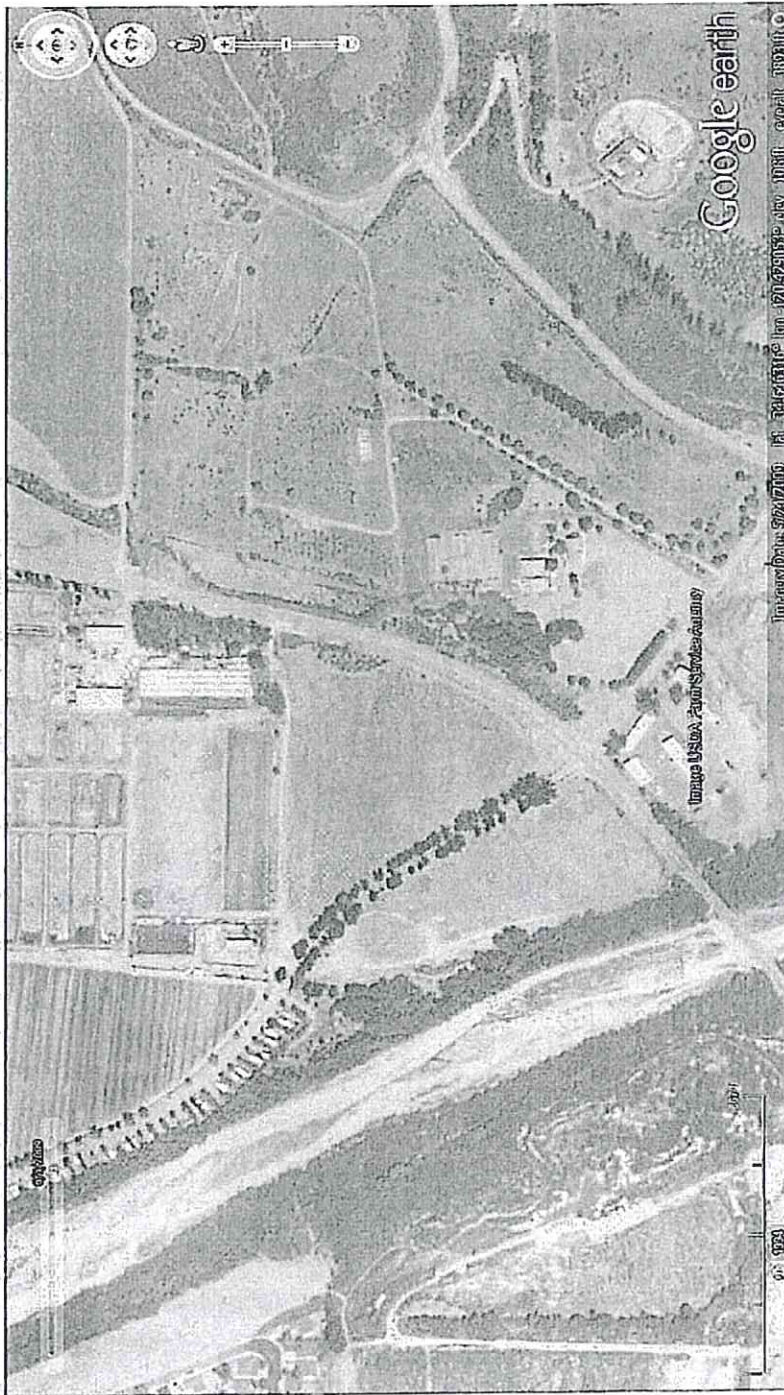


**22 March 2009:** The northern parcel supports grass and sparse re-colonizing shrubs and herbaceous plants, probably coyote brush, coast goldenbush, and western ragweed. Note denser shrub cover in patch along Lompoc-Buellton Road. The northern portion of this parcel (same area as in 2003 and 2006 photo) is being farmed. On the southern parcel, the same area being farmed in the 2006 photo is under cultivation and has been heavily disked. A dirt road runs between these cultivated areas and the riparian corridor of the Santa Ynez River and connects to other dirt roads in the western portion of the parcel. The western quarter of the parcel appears to have a baseball diamond on it.

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Biological Consulting Services  
 5290 Overpass Road, Suite 108  
 Santa Barbara, California 93111  
 (805) 967-8512 (phone) (805) 967-4633 (fax)  
 e-mail: [anniella@verizon.net](mailto:anniella@verizon.net)





5 June 2009: Same conditions as in the 22 March 2009 photo in dry season. Note shrubs in dry grass on northern parcel and denser shrub patch along Lompoc-Buellton Road (also visible in 2006 photo).

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111  
(805) 967-8512 (phone) (805) 967-4633 (fax)  
e-mail: [anniella@verizon.net](mailto:anniella@verizon.net)





6 June 2012: The northern parcel has been cleared of all vegetation and has been graded to create what appear to be a dirt bike track and other recreational areas. The parcel south of River Park Road is unchanged from the 2009 descriptions, except that baseball diamond has been removed.

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111  
(805) 967-8512 (phone) (805) 967-4633 (fax)  
e-mail: [anniella@verizon.net](mailto:anniella@verizon.net)

**Conclusions.** The Final MND concluded there was no native vegetation present on the northern parcel when it was converted for recreational purposes sometime between 2009 and 2012. The aerial photos show taken in 2009 show that this parcel likely supported non-native annual grasses and a sparse cover of native shrubs, probably coyote bush, western ragweed, and coastal goldenbush, which is present in relatively undisturbed areas along the eastern margin of this parcel adjacent to Lompoc-Buellton Road. The grass/shrub cover here would have provided foraging and nesting habitat for seed- and insect-eating birds and small mammals. Grading eradicated pocket gophers, ground squirrels, and other rodents that probably inhabited the parcel. These species are prey for a variety of raptorial birds, so grading potentially affected the foraging habits of raptors and larger mammals, including special-status species known to occur in the region, such as Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat. Grading in the context of converting the parcel to recreational use would have been considered a Class II impact in a Biological Assessment of the project. This impact could have been mitigated to less than significant levels by timing grading to avoid the breeding season for ground-nesting birds and raptors, pre-construction surveys and/or monitoring during initial vegetation grubbing, and by implementing some form of habitat restoration in the area between the southern parcel and the existing riparian canopy along the Santa Ynez River.

Additionally, the noise impacts generated by the project were evaluated in the Final MND solely in terms of its impact on sensitive human receptors, and did not consider impacts to sensitive wildlife receptors, such as birds, including a number of special-status species, that use the adjacent riparian corridor along the Santa Ynez River as foraging and nesting habitat. Increased noise in this area could cause birds to abandon this area as nesting habitat or significantly alter foraging patterns, a Class II impact.

**Recommended After-the-Fact Mitigation.** The riparian corridor of the Santa Ynez River adjacent to the southern parcel is restricted to the top-of-bank, bank, and the edges of the river channel and consists of a variable cover of mature arroyo willow (*Salix lasiolepis*), black cottonwood (*Populus balsamifera* subsp. *trichocarpa*), elderberry (*Sambucus mexicanus*), with a dense to sparse understory of shrubs dominated by coyote bush and mule-fat (*Baccharis salicifolia*). There is an opportunity to expand the width of the riparian corridor through habitat restoration of the grassy space between the existing edge of the riparian corridor and the radio-controlled vehicle track/BMX track (see following photo).

**Habitat Enhancement Program:** A minimum of 100 native riparian trees and 175 native riparian scrub shrubs of the following species and numbers should be planted in the area outlined in the following photo:

*Trees:* coast live oak (*Quercus agrifolia*)--25; black cottonwood (*Populus balsamifera* subsp. *trichocarpa*)--35; arroyo willow (*Salix lasiolepis*)--40. The

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111

Phone: (805) 967-8512 Fax: (805) 967-4633  
e-mail: anniella@verizon.net



trees should be 15-gallon stock and come from genetic sources within the Santa Ynez River watershed. Sources include: SB Natives, Inc., Goleta (805.698.4994) or Growing Solutions, Goleta (805.452.7561). All trees should be placed on temporary drip irrigation for a period of three years until self-sufficient.

*Shrubs:* coast goldenbush (*Hazardia squarrosa*)—50; elderberry (*Sambucus mexicana*)—25; mule-fat (*Baccharis salicifolia*)—50; toyon (*Heteromeles arbutifolia*)—25; lemonadeberry (*Rhus integrifolia*)—25. All shrubs should be 5-gallon stock and come from genetic sources within the Santa Ynez River watershed. Sources include: SB Natives, Inc., Goleta (805.698.4994) or Growing Solutions, Goleta (805.452.7561). All shrubs should be placed on temporary drip irrigation for a period of three years until self-sufficient.

The landowner could enlist the help of a local volunteer group to install and regularly care for these plants for a period of three years post-planting, when they can be taken off drip irrigation and the temporary drip lines removed. The drip irrigation system should be placed on a timer and maintained by the landowner.



Recommended Habitat Enhancement Site.

*Lawrence E. Hunt*

Lawrence E. Hunt

Hunt & Associates  
 Biological Consulting Services  
 5290 Overpass Road, Suite 108  
 Santa Barbara, California 93111  
 (805) 967-8512 (phone) (805) 967-4633 (fax)  
 e-mail: annilla@verizon.net





Lawrence E. Hunt  
Consulting Biologist

Brian Trautwein and Nathan Alley  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, California 93101

2 September 2013

**Subject: Draft Review of Potential Biological Resources Affected by the Mosby Recreational Fields Project, Santa Barbara County, California.**

**Methods.** The site and the surrounding parcels were surveyed on foot and from existing public roadways by Lawrence E. Hunt on 30 August 2013 to characterize existing conditions and land use within and around the subject parcels. I reviewed California Natural Diversity Data Base (CNDDB) records of special-status plants and animals known from the Lompoc, Lompoc Hills, and Santa Rita Hills quadrangles. Potential impacts to special-status plants and animals from the project also are based on 29 years of field experience in the vicinity of the project area.

**Existing Conditions.** The subject parcels (APN 099-141-017 and APN 099-141-016) are located northwest of the intersection of Buellton-Lompoc Road and River Park Road and east of the City of Lompoc. The parcels total approximately 19.5 acres and are situated on a former river terrace along the eastern edge of the Santa Ynez River floodplain. The northern parcel (017, north of River Park Road) is bounded on the north by agricultural fields, on the east by Buellton-Lompoc Road and additional agricultural acreage to the east, and on the south and west by River Park Road. The southern parcel (016) is bordered by River Park Road on the north, the riparian corridor along the eastern bank of the Santa Ynez River on the south, and Buellton-Lompoc Road on the east.

The eastern portions of the northern parcel have been disked or otherwise graded in the recent past to remove vegetation, and is now being re-colonized by ruderal vegetation that consists of a mixture of grasses, forbs, and shrubs that are adapted to disturbed conditions. Most of the species present are native (bolded) and include: telegraph weed (*Heterotheca grandiflora*), western ragweed (*Ambrosia psilostachya*), dock (*Rumex* sp.), California croton (*Croton californica*), annual brome grasses (*Bromus* sp.), coyote brush (*Baccharis pilularis*), coast goldenbush (*Hazardia squarrosa*), and Russian thistle (*Salsola tragus*). A play field and a paintball park occupy the western half of the northern parcel.

The margins of both sides of River Park Road are lined with mature Monterey pines (*Pinus radiata*). The northern portion of the southern parcel is being used as a parking

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111

Phone: (805) 967-8512 Fax: (805) 967-4633  
e-mail: anniella@verizon.net



lot for a radio-controlled car race track that has been created along the southern half of this field. The northwestern portion of the southern is lot supports ruderal vegetation (species similar to those described above). Separating the race track from the Santa Ynez River riparian corridor is an approximately 75-100 foot-wide disturbed expanse of brome grass and scattered, re-colonizing shrubs.

The riparian corridor of the Santa Ynez River adjacent to the southern parcel is restricted to the top-of-bank, bank, and the edges of the river channel and consists of a variable cover of mature arroyo willow (*Salix lasiolepis*), black cottonwood (*Populus balsamifera* subsp. *trichocarpa*), elderberry (*Sambucus mexicanus*), with a dense to sparse understory of shrubs dominated by coyote bush and mule-fat (*Baccharis salicifolia*). The river channel is mostly open with a relatively flat gradient that creates a braided flow configuration. Water was flowing continuously through the channel during the 30 August 2013 site visit as a result of upstream water releases from Bradbury Dam, but this reach of the river is frequently dry for several months in summer and fall. Bare ground covers at least 70% of the channel bed; the remainder is vegetated with mule-fat and herbaceous vegetation.

#### Review of Aerial Photography (1964-2012):

**1964** (aerial photograph base maps in: Shipman, G.E. 1972. Soil survey of northern Santa Barbara County. Soil Conservation Service, Washington D.C.): Both the northern and southern parcels are under cultivation up to the edge of the riparian corridor along the top of bank of the Santa Ynez River. River Park Road and River Park do not exist.

**2 September 1994:** The northern parcel appears to be vegetated with a variable cover of shrubs, probably coyote bush, herbaceous vegetation, and annual grasses. There are a few larger shrubs along the margin of Buelton-Lompoc Road that may be elderberry. The parcels to the north are under cultivation. The southern parcel is an open field, apparently vegetated with annual grasses and widely scattered clumps of shrubs, probably coyote brush and/or elderberry. River Park campground is visible in this photo.

**19 June 2003:** Vegetation described in the 1994 photo of the northern parcel is denser and forms an almost continuous shrub canopy across most of the parcel. The northern portions of this parcel have been cleared for agricultural use and removed shrubs and grassland vegetation in an area approximately 100 feet wide x 890 feet long (about 2 acres). The southern parcel appears the same as in 1994, except that shrub cover has expanded since that time.

**30 July 2004:** The northern parcel has been cleared of shrub vegetation. The southern parcel has been disked, but a small amount of shrub cover remains there.

**13 December 2005:** Both parcels are devoid of shrub vegetation and appear to be bare soil. Tire marks made by tractors are evident across both parcels.

Hunt & Associates  
 Biological Consulting Services  
 5290 Overpass Road, Suite 108  
 Santa Barbara, California 93111  
 (805) 967-8512 (phone) (805) 967-4633 (fax)  
 e-mail: anniella@verizon.net

**4 September 2006:** The northern parcel appears to be vegetated with annual grasses; no shrubs. The southern parcel has what appears to be a cover crop on the eastern three-quarters of the parcel (disking marks are evident). There are vehicles and a fence-like structure and bare soil on the western 25% of the southern parcel.

**22 March 2009:** The northern parcel supports grass and sparse re-colonizing shrubs and herbaceous plants, probably coyote brush and coast goldenbush. The northern portion of this parcel (same area as in 2003 photo) is being farmed. On the southern parcel, the same area being farmed in the 2006 photo is under cultivation and has been heavily disked. A dirt road runs between these cultivated areas and the riparian corridor and connects to other dirt roads in the western portion of the parcel. The western quarter of the parcel appears to have a baseball diamond on it.

**5 June 2009:** Same conditions as in the 22 March 2009 photo.

**6 June 2012:** The northern parcel has been cleared of all vegetation and has been graded to create what appear to be a dirt bike track and other recreational areas. The southern parcel is unchanged from the 2009 descriptions, except that baseball diamond has been removed. The southern parcel would be characterized as heavily disturbed open space with no agricultural activity at this time. Remnants of the dirt road are evident in the western half of the southern parcel.

**30 August 2013 (site visit):** The eastern 75% of the southern parcel supports a radio-controlled car racetrack and a parking lot. Vegetation in the western 25% of the parcel consists of ruderal grasses, forbs, and shrubs that presumably covered the eastern portions of the parcel prior to grading. The western, less disturbed portions of the southern parcel support dense colonies of pocket gophers (*Thomomys bottae*), California ground squirrels (*Spermophilus beecheyi*), and other burrowing rodents that provide prey for raptors and other wildlife. These prey species presumably readily re-colonized both the southern and northern parcels when fallow.

#### Conclusions:

- The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that, when left fallow for extended periods of time and allowed to support native/non-native vegetation, they provide potential foraging habitat for one or more special-status wildlife species.

Based on analysis of aerial photographs, the subject parcels were under cultivation at various times between 1964 and the early 1990s. They were left fallow and reverted back to a mixture of native and non-native vegetation until sometime in 2003-2004 when they were again cleared of vegetation. In the

Hunt & Associates  
 Biological Consulting Services  
 5290 Overpass Road, Suite 108  
 Santa Barbara, California 93111  
 (805) 967-8512 (phone) (805) 967-4633 (fax)  
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intervening 10 years or so a shrub community developed on the parcels that likely supported generalist wildlife species and was likely used as foraging habitat by raptors and other birds nesting in the vicinity (e.g., the Santa Ynez River riparian corridor). During that ten-year period, from the early 1990s to the early 2000s, the parcel may have provided foraging, nesting, and/or cover habitat for the following special-status species. These species are known from the vicinity of the project, such as in Santa Ynez River riparian and aquatic habitats, and the subject parcels contained grassland and shrubland vegetation and sandy soils that could have been used by one or more of these species:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondi*) – California Species of Special Concern (foraging and cover habitat)
- Cooper's hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)
- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)
- Burrowing owl (*Athene cunicularia*) - California Species of Special Concern (foraging and possible nesting habitat)
- Long-eared owl (*Asio otus*) - California Species of Special Concern (foraging habitat)
- Loggerhead shrike (*Lanius ludovicianus*) - California Species of Special Concern (foraging and possible nesting habitat)
- California horned lark (*Eremophila alpestris actia*) - California Species of Special Concern (foraging habitat)
- Bell's sage sparrow (*Amphispiza belli belli*) – Watch List (foraging and possible nesting habitat)
- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
- Lawrence's goldfinch (*Carduelis lawrencei*) - California Species of Special Concern (foraging habitat)
- Pallid bat (*Antrozous pallidus*) - California Species of Special Concern (foraging habitat)
- Townsend's big-eared bat (*Corynorhinus townsendii*) - California Species of Special Concern (foraging habitat)
- Western red bat (*Lasiurus blossevillii*) - California Species of Special Concern (foraging habitat)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) - California Species of Special Concern (foraging and cover habitat).

Hunt & Associates  
 Biological Consulting Services  
 5290 Overpass Road, Suite 108  
 Santa Barbara, California 93111  
 (805) 967-8512 (phone) (805) 967-4633 (fax)  
 e-mail: anniella@verizon.net



It is important to repeat however, that the condition of the subject parcels as wildlife habitat is an ephemeral occurrence because one or both parcels have been repeatedly converted to agriculture over the past 50 years.

- The width of the riparian corridor along the eastern side of the Santa Ynez River channel does not appear to have changed between 1964 and 2013, and does not appear to have been affected by the project.
- Removal of all vegetation and grading of the parcels in 2005 would have eradicated habitat for one or more of the aforementioned animals, if present. The largest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss). None of these species would have occupied the subject parcels permanently at that time because of surrounding disturbance and their relatively small size. Whether or not these species occurred there seasonally at that time would have depended on the timing and intensity of surrounding land use, colonization of the parcels by prey species, and other factors.
- Conversion of the northern parcel from a fallow field to recreational uses sometime between 2009 and 2012 and conversion of the southern parcel sometime between June 2012 and August 2013 removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat. Conversion to recreational use probably would have been considered a Class II impact in a Biological Assessment of the project that could have been mitigated to less than significant levels by pre-construction surveys, construction monitoring, and/or timing constraints.
- No impacts to special-status plants are expected as a result of the project.

Lawrence E. Hunt

Hunt & Associates  
Biological Consulting Services  
5290 Overpass Road, Suite 108  
Santa Barbara, California 93111  
(805) 967-8512 (phone) (805) 967-4633 (fax)  
e-mail: anniella@verizon.net

718 St. Andrews Way  
Lompoc, CA 93436

Dear Chair Hartman and Planning Commissioners:

Thank you for the opportunity to provide comments regarding the Mosby operations. I have discussed the illegal activities occurring on this property with Planning staff since 2006.

The Planning Commission should deny all components of this project, especially the CUP which would create conflicts with adjacent agriculture. Not denying this project sets a precedent. It would send a message that the County will now allow intense urban uses on land zoned agriculture. This contradicts the County policy that agricultural land, the source of Santa Barbara's most valuable industry, must be protected.

I recently learned from a 1960s era Lompoc City Councilman that River Park was created using California State Green Belt Initiative funding. This buffer area was established using public money. River Park is a lovely passive recreation resource that was created more than 40 years ago to separate urban and agricultural uses. There is no active recreation on River Park; it is used for camping, walking, fishing, and other quiet passive recreational activities.

The applicant's illegal development has already negatively impacted this passive recreational community resource. Many long time Lompoc Valley residents have voiced dismay that the once rural approach to the Park has been destroyed by the illegal and intense uses the applicant has created with no permits.

I have read the staff report and final negative declaration and have attached a list of issues/concerns/errors that I hope are included in today's deliberation. I have discussed many of these with staff over the course of the past months. The revised documents do not adequately address many of the public's concerns.

Please deny this project. Uphold the County policies that have successfully protected agriculture in this County. The community looks forward to seeing these parcels restored to viable agricultural operations.

Respectfully,

Marell Brooks

\_\_\_\_\_ AGENDA ITEMS \_\_\_\_\_

ITEM #: \_\_\_\_\_ 1 \_\_\_\_\_

MEETING

DATE: \_\_\_\_\_ 11-13-13. \_\_\_\_\_

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PLANNING & DEVELOPMENT  
HEARING SUPPORT

**Issues not adequately addressed in staff report or final Neg. Dec.**

\*Inadequate site plan: Ingress/egress; no specific parking plan for 150 cars.

\*Use of Pine Trees

\*Food vendors/Trash: Monitoring?

\*Requirements for a sanctioned Remote Control Car operation (fire hazards)

\*Incomplete traffic analysis: new Mosby property access road not included.

\*Public Health issues: Inadequate number of restrooms too far from operations

\*City letter re restrooms not vetted through City Public Health.

\*Fire: Station 51 more than 5-6 minutes away.

\*Emergency evacuation of 150 cars/700 people not explained.

\*Temporary nature of kids motocross park

\*Visual Impacts: Paint ball corrugated walls. View from Park

\*Wording: 'made available for public use": Operations are private, for profit. No trespassing signs are posted. Anyone using the operations has to pay. (See website for Lompoc Remote Control Car Club: paying for owner's "permits")

\*Public Benefit: Need for these recreational uses: It is a private operation. City has more than adequate park space, to include the undeveloped Riverbend Park. (See Ron Fink editorial Lompoc Record October 2013).

\*Air quality: dust: Specific parking plan for 150 cars. Poison pellets used on soccer fields.

\*Grading: Field adjacent to 246 is now bowl-shaped dirt field c/ multiple tire tracks

\*Noise Impacts when RV park is extended in three years.

\*Illegal signage: Chronic issue, even during review period. (p. 36)

\* Parking requirements Striping? Adequate turn space, etc.



AGENDA ITEMS

November 8, 2013

RE: Mosby Rezone and Recreational Fields  
11CUP-00000-00032; 12RZN-00000-00003

ITEM #: \_\_\_\_\_ 1 \_\_\_\_\_

MEETING

DATE: \_\_\_\_\_ 11-13-13 \_\_\_\_\_

Dear Chair Hartman and Members of the Planning Commission:

Thank you for allowing me to comment on the above project.

After considerable research, I have concluded:

- This project is inconsistent with current County policies
- The Staff Report underestimates or overlooks impacts to agriculture
- If approved, it would create a terrible precedent
- This project should be denied

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**Problem #1: Inconsistent with LUDC allowable recreation use**

The LUDC Article 35.42.240 defines allowable rural recreation use as "low-intensity recreational development." Paintball and sports fields are "high-intensity" recreational uses. For specific overview of paintball, please use link to article from the Santa Maria Times: "Paint wars: A Lompoc paintball venue provides a safe and legal home for high-adrenaline action." <http://www.santamariasun.com/sports-lead/6829/paint-wars/>

**Problem #2: Inconsistent with LUDC rural recreation standard to not interfere with agricultural production on adjacent lots**

The LUDC Article 35.42.240 states that rural recreation must comply with specific standards. This project fails to meet one of the standards:  
Standard b. "Does not interfere with agricultural production on or adjacent to the lot on which it is located." According to statements by the Santa Barbara County Agricultural Commissioner at the November 6, 2013 meeting of the Santa Barbara County Agricultural Advisory Committee, this project could result in pesticide permit restrictions on adjacent parcels. Depending on the crop and the pesticide, fungicide, herbicide, and/or fumigant used, the farmer could be required to have a 25-foot to quarter mile buffer from the sports fields. Given the dimensions of adjacent fields, this could preclude growing specific crops altogether. This will obviously "interfere with agricultural production."

**Problem #3: Inconsistent with Agricultural Element Policy to recognize freedom of choice of methods of cultivation and choice of crops**

In addition to violating the above-sited LUDC standard, restrictions on adjacent properties violate The Agricultural Element Policy I.B. "The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions." Issuing a discretionary land use permit that results in restricting pesticide permits abrogates adjacent

agriculturalists' freedom to choose methods of cultivation and their choice of crops.

**Problem #4: Inconsistent with Agricultural Element Policy of discouraging conversion of highly productive agricultural lands**

Approval of this project would violate The Agricultural Element Policy II.D.

"Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged." This project encourages conversion of highly productive agricultural lands. Potential productivity can be verified by productivity of adjacent farmed lands. Lack of reversibility of conversion is discussed below.

**Problem #5: Inconsistent with Agricultural Element Policy to discourage urban development if infill is available**

Approval of this project would violate The Agricultural Element Policy III.A.

"Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available." In the case of Lompoc's need for recreational amenities, infill development is available. According to an editorial by Lompoc Planning Commissioner Ron Fink, the City of Lompoc "has more land for parks than is required by State law"

([http://www.lompocrecord.com/news/opinion/editorial/big-sports-park-plans-little-execution/article\\_de276a66-2a47-11e3-a674-0019bb2963f4.html](http://www.lompocrecord.com/news/opinion/editorial/big-sports-park-plans-little-execution/article_de276a66-2a47-11e3-a674-0019bb2963f4.html)). River Bend Park, a 30+ acre park located in northeast Lompoc, is available for development. A Master Plan for the park was approved and EIR certified in 2005. The Plan called for multi-use playing fields and 892 parking spaces. According to Fink, several soccer fields and a Babe Ruth field have been installed, but Little League fields and parking never materialized. Fink also indicates that the existing fields are in poor condition. The City reports having a balance of \$1,353,268.93 in Park Improvement Fees in their Annual Compliance Report 1600 for fiscal year ending June 30, 2013.

<http://www1.cityoflompoc.com/councilagenda/2013/130917/130917n06a06.pdf>. Lompoc has the land and the funds available for an infill recreational development.

**Problem #6: Staff Report mischaracterizes surrounding parcels (which leads to overlooking impacts on adjacent agriculture)**

The Staff Report does not accurately characterize the agricultural nature of surrounding parcels.

Staff Report Page 4. "Existing Setting: The project site is . . . bounded by a park and rural residential uses."

**CORRECTION:**

The project site is bounded by

099-141-007 – in active agriculture; according to statement by Ag Commissioner at Nov 6 AAD meeting, will be impacted by project by restrictions of pest control materials which will impact crop choices

099-141-015 – same as 007 (active agriculture potential restrictions); current ownership does not negate

099-150-054 – same as 007 (active agriculture potential restrictions)



099-150-057 – Bridgehouse homeless shelter  
099-141-019 – County Yard; serves agricultural community by keeping roads clear  
099-141-018 – River Park

**Problem #7: Staff Report omits discussion of parcels that will be impacted**

Under Physical Setting, the Staff Report fails to identify agricultural parcels that will be impacted by the project

Staff Report Page 6 Setting Physical (continued from previous page)

“The north, east, and west sides of the subject site are adjoin by parcels zoned agricultural ranging in size from approximately 10 to 100 acres. Though all of these adjacent parcels are zoned agriculturally, not all of them are used for agricultural purposes. The parcel to the south is River Park; the parcel to the east is the County’s Road yard; the parcel to the north is owned by the applicant and is used for aquaculture.”

**CORRECTION:**

The parcel to the north (099-141-015) is used for agricultural purposes (ownership irrelevant); one parcel to the west (99-141-007) is used for agricultural purposes; one parcel to the east (099-150-054) is used for agricultural purposes; one parcel to the east (099-150-057) is Bridgehouse homeless shelter which has the potential to engage residents in agricultural pursuits; one parcel to the west (099-141-???) is River Park; the parcel adjacent to the tip of the bottom of the triangular project parcel (099-141-019) is the County yard which provides services to the agricultural community.

**Problem #8: The Staff Report inaccurately assesses potential for the subject parcels to return to agricultural use if project goes forward.**

The Staff Report inaccurately assumes the viability of the land for future agriculture if this permit is granted and parking and high-intensity recreation ensue for undetermined time. The Staff Report does this in two instances:

Staff Report Page 6 Setting Physical (continued from previous page)

“With no structural development the subject lots would remain open space and have the potential to be easily converted back into cultivation by the current or any future owner.”

Staff Report Page 21 Land Use (continued from previous page)

“recreational use would not affect each parcels capability of being agriculturally suitable”

At the risk of being overly academic, I ask your indulgence to look at research that indicates that a project that will cause compaction from cars and stomping will not “be easily converted back into cultivation.”

In 2010, researchers at Rutgers University presented to the New Jersey Agriculture Development Committee a study titled “Assessment of Soil Disturbance on Farmland.”

<http://www.state.nj.us/agriculture/sadc/farmpreserve/postpres/rutgerssoildisturbancereport.pdf>



The authors note that soil compaction

- 1) destroys soil structure
- 2) negatively affects plant growth
- 3) circumvents natural hydrology
- 4) increases water runoff poses a water pollution hazard.
- 5) is not easily or rapidly remedied.

Parking and sports fields are likely to cause compaction into subsoil from weight (this is less impact than engineered compaction for load bearing construction but more impact than compacting for soil-seed contact or compacting from field operations).

The authors conclude:

- "Subsoil compaction is a long-term and possibly unsolvable problem; depending on degree of compaction, recovery may require from 3 to 9 or more years, or the damage may be permanent." (p 5)
- "Compaction that extends beyond the topsoil and into the subsoil may be beyond economically feasible remediation . . . *Subsoil compaction is normally considered permanent damage* (my emphasis), and may be manifested in reduced crop yields, impeded root growth, and decreased water percolation." (p 7)

**Problem #9: Staff Report inaccurately assesses agricultural viability of the land if there is no project.**

Pages 5-9 Agricultural Resources

The analysis is woefully inadequate. See my letter of February 7, 2013.

**Problem #10: Staff did not consult with Agriculture Commissioner's Office regarding potential impacts on adjacent agricultural parcels**

Page 29 Information Sources

If Staff had consulted with the Agriculture Commissioner's office, they would have known there would be impacts to adjacent properties in active agriculture.

Approving a Conditional Use Permit for a project with these flaws would set a terrible precedent. Others could demand the same exceptions. Agricultural zoning would be compromised and with it the long term health of agriculture in Santa Barbara County. This project would be better placed within urban boundaries.

Please vote to deny the CUP

Respectfully,

Sharyne Merritt, farmer



COUNTY OF SANTA BARBARA  
AGRICULTURAL ADVISORY COMMITTEE

November 7, 2013

Dr. Joan Hartmann, Chair  
County of Santa Barbara Planning Commission  
123 East Anapamu Street  
Santa Barbara, CA 93101

AGENDA ITEMS  
ITEM #: \_\_\_\_\_ 1 \_\_\_\_\_  
MEETING  
DATE: \_\_\_\_\_ 11-13-13 \_\_\_\_\_

RE: Mosby Rezone and Recreational Fields  
11CUP-00000-00032; 12RZN-00000-00003

Dear Chair Hartman and Members of the Planning Commission:

On November 6, the Santa Barbara County Agricultural Advisory Committee discussed the impact of the Mosby Rezone and Recreational Fields project on agriculture and approved by unanimous vote the following:

Active recreational uses are not compatible with adjacent agricultural uses. We recommend denial of this CUP.

Sincerely,

Paul Van Leer, Chair

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NOV 08 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

Committee Members

Bradley Miles  
Ron Caird  
Sharyne Merritt  
Mike Ruffoni  
Ruth Jensen  
Kari Campbell-Bohurd,  
Claire Wineman  
Paul Van Leer-Chair  
June Van Wingerden  
Lisa Bodrogi  
Willy Chamberlin  
Daren Gee

Representing

1<sup>st</sup> District Supervisor, Salud Carbajal  
2<sup>nd</sup> District Supervisor, Janet Wolf  
3<sup>rd</sup> District Supervisor, Darceen Farr  
4<sup>th</sup> District Supervisor, Peter Adam  
5<sup>th</sup> District Supervisor, Steve Lavignino  
California Women for Agriculture  
Grower-Shipper Vegetable Association  
Santa Barbara County Farm Bureau  
Santa Barbara Flower & Nursery Growers' Association  
Central Coast Wine Growers Assn  
Santa Barbara County Cattleman's Assn.  
Strawberry Commission



Email to:  
[dvillalo@co.santa-barbara.ca.us](mailto:dvillalo@co.santa-barbara.ca.us)

attachment: Letter to PC re Mosby 11 6 13 email.doc

Dear Mr. Villalobos,

Please forward the attached letter to all of the Planning Commissioners.

Thank you,

Paul Van Leer, Chair  
Santa Barbara County Agricultural Advisory Committee

Villalobos, David

---

From: Janet Blevins [blevins\_smith@comcast.net]  
Sent: Monday, September 09, 2013 11:38 AM  
To: Villalobos, David  
Cc: Janet Blevins  
Subject: CPC Public Comment Submission

Categories: Purple Category

ITEM # 1  
MEETING DATE: 9-11-13

Dear County Planning Commissioners:

I would like to begin by thanking you for your public service. The job you do is very important and often under-appreciated I imagine, but it is of utmost importance. It is because I believe your job is so important that I am writing to oppose the Mosby Project on your agenda for Wednesday. I would come in person to your meeting if possible but must be satisfied with writing this letter instead.

I am appalled that an illegal operation that has gone on for 7 years is only now asking for proper permitting. I don't understand why a property owner who has been flouting the law for years isn't being fined and required to stop operating the illegal recreational facilities. A sign referencing California Government Code section 831.7 is on display at the sight informing users of the illegal facilities, that they are engaging in "hazardous recreational activity" and therefore assume all risk involved. The posting goes on to note that "the City is immune from any liability for any property damage, injury or death resulting from a participation in a HAZARDOUS RECREATIONAL FACILITY." The property owner is therefore determining for himself which laws he gets to use and which to ignore?

Please do not undermine your own authority by allowing the Mosby plan to go forward.

Sincerely,  
Janet Blevins  
1237 Primrose Ct.  
Lompoc CA 93436  
805-717-4160

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SEP 09 2013

S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

09/07/2013

AGENDA ITEMS

TO: Chairperson and Members of SBCo Planning Commission  
FROM: Art Hibbits, 1251 E. Highway 246, Lompoc 93436  
REFERENCE: 11CUP-00000-00032/12RZN-00000-00003  
HEARING DATE: Sept. 11, 2013

ITEM #: 1  
MEETING DATE: 9-11-13

BACKGROUND: These Applications are before you to abate multiple, long-standing, unpermitted, commercial recreational uses on APN(s) 099-141-016-017.

The Parcels are located East of the City of Lompoc and the Santa Ynez River. They are in the Rural Area and are contiguous to highly productive agricultural operations on three sides: The Northwest, the North, and across Highway 246 on the East.

Your staff report correctly points out that other non-agricultural uses are nearby, including: (1) A SBCo owned homeless shelter, (2) City-owned River Park, and (3) SBCo Road Yard and Gas station.

However, the predominant historic use of these parcels prior to present ownership and in the surrounding areas has been agriculture.

DISCUSSION: During Environmental Review process, I and others submitted extensive detailed comments, suggestions, and corrections (see attachments to the Proposed Mitigated ND) that the planning department has largely ignored. By opting for a simplistic ND over a more appropriately suited EIR the full impact of this application has not been properly examined. The ND is flawed in the following ways:

- (1) The baseline for environmental review used by your staff is the condition of the premises FOLLOWING THE UNPERMITTED SITE MODIFICATIONS AND USES. This potentially sets a terrible precedent.
- (2) The Agricultural Resource Assessment is seriously flawed because it is based on the above noted incorrect baseline. This leads to conclusions and findings that minimize the loss of potentially productive Ag land.

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- (3) The fact that soils on the premises, despite having Class III designation, possess potential Ag production that easily meets the criteria for a PRIME classification. One only needs to look at the crops grown in the same soils on the neighboring parcels: All high income crops and yields (irrigated vegetables and other row crops, including cut flowers and seed crops).
- (4) In comparing the extensive recreational uses proposed here with the uses currently under discussion for wineries, the former clearly has a potential for many more impacts.
- (5) Staff assert: (see bottom page 7 of the Mitigated ND) "...subject lots would remain open space and have the potential to be easily converted back to cultivation by the current or any future owner." This flies in the face of reality. Experience has shown that conversions of good Ag Lands to other uses, is rarely, if ever reversed. In fact, the precedent set by the conversion leads to more non-agricultural uses on neighboring properties.

SUMMARY: Over many years, the County and LAFCO have consistently voted to maintain the natural buffer that the Santa Ynez River provides between the City to the West and the highly productive uses on the North and East. Granting this request therefore sets a significant precedent.

These proposals should be denied based on the wording and intent of the County's Comprehensive Plan, the Agricultural Element, and the newly adopted buffer policy.

No one argues with the need for more recreational opportunities. The problem here is that this is simply the wrong location. Intensely cultivated agricultural operations are not compatible with extensive recreational uses.

In order to continue our county's long-term commitment to avoid conflicts with, and protection of our valuable Agricultural Resources, I urge you to deny these applications.



**environmental**  
DEFENSE CENTER

AGENDA ITEMS

ITEM #: 1  
MEETING  
DATE: 9-11-13

September 9, 2013

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Joan Hartmann, Chair  
Planning Commission  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

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S.B. COUNTY  
PLANNING & DEVELOPMENT  
HEARING SUPPORT

**Re: Proposed Mosby Sports & Outdoor Recreation Facility Project**

Dear Chair Hartmann and Honorable Commissioners,

The following comments on the proposed final Mitigated Negative Declaration (MND) and Findings for the Mosby Sports & Outdoor Recreation Facility Project (Project) are submitted by the Environmental Defense Center on behalf of the Santa Barbara County Action Network (SB CAN).

SB CAN works within Santa Barbara County to promote social and economic justice, to preserve environmental and agricultural resources, and to create sustainable communities. EDC is a non-profit public interest law firm that represents community organizations in environmental matters affecting California's south central coast.

Your Commission has been asked to: (1) recommend that the Board of Supervisors make the required findings for approval of the Project, including CEQA findings; (2) recommend that the Board adopt an MND and adopt a mitigation monitoring plan; (3) recommend that the Board approve a zoning map amendment to change the zone district on the subject parcels from 40-AG to AG-II-40; and (4) recommend that the Board approve a Conditional Use Permit (CUP).

We urge you *not* to take the above actions at this time. SB CAN and EDC met with the Project applicant on September 6, 2013, and we are hopeful that a continued dialogue may address some of the concerns we outline below. Consequently, we request that your Commission continue this item from your hearing on September 11 to some future date, in order to allow staff and the applicant time to address our concerns.

In the alternative, should you decide not to continue the hearing, please direct staff to prepare an environmental impact report (EIR) which utilizes the correct

906 Garden Street, Santa Barbara, CA 93101 (805) 963-1622  
[www.EnvironmentalDefenseCenter.org](http://www.EnvironmentalDefenseCenter.org)

"baseline" under the California Environmental Quality Act (CEQA) and which adequately describes the entirety of the Project's impacts. Specific comments on the proposed Final MND are below.

## THE PROJECT

The proposed project is a request to consider Case Nos. 12RZN-00000-00003, and 11CUP-00000-00032 for the approval of: (1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the Santa Barbara County Land Use & Development Code (LUDC); and (2) a Conditional Use Permit to attempt to rectify an existing illegal unpermitted zoning violation for outdoor recreational development and activities consisting of a paintball field, athletic fields, and a remote controlled car track.

Consistency Rezone (12RZN-00000-00003): The subject 9.99 and 9.50 gross/acre parcels are legal non-conforming as to size and are currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. Ordinance 661 does not allow outdoor recreational activities to be permitted on parcels with a 40-AG zone designation. In order to permit the subject recreational development and activities, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40), consistent with the current Land Use and Development Code. The subject parcels would remain non-conforming as to size.

Conditional Use Permit (11CUP-00000-00032): Applicant requests approval of a Conditional Use Permit to permit existing illegal unpermitted outdoor development and recreational activities consisting of a paintball field, athletic fields, and a remote controlled car track on the subject parcels (APN(s) 099-141-016, -017). These activities received a zoning violation since their use is not permitted under the existing Ordinance 661 zoning. Existing *illegal* development consists of a paintball field of approximately 0.40-acres, two (2) athletic fields of approximately 5.2-acres, and remote control car track of approximately 2-acres. One hundred and fifty parking spaces composed of compacted base and screened with a landscaped berm planted with pine trees would be provided on APN 099-141-017, which apparently contains some prime soils.

## CEQA BASELINE

The MND/EIR must both include and utilize an accurate description of the environmental setting as it existed prior to the Project, including a complete and meaningful evaluation of the Project site sans unpermitted paintball facility, soccer fields and race car track.

Accordingly, the following statement should *not* be deleted from the MND (or a subsequent EIR): "staff has determined that the past on-site agricultural practices can be considered a reasonable CEQA baseline." (Proposed Final MND, p. 17.) This baseline



(pre-project, using past agricultural practices) must be uniformly applied throughout the entire environmental analysis. Consequently, the MND/EIR should not include "existing structures" such as the paintball field, athletic fields and remote control car track as part of the environmental setting. Similarly, the environmental setting should not be described as follows: "The majority of the subject parcel has been cleared of native vegetation due to *ongoing recreational* and agricultural uses." (*Id.*, p. 2.) The MND also incorrectly states that only minor land alterations (less than 50 cubic yards) have occurred for the project site. In fact, *major grading* clearly visible from Hwy 246 was the original reason that the property was reported and investigated for a zoning violation.

The MND astoundingly states that there is no new proposed development, when the environmental review must in fact address the numerous major physical changes to the site with the unpermitted use(s). It is crucial that the Project's impacts be evaluated in comparison to the physical conditions that existed prior to the construction of unpermitted development, in order to provide an accurate assessment of the Project's impacts and benefits.

CEQA requires that an EIR shall include a detailed analysis setting forth "[a]ll significant effects on the environment of the proposed action."<sup>1</sup> *Normally*, the environmental setting against which project impacts are evaluated is comprised of the "physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published."<sup>2</sup> If, however, reliance on existing physical conditions will preclude an accurate evaluation, the environmental setting should be adjusted to allow for meaningful analysis and disclosure of project impacts.

As the California Supreme Court held in *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 328, "[n]either CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence." In that case, the Court noted the importance of ensuring that environmental analysis under CEQA "employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts."<sup>3</sup>

The Supreme Court recently confirmed this approach in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, ruling that "CEQA imposes no 'uniform, inflexible rule for determination of the existing conditions baseline,' instead

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<sup>1</sup> Pub. Res. Code (hereinafter "PRC") § 21100(b)(1); see also CEQA Guidelines § 15126.2(a) ("An EIR shall identify and focus on the significant environmental effects of the proposed project"); *No Oil, Inc.*, 13 Cal.3d 68; *People ex rel. Department of Public Works v. Bosio* (1975) 47 Cal.App.3d 495).

<sup>2</sup> CEQA Guidelines § 15125(a).

<sup>3</sup> *Communities for a Better Environment*, *supra*, 48 Cal.4th at pp. 322, 325, 328.

leaving to a sound exercise of agency discretion the exact method of measuring the existing environmental conditions upon which the project will operate.”<sup>4</sup> As the Court noted, “[t]o the extent a departure from the ‘norm’ of an existing conditions baseline (Guidelines, § 15125(a)) promotes public participation and more informed decisionmaking by providing a more accurate picture of a proposed project’s likely impacts, CEQA permits the departure.”<sup>5</sup> In fact, not only does CEQA *permit* such departure, CEQA *demand*s such departure if analysis based on existing physical conditions “would be uninformative or misleading to decision makers and the public.”<sup>6</sup> In the current case, it would be “uninformative and misleading” to *not* include an evaluation of the impacts of the unpermitted development which has never been subject to environmental review; impacts associated with the Project’s construction and ongoing operations have not been previously studied or disclosed to decision-makers and the public.

This approach is consistent with the longstanding principle that CEQA is to “be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”<sup>7</sup> The purpose of an EIR is to allow “the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.”<sup>8</sup> The fact that development has evaded environmental review in the past does not excuse the omission of such analysis now.

Accordingly, the baseline for purposes of environmental review should be set prior to installation of the unpermitted sports and outdoor recreation facilities, because they were never subject to environmental review.

## PROJECT IMPACTS

There is substantial evidence which supports a “fair argument” that significant impacts have been and/or will be caused by the Project. Because the Project “may have a significant effect on the environment, the [County] shall prepare a draft EIR.”<sup>9</sup>

<sup>4</sup> 2013 WL 3970107 (Opinion at 6) (August 5, 2013).

<sup>5</sup> *Id.* at 7. See also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont*, 190 Cal. App. 4th 316, 336 (2010) (“In using the word ‘normally,’ ... the Guidelines necessarily contemplates that physical conditions at other points in time may constitute the appropriate baseline or environmental setting.”) (emphasis in original); *Fat v. County of Sacramento*, 97 Cal. App. 4th 1270, 1277-1278 (2002) (“use of the term ‘normally’ gives the agency discretion to deviate from the time-of-review baseline.”).

<sup>6</sup> *Id.*

<sup>7</sup> *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 86 (quoting *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal. 3d 247).

<sup>8</sup> *Karlson v. City of Camarillo* (1980) 100 Cal. App. 3d 789, 804.

<sup>9</sup> CEQA Guidelines § 15064(a)(1); *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.



As described above, the MND's failure to analyze impacts in comparison to the correct environmental setting, or baseline, thoroughly skewed the environmental review process.

#### 4.1 Aesthetics/Visual Resources

The Project is located on the north side Highway 246 approximately 0.5 miles northeast of the City of Lompoc and the intersection of Highway 1 and Highway 246, in a designated rural area bounded by a park and rural residential uses. The subject parcel is visible to travelers on Highway 246. The overall visual characteristics of the neighborhood include scattered residential and agricultural buildings amongst an area that supports a public passive-use park (Riverpark), the County's road yard, vineyards, orchards, grazing land and residential ranchettes, and the Santa Ynez River.

The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe and *travel corridors* as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, *obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas.* (Proposed Final MND, p. 4, emphasis added).

If the correct, pre-project baseline is used to analyze the Project, it is clear that it has created significant visual impacts. The zoning violation was originally reported due to the public's clear observation of major, non-agricultural extensive grading along Hwy 246. The erection of fencing and numerous other structures for the paintball operation and other aspects of the active recreational use are also extensive and change the views of the site from the public, passive park adjacent to the site, at Riverpark. Additionally, the natural character of the site has been substantially altered. The addition of at least 150 parked cars on a daily basis that would be visible from Highway 246 is a significant impact.

Given the lack of analysis in the MND of pre-zoning violation conditions, the entire section must be re-done to acknowledge the significant impacts to public views that have been affected in the immediate area. The proposed mitigation (a landscaped berm with no performance bond attached to it) is simply inadequate to begin to address the scale of aesthetic impacts that have occurred at the site.

#### 4.2 Agricultural Resources

The County's thresholds require an analysis of the site using the points system for agriculture. These points have been incorrectly assigned to the Project as noted below. Additionally, the project converts prime and non-prime agricultural land into a non-agricultural active recreation use that has dramatically altered the onsite soils from compaction due to parking, new structures and paintball detritus. An EIR must show a



map of the various soil types and describe the exact amount of prime/non-prime soils that would be affected. The historic cultivation of the site must be carefully evaluated. The MND mischaracterizes the current site condition as "open space", when clearly this is no longer the case.

The soils classification has not been correctly assigned, as both parcels contain some prime soil (one with 40% prime), and should be increased respectively to 10 points for APN 099-141-017 and 12 points for APN 099-141-016. This increase must reflect the actual percentages of soils classifications as they relate to prime/non-prime acreage.

Water availability points should be increased to 15 for APN 099-141-017. The MND's assertion that onsite the well on APN 099-141-017 does not provide enough water to support irrigated crops is illogical and unsupported, given the site's proximity to the Santa Ynez River. For example, periodic water releases pursuant to Water Order 89018 are used to recharge the aquifer. Low-producing current well(s) may be old, poorly sited, inadequately drilled or provided with inadequate pumps.

Agricultural suitability points should also be increased given the success of surrounding growers and the quality of the on-site soils.

The agricultural preserve potential of the site should be increased, as the site could qualify for at least a non-prime agricultural preserve with adjacent parcels, to which 3 points should be assigned.

While it is recognized that that assignment of points for each of the categories can be somewhat subjective, those challenged herein deal with physical conditions that cannot be disputed. The increase in points triggers the threshold for a significant impact to agricultural resources that cannot be mitigated, and an EIR must be prepared for the project. Additionally, the precedent-setting nature of conversion of viable agricultural land into a non-agricultural, active recreation use that has the potential to permanently impact the quality of on-site soils due to compaction, use of imported road base materials such as gravel and sand, the use of paintball materials and associated solid waste, and the placement of structures, parking of cars, etc. would have a direct impact on the future potential for the land to be utilized for agriculture. The conversion of land out of agriculture is one that the County has always carefully considered, and allowing this illegal use to continue and potentially receive permits is a very bad precedent for our agricultural lands in the entire county. This project, if approved, would encourage other agricultural landowners to convert land into other uses, and ask for approval after the impacts have already been realized. This is simply unheard of in the history of Santa Barbara County.

#### 4.3 Air Quality

We note that the proposed Final MND analyzes "Greenhouse Gas Emissions/Global Climate Change" using an "interim" threshold of 1,100 MT/yr for non-

stationary sources and 10,000 MT/yr for stationary sources. Instead, the EIR should use a "zero emissions" threshold. The concentration of GHGs in our Earth's atmosphere recently crossed the 400 parts-per-million (ppm) threshold; experts predict that current trends will cause global temperatures to rise at least two degrees, causing potentially catastrophic changes.<sup>10</sup> In other words, GHG emissions must be reduced from their current global levels, and *any* new input of GHG emissions exacerbates that global problem. The Project must be consistent with CEQA's requirement that *all* potentially significant impacts be evaluated and mitigated or avoided where feasible.

#### 4.4 Biological Resources

As noted above, the MND describes the baseline as the project site in its existing condition as already altered by the project. For example, the MND finds that existing (post-project construction) site conditions are dominated by non-native plants. (Proposed Final MND, p. 17.) To the extent it uses a post-project baseline, the MND's Biological Resources section fails to identify the project's impacts to habitats and species that may have been present before project construction.

The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that, when left fallow for extended periods of time and allowed to support native/non-native vegetation, they provide potential foraging habitat for one or more special-status wildlife species. Prior to construction of the Project, the parcels likely provided foraging, nesting and/or cover habitat for numerous special-status species. These species are known from the vicinity of the Project, such as in Santa Ynez River riparian and aquatic habitats. Historic aerial photographs show that the subject parcels contained grassland and shrubland vegetation, and sandy soils that could have been used by one or more of the following:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondi*) – California Species of Special Concern (foraging and cover habitat)
- Cooper's hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)
- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)
- Burrowing owl (*Athene cunicularia*) – California Species of Special Concern (foraging and possible nesting habitat)

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<sup>10</sup> See, e.g., Neela Banerjee, "Carbon Dioxide in the Atmosphere Crosses Historic Threshold," *L.A. Times*, May 10, 2013, available at <http://articles.latimes.com/2013/may/10/science/la-sci-sn-carbon-atmosphere-440-ppm-20130510>.



- Long-eared owl (*Asio otus*) - California Species of Special Concern (foraging habitat)
- Loggerhead shrike (*Lanius ludovicianus*) - California Species of Special Concern (foraging and possible nesting habitat)
- California horned lark (*Eremophila alpestris actia*) - California Species of Special Concern (foraging habitat)
- Bell's sage sparrow (*Amphispiza belli belli*) – Watch List (foraging and possible nesting habitat)
- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
- Lawrence's goldfinch (*Carduelis lawrencei*) - California Species of Special Concern (foraging habitat)
- Pallid bat (*Antrozous pallidus*) - California Species of Special Concern (foraging habitat)
- Townsend's big-eared bat (*Corynorhinus townsendii*) - California Species of Special Concern (foraging habitat)
- Western red bat (*Lasiurus blossevillii*) - California Species of Special Concern (foraging habitat)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) - California Species of Special Concern (foraging and cover habitat).<sup>11</sup>

Removal of all vegetation and grading of the parcels for the Project likely eradicated habitat for one or more of the aforementioned animals. The greatest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss).

Similarly, conversion of the parcels from fallow field to recreational uses removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat.

In order to properly identify and disclose the project's construction and operational impacts on biological resources, the MND's analysis must be redone using a prior baseline which is supported by evidence (e.g., biologists' assessment of prior existing reports, aerial photographs, etc.) – not speculation. Only then can the document reveal the adverse effects of the built project's extensive grading, vegetation removal, construction and operation on biological resources.

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<sup>11</sup> Personal communications with Lawrence E. Hunt, Hunt & Associates Biological Consulting Services, Sept. 6, 2013.



#### 4.14 Recreation

While recreational uses are often a benefit to the community, it is imperative they are appropriately sited. The project's active uses, which required structural changes to the site, have changed the passive enjoyment of users at Riverpark. The erection of fencing and other structures for the paintball operation change the views of open space from the Riverpark. Further, the noise that is generated from active uses affects surrounding passive recreational uses (such as hiking, bird watching, picnicking) and the ability of those users to enjoy the peace and quiet of camping. This must be analyzed in the EIR, as it is a significant impact.

#### 4.16 Water Resources/Flooding

The MND states that "no new development or impervious surfaces are proposed" and then specifically includes existing unpermitted development in the baseline determination. Consequently, the MND states that the Project "would not result in impacts on surface water quality." (Proposed Final MND, p. 37.)

However, the soils on the site will be changed by the continued use of the site as active recreation, not only from compaction, but also from oils and dirt from parked cars, and runoff/debris from paintball detritus (see previous correspondence from EDC for additional information). One soil type present, Mocho loam, has moderate permeability and slow surface runoff;<sup>12</sup> while Metz loamy sand has rapid permeability, and very slow surface runoff. It is quite likely that soil compaction for a parking lot for 150 cars and recreational activities can result in a change in percolation rates, drainage patterns, and/or rate and amount of surface runoff. This is a potentially significant impact that must be analyzed. Further, the site's close proximity to the Santa Ynez River has not been assessed with regard to the aforementioned issues.

Again, as with other sections of the MND, the incorrect baseline was utilized for analysis. The lack of analysis of changes to the site resulting from the premise that "No new development or impervious surfaces are proposed" must be rectified in an EIR.

#### COMPREHENSIVE PLAN CONSISTENCY

The Staff Report dated August 22, 2013, includes section 6.2 "Comprehensive Plan Consistency". This analysis must be revised to incorporate the proper environmental setting, or baseline, as described above.

For example, under "Lompoc Area Community Goals: Environment" on pages 11 and 12, the Staff Report states that the "existing recreational facility is located approximately 250 feet east of the Santa Ynez River. . . . The project is not proposing to

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<sup>12</sup> MND, at page 15.

intensify the existing operation." In fact, the Project *is* the existing operation – CUPs are proposed to allow recreational activities on lands zoned for agriculture – and it certainly intensified the use of the subject parcels as compared to their pre-existing agricultural state.

Similarly, on page 12, the Staff Report states that "no grading is proposed or required as part of the proposed project." In fact, the Project entailed significant illegal grading over the course of multiple years. The impacts of said grading must be assessed in an EIR.

### CONCLUSION

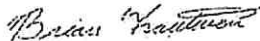
The MND is based on an inaccurate description of the environmental setting and inadequately analyzes many project impacts. An EIR must be prepared because of the Project's potentially significant impacts related to visual resources, agriculture, biology, recreation and water.

Thank you for considering this request, and we look forward to reviewing an EIR which comprehensively assesses the Project's potential impacts.

Sincerely,



Nathan G. Alley, Staff Attorney



Brian Trautwein, Environmental Analyst / Watershed Program Coordinator



# CITY OF LOMPOC

August 8, 2013

Honorable Planning Commission Chair and Members  
County of Santa Barbara  
123 E. Anapamu Street  
Santa Barbara, CA 93101

RECEIVED  
AUG 14 2013  
S.B. COUNTY  
PLANNING & DEVELOPMENT

Subject: Mosby Rezone and Recreational Fields Application  
River Park Road

Honorable Chair and Commission Members:

This letter is in regards to Case Nos. 12RZN-00000-00003, and 11CUP-00000-00032 pending before the County Planning Commission at the request of Jim Mosby (Project). The City of Lompoc owns the property locally know as "River Park Road" adjacent to the Project. River Park Road is also referred to in documents prepared by the County in support of the application. The Project Description relies on River Park Road to provide access. (See site plan attached.)

Be advised that River Park Road is property owned in fee by the City of Lompoc and not a public road as described in the Project. The City of Lompoc is willing to grant temporary right of entry to support the Project and is in negotiations with the owner to that end.

The City of Lompoc continues to support the Project and believes it will be an asset to the community as it enhances recreational opportunities. Mr. Mosby is to be commended for his initiative to facilitate this community benefit.

Respectfully Submitted,

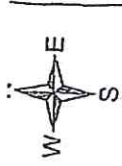
Laurel M. Barcelona  
City Administrator

Attach: Site Plan

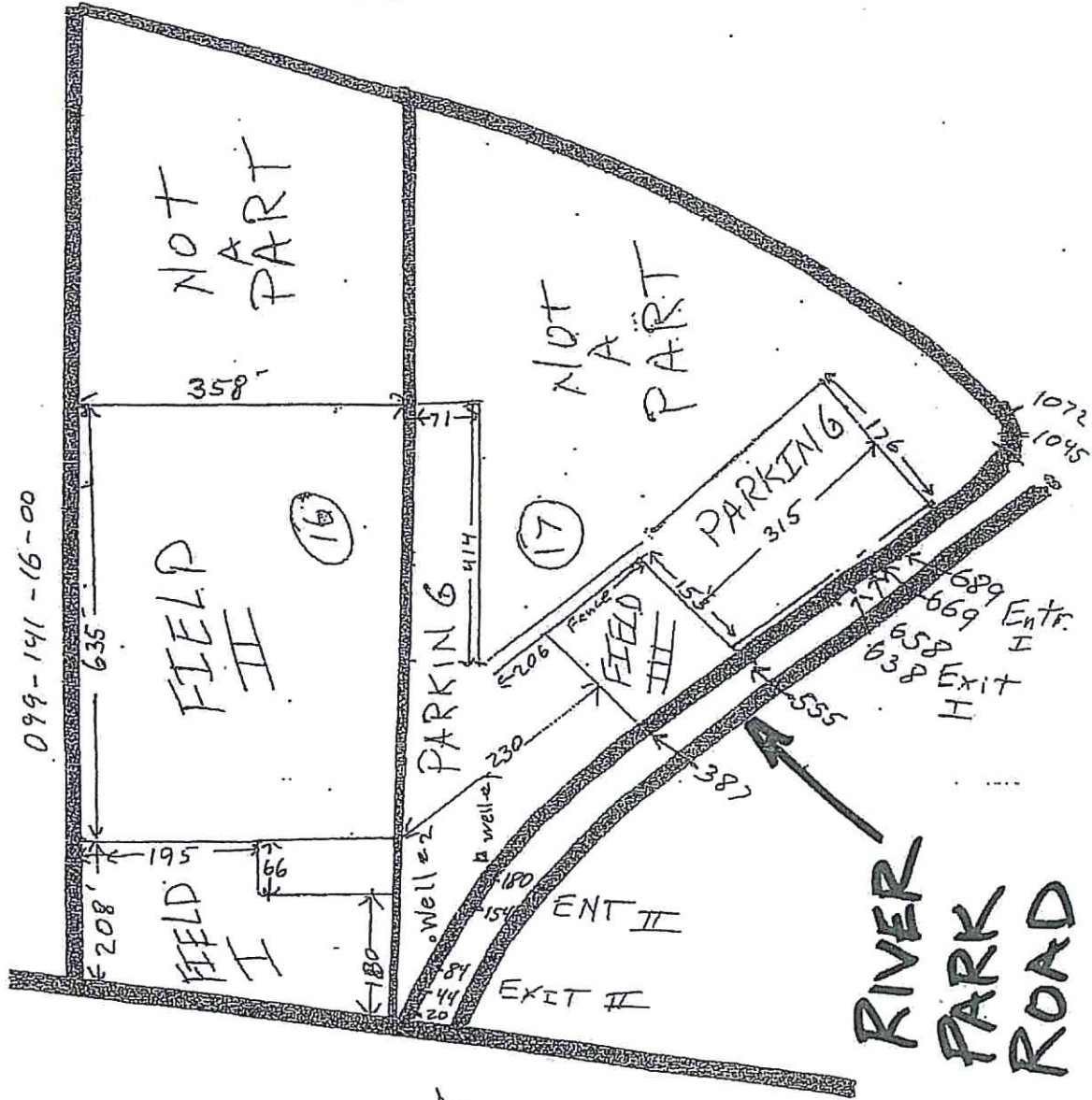
C: Lompoc City Council  
Joseph W. Pannone, City Attorney  
Dana Carmichael, Project Planner  
Douglas K. Anthony, Planning Deputy Director  
Jim Mosby

AGENDA ITEMS  
ITEM #: 1  
MEETING  
DATE: 9-11-13





7" = 1200'



★  
Public Restroom

**ATTACHMENT A: FINDINGS (DRAFT)**

**February 11, 2014**

**1.0 CEQA FINDINGS**

**1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE**

The Board of Supervisors has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.

**1.2 FINDING OF NO SIGNIFICANT EFFECT**

On the basis of the whole record, including the Negative Declaration and any comments received, the Board of Supervisors finds that that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

**1.3 LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

**1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

**2.0 ADMINISTRATIVE FINDINGS**

**2.1 REZONE FINDINGS**

In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall



first make all of the following findings:

**2.1.1 The request is in the interests of the general community welfare.**

Rezoning the subject parcels from 40-AG under zoning ordinance 661 to AG-II-40 will bring the subject parcels into conformance with the current ordinance, the County's Land Use and Development Code (LUDC). The subject parcels are currently non-conforming as to size, and following the proposed rezone they would remain non-conforming as to size. The subject parcels are zoned for agricultural use and will remain zoned for agricultural use. Recreational facilities are allowable uses in the AG-II-40 zone district with the approval of a Conditional Use Permit. Rezoning the parcels will also facilitate permitting for new agricultural or other types of development including the sports and recreational facility. Therefore, the rezone is in the interest of the general community welfare.

**2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.**

The subject parcels are designated Agriculture II, 40 acre minimum lot area (A-II-40) under the County Comprehensive Plan. The request will rezone the subject parcels from the antiquated 40-AG zone district under Ordinance 661 to the current AG-II-40 zone district under LUDC Section 35.21. The subject parcels are currently non-conforming as to size and will remain non-conforming as to size following approval of the rezone. The AG-II-40 zone district is consistent with the objectives, policies and general land uses in the A-II-40 plan designation. In accordance with Sections 6.2 and 6.3 of the Planning Commission staff report dated August 22, 2013, the project is consistent with the Comprehensive Plan, and the LUDC. Therefore, the rezone is consistent with this finding.

**2.1.2 The request is consistent with good zoning and planning practices.**

The subject parcels along with other parcels in rural areas are currently still subject to the outdated Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, and then again in 2006 with the Inland Santa Barbara County Land Use and Development Code (LUDC). Rezoning the subject parcels to AG-II-40 under the LUDC will assist in the implementation of a uniform and up-to-date zoning ordinance throughout the inland area. The benefits of the rezone include allowing for the permitting of the existing sports and recreation facility with a Conditional Use Permit. In addition, the property owner will enjoy full use of the parcel consistent with other parcels that are already subject to LUDC zones and allowable uses. Therefore, the rezone is consistent with good zoning and planning practices, and is consistent with this finding.



## 2.2 CONDITIONAL USE PERMIT FINDINGS

**Findings required for all Conditional Use Permits.** In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

### 2.2.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The subject 9.99 (APN 099-141-016) and 9.50 (APN 099-141-017) gross acre parcels are located on the northwest side of Highway 246 approximately 0.5 miles northeast of the City of Lompoc and the intersection of Highway 1 and Highway 246. The overall visual characteristics of the neighborhood include agricultural cultivation, scattered residential and agricultural buildings, River Park, Bridgehouse Homeless Shelter, vineyards, County road yard, and equestrian uses.

The proposed project includes the continued use of athletic fields for soccer, a paintball field, and remote control car track. Approximately 5.6-acres (56%) of APN 099-141-016 is developed with the existing paintball and athletic fields. The remaining 4.99-acres is developed with a permitted greenhouse, warehouse, and residence. Approximately 2-acres (21%) of APN 099-141-017 is developed with the existing remote control car track. The remaining 7.5-acres will remain developed with the existing pump house, and aquaculture pond, and approximately 3-acre parking area.

The subject parcels are adequate in size and shape to continue to accommodate the development associated with the project. Adequate parking areas, public and private services, and access will continue to be available to serve the facility. No parking will be permitted on River Park Road or Highway 246. Therefore, the project is consistent with this finding.

### 2.2.2 Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.

The Final Mitigated Negative Declaration (12NGD-00000-00024) prepared for the project identified potentially significant, but mitigable impacts to Aesthetics/Visual Resources, and Transportation/Circulation. Adherence to required mitigation measures will ensure that adverse impacts are reduced to less than significant levels, and mitigated to the maximum extent feasible. Therefore, the project is consistent with this finding.

**2.2.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

Vehicular access will continue to be provided by the existing River Park Rd. driveway (approximately 1,000 feet in length and 25 foot in width), accessed via Highway 246. The existing recreational facility has been in operation for approximately the past 7 years without the benefit of permits. During this time, traffic associated with the existing use has not resulted in traffic impacts to Highway 246 or River Park Road, which demonstrates that the streets and highways are adequately designed to carry the type and quantity of traffic generated by the project, and will not result in a degradation of the current Level of Service on surrounding roads or highways.

Parking for the existing unpermitted recreational uses will be provided in two parking areas totaling approximately 3-acres located on APN 099-141-017. The 3-acres dedicated for parking will continue to accommodate 150 vehicles, and will accommodate the vehicles present during any day when a maximum of 700 people visit the site. The parking areas are designed with adequate turning radii, and aisles to ensure safe and efficient ingress and egress. Therefore, the project is consistent with this finding.

**2.2.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.**

Adequate public services are available to serve the project. Water for landscaping and athletic field irrigation will continue to be provided by an existing onsite private water well which has been shown to provide a sufficient flow rate. Public restroom facilities and drinking water will be provided through the City of Lompoc at the adjacent River Park. Access to the facility will continue to be provided by an existing driveway accessed from River Park Road via Highway 246. Fire protection will continue to be provided by Santa Barbara County Fire Station #51 located at 3500 Harris Grade Rd. in Lompoc, and through the City of Lompoc. Police protection will continue to be provided by the Santa Barbara County Sheriff's Department. Therefore, the project is consistent with this finding.

**2.2.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.**

In accordance with Sections 6.2 and 6.3 of the Planning Commission staff report dated August 22, 2013, the project is consistent with the Comprehensive Plan, and the LUDC. With incorporation of mitigation measures and conditions of approval addressing parking, landscaping, and hours of operation, the recreational facility



will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood. The project is compatible with the surrounding area including the adjacent River Park and Campground, and the types of recreation associated with the project are of a similar type and intensity to the existing uses. The project will augment existing recreational opportunities which include the kids “moto fun” park located at River Park, and the Lompoc Valley Motorsports Park project currently being developed at the Lompoc Airport which is approximately 2.5 miles northwest of the project site. Adequate parking, water, sanitary services, and safe ingress/egress will be provided.

Vehicular access will continue to be provided by the existing 25 foot wide River Park Rd. driveway of approximately 1,000 feet in length accessed via Highway 246. The unpermitted existing recreational facility has been operating for at least the past 7 years. Traffic associated with the existing use has not resulted in traffic impacts to Highway 246 or River Park Road, which demonstrates that the streets and highways are adequately designed to carry the type and quantity of traffic generated by the project, and will not result in a degradation of the current Level of Service on surrounding roads or highways.

The subject parcels are located entirely within the 100 year floodplain of the Santa Ynez River. No permanent structural development is proposed as a part of the project. The structures (including fencing) associated with the paintball field are not habitable, and are set back approximately 1,000 feet from SR 246. The Santa Barbara County Flood Control District has determined that the project meets the requirements of the Flood Plain Management Ordinance, and does not cause or contribute to flood hazards. The infrequent and generally low intensity use of the recreational facility will not impede the existing agricultural activities in the surrounding area. Therefore, the project is consistent with this finding.

**2.2.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

In accordance with Sections 6.2 and 6.3 of the Planning Commission staff report dated August 22, 2013, the project is consistent with the applicable requirements of the AG-II-40 zone district, the Comprehensive Plan, and the LUDC. Approval of the rezone will amend the current zoning of 40-AG under Ordinance 661 to AG-II-40 (Agricultural, 40-acre minimum parcel size) under the Santa Barbara County Land Use and Development Code (LUDC)). Sports and Outdoor Recreation Facilities are allowed in the AG-II-40 zone district with the approval of a Conditional Use Permit (LUDC Section 35.21.030, Table 2-1) and are defined in the LUDC glossary as: “Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators.” The project is not subject to a community or area plan. Therefore, the project is consistent with this finding.



**2.2.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.**

The project site is located at the eastern entry to the City of Lompoc in an area characterized by a combination of agricultural, residential, and ranchette uses. The project site is located within a rural area of the County, approximately 0.50 mile east of the City of Lompoc. The Lompoc urban boundary limit line is located approximately 1,200 feet west.

The subject recreational uses are compatible with the camping and recreational uses occurring at the adjacent River Park, and project site vicinity. The project will augment existing recreational opportunities which include the kids “moto fun” park located in River Park, and the Lompoc Valley Motorsports Park project currently being developed at the Lompoc Airport which is approximately 2.5 miles northwest of the project site.

Temporary structures associated with the existing paintball field include wooden structures with netting, plastic barrels, temporary paintball inflatable barriers, and storage buildings. These structures could be removed at any time, are subordinate to the scenic character of the area, and do not require a permit. As a condition of approval the owner will install landscape screening of the property to ensure compliance with the rural area and public views from Hwy 246. Therefore, the project is consistent with this finding.

**Eady, Dana**

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**From:** Brian Trautwein [btrautwein@environmentaldefensecenter.org]  
**Sent:** Friday, February 07, 2014 12:11 PM  
**To:** Eady, Dana; jkaramitsos@co.santa-barbara.ca.us  
**Subject:** EDC - SBCAN Comment letter re Mosby  
**Attachments:** EDC - SBCAN letter re Mosby 2-6-14.pdf

Hi Dana and John,

Please find the attached letter to the Board.

Thank you.

Sincerely,  
Brian Trautwein

**Brian Trautwein**  
**Environmental Analyst / Watershed Program Coordinator**  
**Environmental Defense Center**  
**906 Garden Street, Santa Barbara, CA 93101**  
**(805) 963-1622 ext. 108; (805) 962-3152 fax**  
**[BTrautwein@EnvironmentalDefenseCenter.org](mailto:BTrautwein@EnvironmentalDefenseCenter.org)**  
**[www.EnvironmentalDefenseCenter.org](http://www.EnvironmentalDefenseCenter.org)**

**Eady, Dana**

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**From:** Karamitsos, John  
**Sent:** Thursday, February 06, 2014 3:32 PM  
**To:** Eady, Dana  
**Subject:** FW: AAC letter  
**Attachments:** Mosby 2.pdf

fyi

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**From:** Allen, Michael (COB)  
**Sent:** Thursday, February 06, 2014 3:29 PM  
**To:** Karamitsos, John  
**Subject:** FW: AAC letter

FYI

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**From:** Fisher, Cathy  
**Sent:** Thursday, February 06, 2014 2:28 PM  
**To:** Allen, Michael (COB)  
**Cc:** Bahl, Renee  
**Subject:** AAC letter

Hi Michael,  
The AAC has requested this letter go to the BOS, thanks.

Cathy Fisher  
Santa Barbara County  
Agricultural Commissioner/  
Director of Weights & Measures  
263 Camino del Remedio  
Santa Barbara, CA 93110  
805-681-5600  
805-934-6200

2012 Crop Report: \$1.3 billion  
Website: [agcommissioner.com](http://agcommissioner.com)



**Eady, Dana**

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**From:** ART HIBBITS [ahibbits01@gmail.com]  
**Sent:** Thursday, February 06, 2014 4:34 PM  
**To:** Eady, Dana  
**Subject:** Re: Unpermitted work by Mosby

Dana: Thanks for digging this out. Art

On Thu, Feb 6, 2014 at 3:53 PM, Eady, Dana <[dcarmich@co.santa-barbara.ca.us](mailto:dcarmich@co.santa-barbara.ca.us)> wrote:

Art,

Attached are the permits we have on file for Jim Mosby's property. Also, The hearing materials for this Tuesday's Board of Supervisor's hearing can be found online here:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=1638171&GUID=BF81363B-2843-49FA-B1ED-40CD01279499>

If you have any additional questions, please feel free to contact me.

Thank you,

Dana Eady, Planner

Development Review Division

Planning & Development

624 W. Foster Rd. Ste. C

Santa Maria, CA 93455

[\(805\)934-6266](tel:(805)934-6266) (Phone)

[\(805\)934-6258](tel:(805)934-6258) (Fax)

[dana\\_eady@countyofsb.org](mailto:dana_eady@countyofsb.org)

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**From:** ART HIBBITS [<mailto:ahibbits01@gmail.com>]  
**Sent:** Thursday, February 06, 2014 9:05 AM  
**To:** Karamitsos, John  
**Subject:** Unpermitted work by Mosby

John: It is my understanding that subject property has a long history doing projects w/o permits. (1) Is this true?  
(2) Is this public information and readily available?  
(3) Is there some good reason, in your opinion, to avoid this topic?

I have talked to a lot of people, and this is one of the first topics that people want real data on. Please discuss w/ Glenn Russell and let me know. Thank you, Art



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Planning and  
Development  
Department No.: 053  
For Agenda Of: February 4, 2014  
Placement: Set Hearing  
Estimated Tme: 1 hour on  
February 11, 2014  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department Glenn Russell, Ph.D., Director, Planning and Development  
Director(s) (805) 568-2085  
Contact Info: Alice McCurdy, Deputy Director, Development Review Division  
(805) 568-2518

**SUBJECT:** Mosby Sports and Outdoor Recreation Facility

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

Set a hearing for February 11, 2014 to consider the Planning Commission's recommendation for denial of the Mosby Sports and Outdoor Recreation Facility (Case Nos. 11CUP-00000-00032, 12RZN-00000-00003).

On February 11, 2014, staff recommends your Board take the following actions:

1. Make the required findings to deny the project;
2. Determine the project denial to be exempt from CEQA pursuant to Guideline Section 15270;
3. Deny the project (Case Nos. 11CUP-00000-00032, 12RZN-00000-00003).

The project site is identified as Assessor Parcel Numbers 099-141-016 and 099-141-017, located approximately 0.5 mile east of the City of Lompoc, northeast of the intersection of Hwy 246 and Sweeney Road, commonly known as 625 E. Hwy 246, in the Lompoc area, Fourth Supervisorial District.



Mosby Sports and Outdoor Recreation Facility  
Case Nos. 11CUP-00000-00032, 12RZN-00000-00003  
Page 2 of 2

**Special Instructions:**

The Planning and Development Department will satisfy all noticing requirements. A minute order of the hearing shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

**Authored by:**

Dana Eady, Planner, (805) 934-6266  
Development Review Division, Planning and Development Department

G:\GROUP\PERMITTING\Case Files\CUP\11 cases\11CUP-00000-00032 Mosby Recreational Fields\Board of Supervisors\2-4-14 Set Hearing Board Letter - Mosby.docx