

ATTACHMENT 5

Comprehensive Plan/LUDC Consistency Analysis (for Approval)

1.0 Comprehensive Plan Consistency

The project has been evaluated for consistency with the applicable policies and development standards in the Comprehensive Plan. Where the Toro Canyon Plan includes more specific policies and development standards, more general and/or less restrictive County wide policies are not included. Project conditions of approval referenced in the table below are included in the draft Land Use Permit, Attachment 6 of the Board Agenda Letter for the July 17, 2018 Board hearing.

REQUIREMENT	DISCUSSION
County-Wide Land Use Element Policies	
<p><i>Land Use Development Policy #4: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p>Consistent: The project is limited to construction of a secondary access road and bridge – no other new development is proposed or would be permitted as part of the project. Therefore, the project would not result in increased demand for water, wastewater treatment, schools, or emergency protection services. The parcel would continue to be served by the Montecito Water District and a private well, a private septic system, and the Carpinteria/Summerland Fire Protection District. Back-up fire protection services would continue to be provided by Montecito Fire Protection District, as well as Santa Barbara County Fire, US Forest Service and CALFIRE. Primary access would continue to be provided off of Toro Canyon Road via an existing, approved access road, which also serves 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021). The new road would be designed to meet Carpinteria Summerland Fire Protection District access requirements.</p> <p>Therefore, there are adequate public and private services available to serve the project consistent with this policy.</p>

Policy CIRC-TC-1: *The County shall allow reasonable development of parcels within Toro Canyon while maintaining safe roadways and intersections that operate at acceptable levels of service.*

Consistent: Toro Canyon Road is a fairly narrow and winding road. Therefore, parking of worker vehicles and heavy equipment and/or storage of construction materials/equipment along the road could create safety hazards for vehicles, bicycles, and pedestrians during the construction period. Condition No. 4 directs parking and storage of supplies to the area adjacent to buildings on the property. As a result, construction equipment and worker vehicles would not be parked along Toro Canyon Road during the construction period. In addition, Condition No. 27 identifies the requirement for the applicant to obtain a Public Works encroachment permit to ensure installation of the bridge and secondary access road improvements would not create a public safety issue on Toro Canyon Road. The secondary access road and new driveway would not reduce the level of service or increase safety concerns on area roadways or intersections, primarily because the project does not include new development that would generate an increase in long-term traffic on Toro Canyon Road or the neighboring street network. For the reasons noted above, the project would be consistent with this policy.

Toro Canyon Plan

Policy BIO-TC-1: *Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.*

DevStd BIO-TC-1.4: *(INLAND) Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH): Coast Live Oak Forests - 25 feet from edge of canopy; Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-Rural areas, and Existing Developed Rural Neighborhoods (EDRNs), as measured from the top of creek bank. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-Rural areas, and EDRNs from the outside edge of the Southern Coast Live Oak Riparian Forest canopy.*

Policy BIO-TC-7: *(INLAND) Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.*

DevStd BIO-TC-7.2: *(INLAND) Where development cannot be sited to avoid ESH, development in ESH and ESH buffer areas shall be designed and carried out in a manner that provides protection to the sensitive habitat areas to the maximum extent feasible.*

Consistent: The proposed bridge and new secondary access road are located within designated Environmentally Sensitive Habitat (ESH) and adjacent buffer areas that include a creek, coast live oak forests and southern coast live oak riparian forests. Given the nature of the project, avoidance of development within the ESH is not possible. After performing site visits, reviewing plans, and reviewing applicant submitted biological assessments/arborist reports/restoration and fuel modification plan (KR&EC- 01/2017 and 01/2018 Biological Addendums, Impact Science Biological Assessment -02/2016, KR&EC Restoration/Fuel Management Plan, K. Knight Arborist Reports - 01/2016 and 01/2017), the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (1600-2015-0148-R5), the County-contracted peer review of the applicant reports (Storrer Environmental Services Peer Review - 11/2017) and conferring with CA Department of Fish and Wildlife and Central Coast Regional Water Quality Control Board staff, P&D staff concluded that the access road and bridge have the potential to disrupt and fragment the biological corridor and degrade the riparian habitat and creek. However, given the nature of the project, the road and bridge cannot be sited to avoid ESH and the project has been sited and designed to minimize its disturbance to ESH to the maximum extent feasible. Further, the project is conditioned to require restoration and enhancement of surrounding ESH at a 5:1 ratio (consistent with California Department of Fish & Wildlife streambed alteration agreement requirements) and other restoration requirements (including in Condition No. 12) , along with required implementation of specific protection measures during construction. The Toro Canyon Plan acknowledges that “construction of new roads has often led to future requests for development along roads.” If this secondary access road located in ESH results in

	<p>requests for new development along the road, this would increase and exacerbate impacts from construction and use of the road through the ESH area, potentially in conflict with Toro Canyon Plan resource protection policies. Condition No. 21 restricts structural development along the new road in this ESH area and buffer and restricts use of the road as primary access for future development. Implementation of the resource protection and restoration requirements in the mitigation measures identified in the Mitigated Negative Declaration (MND), which have all been incorporated as project conditions of approval in the Land Use Permit would reduce the project's effects on the biological resources in the riparian corridor, adjacent oak woodland, and nearby chaparral habitat to the maximum extent feasible and to less than significant levels, consistent with the intent of these ESH policies and development standards. Therefore, the Board finds that the project is consistent with these policies and standards.</p>
--	---

DevStd BIO-TC-7.4: (INLAND) Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.

Policy BIO-TC-2: (INLAND) Landscaping for development shall use appropriate plant species to ensure compatibility with and preservation of ESH.

DevStd BIO-TC-2.1: Development requiring habitat enhancement in ESH and habitat protection in ESH buffer areas, shall include preparation and implementation of a Restoration Plan limited to native plants. Local seed stock or cuttings propagated from the Toro Canyon region shall be used if available.

DevStd BIO-TC-12.1: Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities.

Consistent: The proposed development would be located within designated Environmentally Sensitive Habitat (ESH) that includes the east branch of Toro Canyon Creek, the associated riparian/wildlife corridor and adjacent coast oak woodland habitat. The proposed secondary access has been designed to the minimum width (12 feet) that is required/accepted by the Carpinteria-Summerland Fire Protection District and located to minimize disruption and fragmentation of biological resources in this ESH area. In addition, project Condition Nos. 3-21, 23, and 24 require implementation of tree protection measures and a habitat restoration/fuel modification plan, limitations on lighting and landscaping along the driveway entrance and roadway, restriction of structural development and for use of the road as primary access for future development, short-term construction period habitat protection measures, and long-term runoff/drainage measures to protect native vegetation, wildlife, and water quality within the affected ESH riparian corridor/oak woodland/wildlife corridor.

Implementation of the habitat Restoration and Fuel Modification Plan, including requirements in Condition Nos. 6 and 12), requires the use of native plantings and local seed stock and cuttings. This Restoration and Fuel Modification Plan would restore and enhance the riparian corridor as mitigation for project impacts.

Given the presence of other roads and creek crossings along Toro Canyon Creek, the ability of wildlife to traverse the proposed road and bridge, and the limited use of the road (secondary access not primary and serving only one parcel), the project is not expected to substantively interrupt major wildlife corridors.

The Toro Canyon Plan acknowledges that extension of new roads often leads to new development in the same area. Because the proposed road is located within an ESH area and existing development is clustered outside of the

	<p>main riparian corridor, Condition No. 21 restricts future development in the ESH area along the proposed secondary access road. Implementation of project conditions of approval would ensure consistency with these policies and development standards. Also see discussion of ESH policies BIO-TC-1 and BIO-TC-7 above.</p>
<p>DevStd BIO-TC-7.8: <i>(INLAND) All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the ESH and ESH buffer areas to the maximum extent feasible.</i></p>	<p>Consistent: The MND identifies mitigation to ensure construction activities would not result in significant impacts within the ESH area, including tree and habitat protection requirements (e.g., fencing to protect trees from heavy equipment), requirements for parking of construction vehicles/storage of supplies adjacent to existing structures that are outside the ESH and buffer areas, restriction of most activities to the dry season, implementation of erosion and drainage control measures, and an onsite biological monitor to ensure implementation of mitigation measures. These measures are incorporated as conditions of approval in the Land Use Permit, including Condition Nos. 4, 5, 7, 14, 15, 19, 20 and 23. Therefore, the project as conditioned would be consistent with this development standard.</p>
<p>Policy BIO-TC-11: <i>(INLAND) Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts. "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.</i></p>	<p>Consistent: The bridge design does not include hardbank protection and the design proposes to locate the bridge abutments outside of the stream channel and no work is proposed within the stream channel, to allow the channel to be maintained in an undisturbed state. Flood Control has reviewed the bridge plans and has determined that the preliminary bridge designs meet standards, subject to final County review and approval, including review to confirm abutments would be located outside of the stream channel. Condition No. 29 requires Flood Control and Building and Safety to confirm bridge abutments would be located outside of the stream channel and in compliance with County standards. Compliance with this condition would ensure the project is consistent with Policy BIO-TC-11.</p>

Policy BIO-TC-13: *Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.*

DevStd BIO-TC-13.1: *(INLAND) A “native protected tree” is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a “nonnative protected tree” is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines.*

DevStd BIO-TC-13.2: *(INLAND) Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and non-native protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans.*

Consistent: Given the project location with a stream corridor containing numerous oak trees and sycamore trees, the project has been designed to minimize damage to/removal of native trees to the maximum extent feasible. In addition, the project includes a Restoration and Fuel Modification Plan, which includes planting of replacement trees onsite to offset impacts to native trees that cannot be avoided by the road/bridge design. Aside from some trees that were removed during initial grading activities (including trees identified in site photos included in the Mitigated Negative Declaration, incorporated herein by reference), two additional native trees are proposed for removal. However, most of the impacted trees (approximately 30 trees) would not be directly removed. Rather these trees would be impacted due to disturbance to 20% or more of their critical root zones by grading, construction and location of bridge and road components. The project MND, incorporated herein by reference, includes mitigation measures to preserve, protect, and minimize impacts to native trees as well as implementation of a restoration plan to offset removal or damage to native vegetation including trees, with a combination of replacement/enhancement plantings and removal of non-native invasive species. All of the MND mitigation measures have been incorporated as conditions of approval. These conditions include, but are not limited to Condition Nos. 4, 5, 6, and 12. With implementation of project conditions of approval, the project will be consistent with these policies and development standards. Also see discussion of Policies BIO-TC-1 and BIO-TC-7 above.

<p><i>DevStd BIO-TC-1.5:</i> <i>Where documented zoning violations result in the degradation of an ESH the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption.</i></p>	<p>Consistent: The applicant submitted conceptual Restoration and Fuel Modification Plan (Kisner Restoration and Ecological Consulting, Inc), has been peer reviewed under contract to Planning and Development (by Storrer Environmental Services) to ensure the Restoration and Fuel Modification Plan is feasible and adequate to mitigate for degradation to ESH that has occurred as a result of the unpermitted grading, as well as impacts that would occur with completion of the project. Condition No. 12 requires Planning and Development review and approval, and applicant implementation, of a final habitat Restoration and Fuel Modification Plan consistent with this standard.</p>
<p><i>Policy BIO TC-8:</i> <i>(INLAND) New or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.</i></p>	<p>Consistent: Policy BIO-TC-8 prohibits new or expanded cultivated agricultural uses within ESH areas on residentially zoned parcels and requires avoidance to the maximum extent feasible in ESH buffer areas. No new or expanded agriculture is proposed as part of this project. To ensure consistency with this policy, to avoid significant physical impacts if cultivated agriculture is expanded within the ESH and ESH buffer areas along the secondary access road route, and to avoid exacerbating intrusion into this area by the proposed secondary access road, the project description has been revised to clarify that the project does not include expansion of cultivated agriculture and further, that expansion of cultivated agriculture onsite requires prior approval of a CUP. Therefore, the project as conditioned is consistent with Policy BIO-TC-8.</p>

<p>Policy FIRE-TC-2: <i>Fire hazards in the Toro Canyon Planning Area shall be minimized in order to reduce the cost of/need for increased fire protection services while protecting the natural resources in undeveloped areas.</i></p> <p>DevStd FIRE-TC-2.2: <i>(INLAND) Development shall be sited to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zone(s) on the property (see Appendix D).</i></p>	<p>Consistent: Condition of approval No. 21 restricts future development along the new secondary access road, which is almost entirely covered by oak and riparian tree canopy and adjacent to steep slopes, both associated with high fire hazards. The project Restoration and Fuel Modification Plan includes a fuel management component to reduce fire hazard associated with use of the secondary access road, while maintaining native vegetation and individual trees, including required modification (control) of vegetation 10 feet from both sides of the secondary access road. Compliance with Condition No.21 and implementation of the restoration/fuel modification plan (Condition No. 12) would help to reduce the cost of/need for increased fire protection services, and would ensure consistency with FIRE-TC-2 and DevStd FIRE-TC-2.2 In addition, the secondary access road would provide an additional access option for emergency responders and onsite residents consistent with these standards.</p>
<p>Policy FLD-TC-1: <i>Flood risks shall be minimized through appropriate design and land use controls, as well as through feasible engineering solutions that address existing problems.</i></p> <p>DevStd FLD-TC-1.4: <i>Development within floodplain areas or with potential drainage issues shall be subject to Flood Control District review and approval.</i></p>	<p>Consistent: The applicant proposes the bridge abutments be located outside of the creek channel consistent with County Flood Control District (FCD) requirements. However, based on FCD review of the most recent plans, the current bridge design locates the abutments within the creek channel. Therefore, the length of the bridge would be required to be lengthened to comply with this requirement. (H. Corsa, FCD email and phone call with N. Campbell 6/29/18). FCD and Building and Safety would review final plans as part of the standard regulatory process, and as specified in Condition No. 29, consistent with this policy and development standard. This condition will ensure that the bridge is designed with abutments outside of the creek channel to avoid up-stream hazards if trees and other debris are blocked by abutments in the channel and downstream hazards if bridge infrastructure is eroded and travels onto downstream properties including the primary access road's Arizona crossing. FDC would also review the bridge design to ensure there is adequate freeboard</p>

	above the 100-year flood elevation. Therefore the project would be consistent with these standards.
<p>Policy FLD-TC-2: <i>Short-term and long-term erosion associated with development shall be minimized.</i></p> <p>DevStd FLD-TC-2.1: <i>Development shall incorporate sedimentation traps or other effective measures to minimize the erosion of soils into natural and manmade drainages, where feasible. Development adjacent to stream channels shall be required to install check dams or other erosion control measures deemed appropriate by Flood Control and Planning and Development to minimize channel down-cutting and erosion. To the maximum extent feasible, all such structures shall be designed to avoid impacts to riparian vegetation.</i></p> <p>DevStd FLD-TC-2.2: <i>Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter drainage patterns on the site or in its vicinity. The purpose of such plan(s) shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. Such plan(s) shall be reviewed and approved by both County Flood Control and Planning & Development.</i></p> <p>DevStd FLD-TC-2.3: <i>Drainage outlets into creek channels shall be constructed in a manner that causes outlet flow to approximate the general direction of natural stream flow. Energy dissipaters beneath outlet points shall be incorporated where appropriate, and shall be designed to minimize erosion and habitat impacts.</i></p>	<p>Consistent: Project conditions of approval limit grading to dry periods (Condition No. 19), require a plan for sediment and contaminant containment (Condition No. 23), and submittal, approval, and implementation of an overall erosion/sediment control plan (Condition No. 20). Erosion control must incorporate Best Management Practices (BMPs) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, and convey storm water runoff to existing drainage systems, keeping contaminants and sediments onsite. The plan must be a part of the Grading Permit submittal and must be reviewed and approved by Planning and Development and Flood Control. Therefore, the project, as conditioned, would be consistent with these standards.</p>

<p>Policy FLD-TC-4: <i>Proposed development, other than Flood Control District activities, shall be designed to maintain creek banks, channel inverts, and channel bottoms in their natural state. Revegetation to restore a riparian habitat is encouraged and may be permitted, subject to the provisions of DevStd FLD-TC-4.1 and any other applicable policies or standards.</i></p> <p>DevStd FLD-TC-4.1: <i>To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance #3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals.</i></p>	<p>Consistent: Condition No. 29 requires the proposed bridge design to span the creek channel, with abutments outside of the creek banks and Condition No. 5 requires plantings used in the Restoration and Fuel Modification Plan and in any landscaping along the new driveway to be with native plants compatible with the riparian habitat. As such, the creek banks and channel bottom would be maintained in its natural state and revegetated to restore riparian habitat as appropriate. In addition, project Condition No. 12 requires Flood Control District approval of the Restoration and Fuel Modification Plan. Therefore, the project as conditioned would be consistent with FLD-TC-4 and FLD-TC-4.1.</p>
<p>DevStd LUG-TC-5.1: <i>(NON-LCP) Construction activities within 1,600 feet of residential receptors shall be limited to the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday. Construction equipment maintenance shall be limited to the same hours.</i></p>	<p>Consistent: Project grading and construction activities would occur within 1,600 feet of residential receptors. As a result, project Condition No. 22 restricts the hours of noisy construction activities to Monday through Friday 8:00 AM to 5:00 PM, consistent with this development standard.</p>

Policy HA-TC-1: *Archaeological resources shall be protected and preserved to the maximum extent feasible.*

DevStd HA-TC-1.1: *A Phase I archaeological survey shall be performed when identified as necessary by a county archaeologist or contract archaeologist or if a county archaeological sensitivity map identifies the need for a study. The survey shall include areas of projects that would result in ground disturbances, except where legal ground disturbance has previously occurred. If the archaeologist performing the Phase I report, after conducting a site visit, determines that the likelihood of an archaeology site presence is extremely low, a short-form Phase I report may be submitted.*

Consistent: A Phase I Archaeological report was prepared for the project. The report concludes that no cultural or historical resources were identified within or adjacent to the project area and that based on the results of the research, no additional cultural resource studies or construction monitoring is recommended. The standard regulatory requirements mandated in the unlikely event that unexpected cultural resources are encountered during earthwork/construction are still required by Condition No. 26. Therefore, the project is consistent with Policy HA-TC-1 and DevStd HA-TC-1.1.

2.0 Land Use Development Code Consistency

35.22.020 - Purposes of the Resource Protection Zones

The purpose of the Mountainous (Gaviota, Goleta and Toro Canyon) and Resource Management zones is to protect lands that are unsuited for intensive development and that have:

1. Slopes in excess of 40 percent; or
2. Valleys surrounded by slopes exceeding 40 percent; or
3. Isolated table land surrounded by slopes exceeding 40 percent; or
4. Areas with outstanding resource values, including environmentally sensitive habitats and/or watersheds.

The intent is to allow reasonable but limited development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

LUDC §35.22.030 identifies allowable land uses in Resource Protection Zones and Table 2-4 identifies the uses of land allowed in each Resource Protection Zone as well as the planning permit required to establish each use. The proposed secondary access road is allowed with approval of a land use permit.

The secondary access road and bridge are consistent with the purpose and intent of the MT-TORO zone district, as the project provides secondary access to the existing, permitted development on the property and would not facilitate additional development that would be inappropriate for the area. In addition, the project can be permitted in this zone district with approval of a land use permit.

Lot Size – The property is zoned MT-TORO-100. The property lot size is approximately 38.83 acres. The property is considered legal non-conforming as to minimum parcel size, which does not affect the ability to approve the proposed secondary access road. The property's non-conforming status with regard to acreage would only limit the ability to subdivide the property.

Setbacks - The project complies with setbacks for the zone district:

- Front yard setback: 50 feet from the road centerline and 20 feet from the lot lines.
- Buildings setback: 5 feet between buildings.

As identified in the Findings for Approval in Attachment 4 of the Board letter for the July 17, 2018 Board of Supervisors hearing, the project can be found consistent with the applicable standards of the LUDC for approval of a land use permit in the MT-TORO-100 zone district.