



**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

Submitted on:
(COB Stamp)

Department Name: Planning & Development
Department No.: 053
For Agenda Of: September 9, 2025
Placement: Departmental
Estimated Time: 75 min.
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s):
Lisa Plowman, Director, Planning and Development

Contact:
Travis Seawards, Deputy Director, Planning and Development

**SUBJECT: Report on Case No: 24APL-00006: Bidwell Appeal of Mariposa Investment Trust
Agricultural Water Well, Eastern Goleta Valley Community Plan Area, Second
Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Deny the appeal, Case No. 24APL-00006;
- b) Make the required findings for approval of the project, Case No. 22CDP-00000-00035, including California Environmental Quality Act (CEQA) findings included as Attachment A to this Board Letter;
- c) Determine the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 and 15304 included as Attachment C to this Board Letter; and
- d) Grant *de novo* approval of the project, Case Nos. 22CDP-00000-00035 subject to the conditions of approval included as Attachment B to this Board Letter.

Summary Text:

The project consists of an appeal of the County Planning Commission's approval of a Coastal Development Permit (CDP) to permit the installation of an agricultural water well to irrigate a fruit orchard, and approximately 100 cubic yards of grading to complete the installation of additional fruit trees, landscaping, and site improvements at 4295 Mariposa Drive in the Hope Ranch area, Second Supervisorial District. The appeal was filed by Geraldine Bidwell, (neighbor) and includes the following assertions: septic system issues, failure to properly evaluate impacts to surrounding wells, proposed land use is not allowed, oak tree impacts, and environmental review was inadequate.

Discussion:

The appeal application (Attachment G) contains a letter detailing the issues raised in the appeal to your Board. These issues and staff's responses are summarized below.

Appeal Issue 1:

The appellant contends that after the Planning Commission's decision to approve the CDP, new evidence was uncovered that shows that the septic system on the project parcel is failing and sewage is migrating onto the appellant's property. Per the appellant, County Environmental Health Services (EHS) was investigating the septic issues and if EHS had required the applicant to relocate the septic system, the new location may have been located within the required 100 ft setback of water wells to septic systems, leach fields, or seepage pits. The appellant contends that the failing septic system has resulted in off-site seepage resulting in the loss of numerous oaks on the Bidwell property.

Issue 1 Staff Response:

EHS investigated the on-site septic system, and no evidence has been discovered by County EHS to indicate that the existing septic system is failing. EHS provided staff with an inspection report, dated May 14, 2025, which demonstrates that the existing septic system is operating within normal levels. In an email dated March 28, 2025, Jason Johnston, the Environmental Health Program Director stated that the septic system at 4295 Mariposa Drive is currently functioning in compliance with code and there are no requirements to modify or repair the septic system (Attachment H).

The agricultural water well and grading activities do not impact the adequacy of the existing septic system and the finding that the project site has adequate services, including septic capacity can be supported. There is no evidence to support the allegation that the septic system is failing or that "seepage" from the septic system is contributing to the loss of oak trees on or off-site.

If the septic system were required to be relocated for any reason, it would be the responsibility of the applicant to ensure that the new location is compliant with all County policies and ordinances. The Hope Ranch area is not located within a designated Special Problems Area, and installation of a new septic system does not require approval of a zoning permit pursuant to Article II §35-147.1.f. Finally, there is no Santa Barbara County code requirement for a 100 ft setback between water wells and septic systems. Rather, County Code section 35A-12(a)(9) provides that the location and design of all wells shall be approved on a case-by-case basis. On January 12, 2023, EHS provided concurrence on the approvability of the well, pending issuance of the CDP (Attachment H).

Appeal Issue 2:

The appellant contends that the CDP application failed to include a plot plan indicating all wells within a 1000-ft radius of the proposed well. The appellant contends that Section 34A-25(a)(5) of the Santa Barbara County Code, and the hydrogeological report prepared by Adam Simmons, failed to analyze the impacts of the proposed agricultural water well on existing, surrounding wells.

Issue 2 Staff Response:

The proposed well is not anticipated to cause well interference with surrounding wells. The County Code does not contain section 35A-25(a)(5). It appears that the appellant is referencing §34A-4(b)(5) **Permit procedure for construction, modification or destruction of wells**. Santa Barbara County Environmental Health Services (EHS) is the authorized administrative authority of Chapter 34A.

During Planning & Development's review of the agricultural water well, the project was reviewed by EHS for consistency with Chapter 34A and Executive Order N-7-22. Executive Order N-7-22 was issued on March 28, 2022, and placed requirements to maximize the efficient use of water and to preserve water supplies critical to human health. On January 12, 2023, EHS notified the case planner that the agricultural water well was approvable, pending issuance of the CDP. EHS evaluation verified the project's compliance with Executive Order N-7-22 and found that the well was unlikely to interfere with the production and functioning of existing nearby wells, and was not likely to cause subsidence that would adversely impact or damage nearby infrastructure. EHS final approval of the agricultural water well is pending issuance of the CDP (Attachment H).

Executive Order N-3-24, issued on September 5, 2024, terminated the specified provisions of N-7-22. The Santa Barbara County Well Urgency Ordinance that implemented N-7-22 was terminated with N-3-24. Overall, N-3-24 removed the County from a drought proclamation and loosened drilling standards. The interference analysis that was originally required to verify compliance with the Well Urgency Ordinance (N-7-22) no longer applies from a regulatory standpoint.

The proposed water well is not expected to produce adverse impacts to surrounding wells and the serving water basins. A hydrological evaluation prepared by Adam Simmons, a licensed Engineering Geologist, Certified Hydro Geologist and Professional Geologist (CEG #2015, RG #6234 and CHG #509) was submitted with the CDP application (Attachment E). The report identified that the proposed agricultural water well will produce groundwater from the fractured Monterey Shale aquifer. As stated in this report, the majority of the Monterey Shale forms an impermeable barrier for lateral groundwater movement, and therefore saltwater intrusion is unlikely given the presence of alternating soft impermeable shale with fractured water bearing shale. The maximum demand for the well is expected to be approximately 4 acre-feet-per-year (AFY), or 7 gallons-per-minute (GPM) for 12 hours on and 12 hours off, conducting the pumping cycle for 8 months of the year.

In addition, the closest off-site water well is located approximately 600 feet to the northwest of the subject parcel. Given this distance, well interference is considered unlikely due to the relatively impermeable shale in the area and the distance between the proposed well and the closest off-site water well.

Finally, the analysis provided by the licensed professional as part of the CDP application verified that the proposed agricultural water well is consistent with the ordinance and policy requirements of the Coastal Land Use Plan as discussed in the 23APL-00036 Staff Report (Attachment F). The technical evaluation and analysis provided by the applicant and the determination of consistency with the requirements of Executive Order N-7-22 was reviewed and cleared by EHS, as described above.

However, as also discussed above, the plot plan requirement is no longer applicable through Executive Order N-3-24. The applicant has provided sufficient information about adjacent wells to support EHS's evaluation of the well and confirm that the installation is consistent with all Coastal Land Use Plan regulations and policies.

Appeal Issue 3

The appellant contends that the purpose of the proposed well is to irrigate a proposed orchard on the applicant's property. However, several trees in the proposed orchard are located within the canopy of oak trees straddling the appellant's property. The appellant contends that several of the proposed orchard trees will severely impact the protected oak trees.

Issue 3 Staff Response

The applicant has modified their planting plan, and no proposed orchard trees are located within the dripline of any oak trees on the appellant's property. In addition, there is no evidence to support the assertion that the use of an agricultural water well or the proposed location of orchard trees outside of the dripline negatively impacts existing oak trees on an adjacent property. Finally, the project remains consistent with all tree protection policies Eastern Goleta Community Plan as discussed in the Planning Commission Staff Report (Attachment F).

Appeal Issue 4:

The appellant contends that the CDP relies on a report from Adam Simmons, which states that the "Current Orchard is 21 fruit trees with a proposed plan to add 79 more fruit trees to the parcel for commercial use... The 100 tree orchard's output of approximately 7,500 to 8,000 pounds per year, is planned to be sold for commercial purposes..." The appellant contends that such use is not allowed on the property per the Hope Ranch Park CC&Rs. As a commercial orchard is not an allowed use by the Hope Ranch Park Homeowners Association CC&R's, the CDP should be denied.

Issue 4 Staff response:

Orchards, trick and flower gardens, and the raising of field crops are an allowed use of the EX-1 Zone (Article II, §35-73.3.6) and are exempt from zoning permit requirements. The Coastal Zoning Ordinance (Article II) does not distinguish between commercial and non-commercial orchards. The CDP is permitting an agricultural well and grading in excess of 50 cubic yards. During the processing of 22CDP-00000-00035, the applicant provided a plan for the installation, maintenance, and distribution of crops from the orchard verifying that the proposed water well will be utilized for agricultural purposes. The applicant provided a letter from Quail Springs Permaculture (Attachment I), which stated that the crops of the orchard will be donated to the organization on a monthly basis to help feed nonprofit staff. The orchard will not be a commercial operation.

The County does not regulate or enforce private Conditions, Covenants & Restrictions (CC&Rs). Approval of a use permitted within County Code Chapter 35 (Zoning) by a homeowners' association or compliance with CC&Rs is not a requirement for zoning permit approval. It is the responsibility of the applicant to ensure that their project is compliant with both County zoning requirements and their local neighborhood design standards.

Appeal Issue 5

The appellant contends that the Planning Commission approved 22CDP-00000-00035 on the grounds that the project was determined to be Exempt from environmental review pursuant to CEQA Guidelines Section 15303 [New Construction or Conversion of Small Structure] and Section 15304 [Minor Alterations to Land], but these exemptions do not apply because 1) water wells are not addressed by either of these exemptions, and 2) the Project will damage oak trees. The appellant contends that a Negative Declaration or Environmental Impact Report should be prepared.

Issue 5 Staff Response:

CEQA Guidelines Section 15303 [New Construction or Conversion of Small Structures] exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. Examples of this exemption include, but are not limited to, water main, sewage, electrical, gas, and other utility connections. These CEQA guidelines are intended to be general. The proposed water well is a small structure intended to apply water service to the orchard, and this exemption is applicable to this project.

CEQA Guidelines Section 15304 [Minor Alterations to Land] exempts minor public or private alterations in the condition of land, water, and/or vegetation that do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Given that the scope of work is limited to the installation of an agricultural water well and grading related to the installation of trees for agricultural purposes, this project is exempt under CEQA Section 15303 and Section 15304. The grading included in the project description related to the installation of fruit trees was for fruit trees located on the northwestern end of the parcel.

Background:

On March 17, 2022, the applicant (Mariposa Investment Trust) filed for a CDP (22CDP-00000-00035) to permit the installation of an agricultural water well to service a proposed fruit tree orchard on the property. During the review process, a violation complaint was filed alleging illegal grading activities. On July 31, 2023, an enforcement case (23BDV-00097) was opened to evaluate the complaint. The violation complaint was investigated by Planning & Development's grading inspectors who determined that approximately 100 cubic yards of unpermitted grading had occurred onsite. As the grading was estimated to exceed 50 cubic yards, zoning permit and building (grading) permits were required. The unpermitted grading activity was added to the CDP's project description so that the applicant could satisfy the zoning permit requirement necessary to abate 23BDV-00097.

On September 27, 2023, the Planning & Development Director approved the proposed agricultural water well and zoning validation of the unpermitted grading, finding the installation of an agricultural water well and the grading activities consistent with the development standards and regulations governing grading and water wells and the project's consistency with all applicable findings under Article II, §35-169.5. The Director's approval was appealed by the appellant (Bidwell) on October 5, 2023.

On March 6, 2024, the appeal of the approved CDP was presented to the County Planning Commission. The Planning Commission considered all evidence set forth in the record and statements given by the appellant and the applicant and took action to deny the appeal and approve

the CDP. Policy and ordinance consistency is discussed in the Planning Commission staff report dated February 12, 2024 (Attachment F) is incorporated herein by reference.

On March 15, 2024, the Planning Commission's decision to approve the project was appealed to the Board of Supervisors. The appellant asserts:

1. The subject parcels existing septic system is failing and should be improved prior to approving the project;
2. The review of the CDP application failed to assess impacts to all wells within 1,000 ft of the proposed agricultural water well;
3. The proposed orchard is located within the canopy of existing oak trees and the irrigation would damage the oak trees;
4. Commercial agricultural uses are not allowed on the subject parcel; and
5. The proposed project is not exempt from CEQA.

Fiscal Analysis:

Budgeted: Yes

The total cost for processing the project is approximately \$29,200.00 (100 hours of staff time). The total cost charged to the applicant to process the CDP prior to the appeals was \$4,380.00 (15 hours). Planning and Development staff fees to process the Planning Commission and Board appeal are approximately \$24,820.00 (85 hours). The appeal fees are paid by a General Fund subsidy in Planning and Development's Adopted Budget (Page 307). There is no appeal fee cost to the appellant because the property is located in the Coastal Commission's Appeals Jurisdiction.

Funding Source	FY 2025-2026	Total
General Fund	\$24,820.00	\$24,820.00
State		
Federal		
Fees	\$4,380.00	\$4,380.00
Total		\$29,200.00

Special Instructions:

The Clerk of the Board shall publish a legal notice in the Santa Barbara Independent or equivalent at least 10 days prior to the hearing on August 19, 2025. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward the minute order of the hearing as well as a copy of the notice and proof of publication to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

Attachment A: Findings

Attachment B: Conditions of Approval

Attachment C: CEQA Notice of Exemption

Attachment D: Site Plan (Revised Plan Set dated July 9, 2025)

Attachment E: Hydrologic Review

Attachment F: Planning Commission Staff Report

Attachment G: Appeal Application

Attachment H: EHS Approval Items

Attachment I: Orchard Donation Letter

Contact Information:

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