

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
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If Yes, date from: 1/22/02, 11/5/01, 10/23/01,
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8/6/01, 7/9/01, 6/25/01, 6/5/01, and
5/15/01

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TO: Board of Supervisors

FROM: John Patton, Director
Planning & Development

STAFF CONTACT: Greg Mohr, Comprehensive Planning Division
568-2080

SUBJECT: Adoption of the Toro Canyon Plan

Recommendation(s):

That the Board consider final recommendations from staff regarding adoption of the Toro Canyon Plan and related resolutions and implementing ordinances, as follows:

1. Consider whether or not to direct one additional change to the inland Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Overlay proposed for the Art. III Zoning Ordinance, as described in this report;
2. Certify the Final EIR (2000-EIR-1) dated June 2000 along with the EIR Revisions memorandum RV1 dated February 14, 2002, the latter of which both describes the possible environmental effects of changes made to the Plan since it was reviewed in 2000-EIR-1 and includes the Mitigation Monitoring and Reporting Program for the final Toro Canyon Plan;
3. Adopt the final Toro Canyon Plan dated February 2002;
4. Adopt a Resolution and Ordinances amending the Local Coastal Program (Land Use Plan and Article II Zoning Ordinance text and maps, Case Numbers 00-GP-003, 00-OA-005, and 00-RZ-002);
5. Adopt a Resolution and Ordinances amending the Comprehensive Plan Land Use Element and Article III Zoning Ordinance text and maps, Case Numbers 00-GP-004, 00-OA-006, and 00-RZ-003;
6. Adopt a Resolution amending the Circulation Element, Case Number 01-GP-002;
7. Adopt Findings and Statement of Overriding Considerations supporting the Board's final action in adopting the Toro Canyon Plan.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 2, A Safe and Healthy Community in Which to Live, Work, and Visit; Goal No. 4, A Community that is Economically Vital and Sustainable; and Goal No. 5, A High Quality of Life for All Residents.

Executive Summary and Discussion:

The Toro Canyon Plan has been prepared in the interests of improving the quality of future development to the enduring benefit of the area's property owners, protecting and improving upon both the natural and built environments, and protecting and improving the overall quality of life in this part of Santa Barbara County. The final Plan that is presented for adoption is the product of extensive research, field work, public input, and professional expertise, including many days of public hearings by the Planning Commission and Board of Supervisors. It has been prepared using the best efforts and intentions of P&D staff, working together with members of the public and other agencies to address the full range of planning issues present within the Plan area. Staff recommends adoption of the Plan and its implementing zoning ordinance text and map changes, with one possible additional change to the inland area's Environmentally Sensitive Habitat Area-Toro Canyon (ESH-TCP) Zoning Overlay proposed for the Art. III Zoning Ordinance, as described below.

ESH Map changes on the Tumbler and White properties: When the Board gave final direction on January 22, 2002, the public hearing was left open for possible ESH map changes on these two properties, pending additional field work by P&D's staff biologist. This work was performed on February 5, 2002 and resulted in map changes on both properties. On the Tumbler property, 2801 East Valley Road, the previously mapped area of Coastal Sage Scrub has been removed because of the isolation and low quality of this habitat within a larger community of mixed chaparral on the site; also, the boundaries of the Coast Live Oak Forest have been revised slightly based upon the additional field review. On the White property, 3600 Foothill Road, the mapped extent of the Southern Coast Live Oak Riparian Forest habitat along the mesa, adjacent to a portion of the agricultural road, was reduced. Further, a small area of Southern Coast Live Oak Riparian Forest in the southeastern corner of the property has been removed from the map. Although this area is on the fringe of a riparian corridor and contains oaks and other native species, it also contains cultivated macadamia nut trees. Oak trees are protected under the existing Local Coastal Program, and therefore any development in this area already would be reviewed for impacts to oak tree resources and possible mitigation measures; no additional resource protection would be afforded by mapping this small property corner as ESH.

Possible change to the inland area (Art. III) ESH-TCP Overlay: Since the last Board hearing on January 22, staff has had conversations with several parties concerned about the effect on agriculture of requiring land use permits for removal of environmentally sensitive habitat areas that exceed the threshold amounts specified in the draft ordinance (Attachment 6, Sec. 35-250E.5.2, p. 5), as would be required by the ESH-TCP Overlay conceptually approved by the Board on January 22. This subject was discussed extensively by the Board on January 22 and the public hearing was closed at that time, except for the mapping items discussed above.

Nevertheless, staff has been convinced that the permit requirements for commercial agriculture could be unduly burdensome. Although ESH is ESH wherever it exists, established county policy in both the LCP and the Comprehensive Plan give significant support to the protection and support of agriculture as an industry, and agriculture is a priority use under the state Coastal Act. Therefore, staff has identified three options for your Board's consideration:

1. Leave the ordinance text as conceptually approved on January 22, thereby requiring land use permits for any ESH clearance that exceeds the threshold amounts contained in the ordinance;

2. Change the ordinance text so that the first sentence of Sec. 35-250E.5.2 would read, "For development proposed within areas zoned with the ESH-TCP Overlay ..." (remainder unchanged);
3. Change the ordinance text so that the first sentence of Sec. 35-250E.5.2 would read, "Except for agriculture on agriculturally-zoned property, within areas zoned with the ESH-TCP Overlay ..." (remainder unchanged).

Staff recommends the last option. The second option would return the ordinance text to its construction in drafts circulated prior to the December 18, 2001 workshop. As staff explained at the January 22 hearing, discussions at that workshop led staff to realize that the prior language construction was redundant – in essence, land use permits would be required for “development,” which already requires at least a land use permit under the existing zoning ordinance. This wholly ineffectual result is what led staff to recommend the language that the Board conceptually approved on January 22, which would require a land use permit for any removal of environmentally sensitive habitat areas that exceeds the threshold amounts specified in the draft ordinance, whether or not the removal constituted “development” as this term is defined in Art. III. Activities that may not constitute “development” but can impact resources include grading, brushing, and agriculture. Staff recommends the third option in recognition of the deference and support given to commercial agriculture under existing state and county policies. In light of the staff recommendation for this change, staff also recommends that the Board re-open the public hearing on this specific item prior to giving direction and taking final action.

Mandates and Service Levels:

Adoption of the Toro Canyon Plan would change existing general plan and zoning mandates for development, particularly on properties where zoning changes are proposed. New public mandates and service levels would be associated with many of the Plan’s Actions, as detailed in the attached Implementation Matrix (Attachment 10).

Fiscal and Facilities Impacts:

County costs for Plan implementation were detailed in the Implementation Matrix that accompanied the staff report prepared for the Board’s first adoption hearing on June 5, 2001. The Board conceptually approved changes to some Actions over the course of the Board’s eleven adoption hearings, and a revised Implementation Matrix is attached that reflects such changes (Attachment 10).

As noted, some costs would be new General Fund or other special fund costs, others would be covered under existing programs, and some could be covered with outside funds such as grants. Ongoing General Fund costs for the current 2001-02 fiscal year (FY) would be covered under P&D’s proposed budget for Comprehensive Planning activities. The only special cost for Plan implementation that might occur in FY 2001-02 would be the commencement of the parks fee study (Action PRT-TC-1.1 on p. 2 of the Implementation Matrix). Future ongoing and special costs would be included in departmental budget proposals for subsequent years.

Future General Fund costs, to the extent that they can be quantified at this time as shown in the attached Implementation Matrix, would range from \$63,000 to \$153,000. Costs for some Actions would depend upon the actual scope of work involved (e.g., Actions PRT-TC-1.1 & -1.2 on p. 2), while other costs would depend upon whether or not discretionary measures are implemented (e.g., Actions GEO-TC-3.4 and HA-TC-1.3 on p. 10).

Attachments:

1. EIR Revisions memorandum RV-1 including MMRP, dated February 14, 2002
2. Resolution adopting Coastal Land Use Plan amendments, Case Number 00-GP-003
3. Ordinance amending Art. II (Coastal) text, Case Number 00-OA-005
4. Ordinance amending Art. II maps, Case Number 00-RZ-002
5. Resolution adopting Comprehensive Plan Land Use Element amendments, Case Number 00-GP-004
6. Ordinance amending Art. III (inland except Montecito) text, Case Number 00-OA-006
7. Ordinance amending Art. III maps, Case Number 00-RZ-003
8. Resolution adopting Comprehensive Plan Circulation Element amendments, Case Number 01-GP-002
9. Findings and Statement of Overriding Considerations
10. Updated Implementation Matrix

Related Documents (published & forwarded separately by P&D to the Clerk of the Board):

- Toro Canyon Plan, February 2002
- Final Environmental Impact Report, June 2000 (transmitted to the Clerk of the Board in May 2001)