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June 16, 2015

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

Re: Mosby Recreational Fields – Hearing June 23, 2015
Mosby v. County of Santa Barbara – Case No. 146644
Response To Staff Report

Dear Supervisor Carbajal:

The matter of the CUP for the Mosby Recreational Fields comes before your Board on June 23, 2015. There were some significant omissions in the Staff Report, and we ask that you review the enclosed information before you make your decision.

Perhaps most important is the failure to provide your Board with a copy of Judge Donna Geck's ruling against the County and in favor of the Mosby project just a few months ago. Many of the issues raised by the Staff Report were answered very clearly by Judge Geck. We attach a copy of the ruling. The ruling is very detailed; Judge Geck found that no substantial evidence supported the County Findings. Since the findings before you on June 23, 2015 are almost identical to the 2014 findings, and because these findings rely on the exact same evidence as was criticized by Judge Geck, we believe these findings are also deficient.

Pesticide Use and Buffers: The Staff Report claims that this project is not compatible with nearby uses because it has the potential to restrict pesticide use. Judge Geck reviewed the entire record in this matter, and concluded that there was no evidence to support the finding that pesticide use is a problem. Her Order reads (beginning at page 8, line 11):

“The BOS stated that the small size [of the Mosby parcels] precluded buffers between the recreational and agricultural uses. County says this presents a problem because of pesticide drift. The findings do not bridge the gap between the evidence and the conclusion. Even if the findings mentioned pesticide drift, the evidence does not support the concern. The only evidence of pesticide drift were two complaints of drift that Mosby made in 2009. In one instance, the investigation was dropped because Mosby did not provide information. [AR 274] In the other, analyses of samples from soil and foliage did not support pesticide drift onto Mosby's property. [AR 275]

“The court has searched the entire administrative record for any other evidence of pesticide drift. The only other mentions of pesticide drift are in documents relating

to Lompoc's Riverbend Park. Those documents discuss requirements for dealing with any drift.

'Signs shall be placed at the entrances to the Park advising Park users of the potential for pesticide drift to impact the project site from adjacent agricultural operations. ... The City of Lompoc Parks and Recreation Department will coordinate with the Agricultural Commissioner's Office and adjacent agricultural operations to attempt to limit the amount of time that organized sports are scheduled to use the playing fields at the same time the agricultural fields are being treated with pesticides or herbicides. This coordination is not expected to be problematic, as applications of pesticides or herbicides generally occur overnight or in the early morning hours.'

"City of Lompoc, Riverbend Park and Trail Master Plan, December 2004 [AR 1243, 1252, 1276, 1297, 1306, 1441, 1442] Park staff was to act as liaison with the Ag Commissioner and adjacent landowners to identify times of pesticide application in fields adjacent to the park. [AR 1288, 1452] **The proposed playing fields in the north portion of the park would be near ongoing agricultural uses where pesticide spraying would be going on.** [AR 1449] **There is no mention of the size of a buffer, if any.** The document states that pesticide drift would be minimal for the park because winds in the area are typically from the northwest and southwest. [AR 1452]¹

"The wind direction could be a problem for the Mosby property since it is east of a small portion of one agricultural field. **Of course, there is still no evidence of any actual drift onto his land. There is no discussion or analysis of winds and pesticide drift in the record. Nor is there evidence that the signs and coordination of activities with spraying would be insufficient on Mosby's property.** Indeed, the signs at the park entrance, if indeed they are there, would apparently alert Mosby's patrons as the record suggests that the River Park entrance and entrance to Mosby's property are the same. [AR 113:14-18; 120:6-14]

"County says that, looking alternatively at the impact of the project on neighboring agriculture, the Santa Barbara County Agricultural Advisory Committee took a strong position on the project and recommended denial. [Opp. 10:22-24; AR 173] County refers to potential restrictions on pesticide use on existing agricultural operations. Again, there is no bridging of the gap between

¹ These pages from the Administrative Record were omitted from the Staff Report, so we attach copies. In fact, about half the Administrative Record is missing from the Staff Report. We provide a disk including the entire record with this letter.

evidence of pesticide restrictions and the conclusion that that size of the parcels are too small. Also, the evidence does not support the finding.”

Like the County position at trial, the Staff Report here references certain statements by Sharyne Merritt, who signs herself “farmer.” She does not state any particular expertise and makes certain unsubstantiated claims, which Judge Geck did not find credible. For example, farmer Merritt claims that the Santa Barbara County Agricultural Commissioner found this project could result in pesticide permit restrictions on adjacent parcels. Farmer Merritt claimed that 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.[AR 782]

Judge Geck said this evidence was not “substantial evidence,” yet the Staff Report cites to the exact same evidence herein, to support the County position even though the Court said such evidence was not credible. Again, per Judge Geck’s Order (page 10, ll. 10-23):

“Merritt stated that pesticide restrictions could abrogate adjacent farmers’ ‘freedom to choose methods of cultivation and their choice of crops.’ [AR 782-783] But Merritt simply states her recollection of statements by the County Agricultural Commissioner that are conclusions about restrictions that could result. Neither Merritt nor County point to any authority or precedent for such restrictions or any evidence that such restrictions would – as opposed to could – result. This is hardly ‘evidence of ponderable legal significance ... reasonable in nature, credible, and of solid value’ and ‘relevant evidence that a reasonable mind might accept as adequate to support a conclusion.’ *Desmond v. Cnty. of Contra Costa, supra*, 21 Cal.App.4th at 335.

“Moreover, Cathy Fisher, the County Agricultural Commissioner, said that any coordination of recreational use around pesticide applications should not be part of any land use permit as it would be preempted by state law and could create ‘serious liability issues.’ [C. Fisher, Jan. 31, 2014 e-mail; AR 815] Fisher did not comment on any buffer zone required for the Mosby project. As the source of the supposed evidence of pesticide restrictions, she is tellingly silent on the subject.”

Judge Geck found that “**there is no bridging of the gap between evidence of pesticide restrictions and the conclusion that the size of the [Mosby] parcels are too small. Also, the evidence does not support the finding.**” Judge Geck also states: “**The finding that the size of the project is inadequate or that it precludes adequate onsite buffers is not supported by the evidence.**” Thus, the assertions in the Staff Report are not supported by substantial evidence, and should not be relied upon by this body.

Under the law, the Court need only find that any one of the required findings was supported by the evidence in order to find the findings legally adequate (Order at page 8, ll. 12-16). The Court was unable to find that any of this Board’s Findings was supported by substantial evidence in the record. The pesticide issue was only one of many.

Further – and this is critically important – there is no new evidence in the record to support the decision to deny this project. Evidence in support of the Findings from the last hearing a year ago is the same as that before you today.

We must point out that River Park has not had any problems with pesticide drift since its opening – evidence on this point will be provided at the time of hearing. Furthermore, the Bridgehouse Homeless Shelter has not reported any pesticide drift issues either, and that is a full-time 24/7 residential facility.

Judge Geck combed the record for evidence of pesticide drift and found none. She found that the River Park facility had no buffers, even though sports fields were part of the park (Order at page 9, ll. 1-15). While not mentioned in the Court's Order, there is also no mention of a buffer in the approvals for the Bridgehouse Homeless Shelter. The Bridgehouse CEQA review was submitted to this body last year, in support of the Mosby position, but that document was not presented in regards to the June 23rd hearing. We ask, formally, that the Administrative Record as approved by the County and submitted into evidence with the Court is also deemed to be the administrative record in this hearing. Only about half the record was presented to you in connection with the June 23, 2015 hearing.

In her Order, Judge Geck continues her analysis of the findings and holds for each finding, that it is unsupported by substantial evidence in the record. After holding that the pesticide issue is a red herring, and that there is no evidence to support the buffer issue, this matter was returned to your Board for further consideration.

The pesticide and buffer issues are not alone as being without significant impact. The Staff Report raises noise, but the Mitigated Negative Declaration (MND) also looked at noise and found it to be a non-impact item [AR 339, 378, 391]. The Staff Report talks about traffic, an issue reviewed in the County's MND and found to be without impact [AR 339, 390, 394]. In the Staff Report, there is a reference to the intensity of the proposed project's traffic, because it could generate peak hour trips. However, the MND dismissed traffic impacts as insignificant: **“the project has demonstrated that it would not generate significant project-specific traffic impacts.”** [AR 396]

We must emphasize that the Mosby project will not impact the agricultural viability of the land itself. The Staff Report cites to farmer Merritt in support of a statement that the land will be compromised by the soccer fields and parking. What the Staff Report failed to tell you is that this issue was actually considered by County staff. In the MND, it says the project would not “diminish the agricultural productivity of the land, and would be consistent with the Agricultural Element goals and policies.” [AR 343]. The County's agricultural planner agreed this was a temporary use and that the land could easily be used for agricultural uses in the future (AR 0972A; this is another one of the documents omitted from your staff report).

Farmer Merritt is cited by the Staff Report for the contention that the Mosby project would result in the adjacent agricultural uses being forced out (AR 0782-0783). However, the opposite conclusion is reached in the MND (AR 0374), where it says the “continued use of the property for non-agricultural uses will not affect adjacent agriculture.” Alice McCurdy, a long-

time County planner, emailed that the adjacent ag fields are already “constrained” by River Park, the homeless shelter and other uses; see AR 0900. This is another email omitted from your Staff Report, and we attach a copy.

Regarding pesticide drift: drift is illegal. In response to a question about drift and the Mosby Recreational Fields, the Ag Commissioner’s office said:

“We told Jim [Mosby] our area of authority only involves pesticide use and that we would send a draft condition to DPR for their approval. **Any other issues with farming practices next door is outside of our scope of authority. . . . Regardless, the pesticide applicator is still required to follow all laws and regulations pertaining to pesticide applications. In other words, they can’t drift. . . .” [AR 827C]**

0827C was omitted from the Staff Report and is attached to this letter. The Staff Report focuses on possible pesticide drift, but fails to mention that *drift is illegal*, not allowed by law. The Staff Report references a complaint about illegal drift by Mr. Mosby against his neighbor (dated May 2014); the County is trying to use illegal activity by a third party as the rationale for denying the legal activity on the Mosby parcel.

The pesticide drift issue should be considered in light of what happened during the environmental review for River Park and the Bridgehouse shelter. As Judge Geck found, this was not an issue for River Park, and buffers were not required for River Park. A letter will be submitted at the time of the hearing from a park ranger at River Park, who has never had issues with pesticide drift from the adjacent fields, nor has he ever received a complaint from a park patron concerning drift.

Mr. Mosby also raised the issue about the agricultural viability of his parcels, both of which are less than 10 acres in size. The County has already determined, in multiple environmental analyses, that parcels of less than 10 acres in size are not economically viable for agriculture. As one example of many, in the environmental analysis for the Bridgehouse Homeless Shelter, the question of whether loss the 10-acre Bridgehouse parcel would impact agriculture in the Lompoc Valley. The County’s own analysis stated:

“Loss of agricultural land was considered as insignificant, because of the size of the parcel was too small (10 acres) for long-term economic viability.”

(From the Bridgehouse CEQA analysis, AR 1505, omitted from the Staff Report and attached hereto). The County claimed at the trial court that economic viability is not an issue, but in fact, if a parcel is not viable it will drop out of the County’s agricultural inventory. Certainly, the temporary impacts of a few soccer fields is more desirable than some other type of use.

Finally, the Staff Report continues to claim the Santa Ynez River is a “natural greenbelt-buffer” between the urban uses in Lompoc and the agricultural fields to the east. This statement was thoroughly discredited in the Court. On the Mosby side of the river is the 45 developed acres of River Park; another 100-plus acres of River Park that is yet-to-be developed; the City’s Moto-Cross Park; the Bridgehouse Homeless Shelter; the County Road Yard and maintenance

Mosby Recreation Fields Project

Hearing Date: June 23, 2015

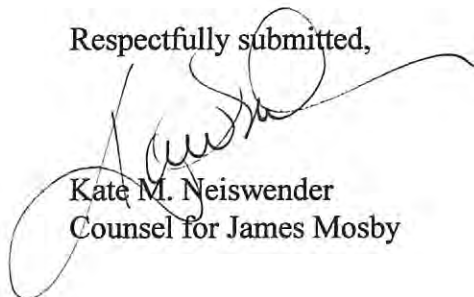
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facility; the new Sweeny Winery, including a tasting room and special events area; and several nurseries open to the public. The original Findings claimed “people and pets” would be “introduced” on the Mosby side of the river, but it was unquestionably true that people and pets were already on the Mosby side of the river, and had been for decades. While the newly-drafted Findings downplay the “people and pets” angle, the Staff Report still tries to claim that the “natural buffer” of the river is being violated.

We ask that you consider Judge Geck’s decision in regards to the facts and circumstances of this case. The Mosby project is a positive one for the community, and is not a threat to agriculture in the Lompoc Valley. You will hear on June 23rd of the importance of this project to the soccer players of the area, and what it means to have fields in good condition. Despite what the Staff Report implies, Lompoc is not a wealthy city and has very little money for maintenance.

We respectfully ask for approval of the Mosby CUP. This is a good decision for the Lompoc Valley.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kate M. Neiswender', written over the typed name.

Kate M. Neiswender
Counsel for James Mosby

cc: Board of Supervisors
County Planning

Court
Order

APR 08 2015

Darrel E. Parker, Executive Officer

BY *Narzrafi Baksh*
Narzrafi Baksh, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

9	JAMES MOSBY,)	CASE NO. 1466446
)	
10	Petitioner,)	DECISION AND ORDER ON
)	PETITION FOR WRIT OF
11	v.)	MANDATE
)	
12	COUNTY OF SANTA BARBARA, and DOES 1)	Date: March 20, 2015
	through 20, inclusive,)	Time: 9:30 am
13)	Place: Dept. 4
)	(Judge D. Geck)
14	Respondents.)	
)	

This matter came on for hearing on March 20, 2015, in Department 4 of the Santa Barbara Superior Court, the Honorable Donna Geck, judge presiding. Kate M. Neiswender appeared for Petitioner JAMES MOSBY; Jennifer Richardson, Assistant County Counsel, appeared for Respondent COUNTY OF SANTA BARBARA.

1. Procedural Matters

The Administrative Record was lodged with the Court on November 5, 2014. Petitioner moved that the Administrative Record be entered into evidence, and the Court granted that motion.

The parties had stipulated to a request for judicial notice of certain documents. The Court granted the request, and took judicial notice of the eight documents that were the subject of that joint request. Respondent had requested judicial notice of one additional document, and the Court granted that request and took judicial notice of the one additional document.

1 Petitioner had filed a Supplement Request for Judicial Notice on March 2, 2015, seeking notice
2 for four additional documents, numbered (9) through (12). The County objected to judicial notice of
3 the documents numbered (9), (11) and (12). The Court sustained the County's objections and thus took
4 judicial notice only of document (10).

5 **2. Standard of Review**

6 CCP § 1094.5 governs a court's review of an administrative order. Subsection (c) provides:

7 “Where it is claimed that the findings are not supported by the evidence, in cases in which the
8 court is authorized by law to exercise its independent judgment on the evidence, abuse of
9 discretion is established if the court determines that the findings are not supported by the weight
10 of the evidence. In all other cases, abuse of discretion is established if the court determines that
the findings are not supported by substantial evidence in the light of the whole record.”

11 Petitioner “has the burden of proving that the agency's decision was invalid and should be set aside,
12 because it is presumed that the agency regularly performed its official duty.” *Desmond v. County of*
13 *Contra Costa*, 21 Cal.App.4th 330, 335 (1993).

14 “The initial denial of a CUP or other license is reviewed by the substantial evidence standard,
15 since until a permit or license is received, no right has vested.” *Malibu Mountains Recreation, Inc. v.*
16 *County of Los Angeles*, 67 Cal.App.4th 359, 367 (1998). Under the substantial evidence test as applied
17 in review of administrative agency action, the court “must examine all relevant evidence in the entire
18 record, considering both the evidence that supports the administrative decision and the evidence against
19 it, in order to determine whether or not the agency decision is supported by ‘substantial evidence.’”
20 *Desmond v. Cnty. of Contra Costa, supra*, 21 Cal.App.4th at 335. Substantial evidence is “evidence of
21 ponderable legal significance ... reasonable in nature, credible, and of solid value” and “relevant
22 evidence that a reasonable mind might accept as adequate to support a conclusion.” *Id.* [internal
23 quotations and citations omitted]. “[T]he court reviews the administrative record, receiving additional
24 evidence only if that evidence was unavailable at the time of the administrative hearing, or improperly
25 excluded from the record.” *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 79 n6 (1974).
26
27

1 The court “must scrutinize the record and determine whether substantial evidence supports the
2 administrative agency's findings and whether these findings support the agency’s decision. In making
3 these determinations, the reviewing court must resolve reasonable doubts in favor of the administrative
4 findings and decision.” *Topanga Assn. for a Scenic Community. v. County of Los Angeles*, 11 Cal.3d
5 506, 514 (1974). “The reviewing court does not make a de novo determination.” *Linborg-Dahl*
6 *Investors, Inc. v. City of Garden Grove*, 179 Cal.App.3d 956, 961 n6 (1986). The court may not
7 substitute its own judgment for that of the agency. *McMillan v. Am. Gen. Fin. Corp.*, 60 Cal.App.3d 175,
8 182 n6 (1976).

9
10 **III. Facts and Administrative Proceedings from the Administrative Record**

11 A. *Mosby's Proposed Project*: Petitioner James Mosby owns property, consisting of two
12 parcels of 9.99 and 9.50 acres, located approximately a half mile east of the City of Lompoc and
13 northeast of the Santa Ynez River. [Administrative Record (“AR”) 311, 312, 150, 153] On December
14 2, 2011, Mosby applied for a CUP “to allow for existing outdoor recreational development and activities
15 consisting of a paintball field, athletic (soccer) fields, and a remote controlled car track.” [AR 312, 1208-
16 1220] The soccer fields consist of 4.5 acres; the paintball field, 1.5 acres; and the remote control car
17 track, .5 acre. [AR 021] The recreational uses were developed on the property between 2006 and 2011.
18 County Planning & Development (“P&D”) received a zoning violation complaint, prompting the
19 application. [AR 536]

20
21 On May 12, 2012, a planner from P&D informed Mosby that the property would “need to go
22 through a ‘consistency rezone’ process in order to rezone it from 40-AG under the outdated ordinance
23 661 to AG-II-40, under the current Land Use and Development Code. The reasons that this is required
24 is because recreational fields are not an allowed use within the 40-AG zone district, but they are under
25 the AG-II-40 zone district. Since this is a consistency rezone, the permit application costs for the rezone
26 will be paid for by the County. The decision maker for rezones is the Board of Supervisors, so both the
27

1 CUP and the rezone applications will be reviewed at the Board of Supervisors concurrently.” [AR 1183-
2 1184] County treated the proposed project as a request for both the consistency rezone and the CUP.
3 [AR 312] County assigned different case numbers to the rezone and CUP. [AR 329]

4 The application arose from the need to abate an existing zoning violation. The remote control
5 car track would be open from 10:00 a.m. and 4:00 p.m., with attendance ranging from 10-30 people; the
6 paintball field from 10:00 a.m. to 4:00 p.m., with attendance of 2-50 people; and the soccer fields from
7 7:00 a.m. to dusk, with maximum of 30 people on weekdays and from 65 to 700 attendees on weekend
8 days (at no time would 700 soccer participants be on the site at one time; that is the number for the entire
9 day). There would be 150 parking spaces composed of compacted base and screened with a berm
10 planted with pine trees on the southern property line. Restrooms and drinking water would be accessible
11 on City of Lompoc owned land in the adjacent River Park. Mosby proposed to sell food on site through
12 legally-licensed vendors. [AR 312]

13
14 B. *Planning Commission Action:* On August 22, 2013, P&D staff recommended that the
15 Planning Commission recommend to the Board of Supervisors (“BOS”) that it approve the rezone and
16 CUP and adopt the required findings and the final mitigated negative declaration. [AR 329-393] On
17 December 4, 2013, the Planning Commission voted 4-1 to recommend that the BOS deny the project
18 based on findings that the project is inconsistent with the Comprehensive Plan, including
19 “incompatibility with the adjacent agricultural uses through the establishment of an urban type of land
20 use north of the Santa Ynez River, a natural green-belt buffer/boundary between the City of Lompoc and
21 active agricultural cultivation.” The Commission also found that, without established permanent buffers
22 between the recreational uses and agriculture, “the long-term agricultural productivity on surrounding
23 parcels would be threatened.” The proposed buffer was limited to a fence and an interior agricultural
24 road located along the property line. [AR 313] Nothing in the record establishes the width of the
25 agricultural road.
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1 C. *BOS Action:* The County BOS held a hearing on the project on February 11, 2014, and
2 voted 3-2 to deny the project. [AR 001-002]

3 (1) *Rezone Findings:* In its finding on the rezone, the BOS determined that it could
4 not make two of the necessary findings under County Land Use and Development Code (“LUDC”) §
5 35.104.060(A): 1) the request is in the interests of the general community welfare, and 2) the request
6 is consistent with good zoning and planning practices. [AR 003]

7
8 As to the first finding (“the request is in the interests of the general community welfare”), the
9 BOS found that the unpermitted recreational uses are located directly adjacent to agriculturally zone
10 property under cultivation. There are no permanent buffers between the recreational and agricultural
11 operations. The proposed rezone would facilitate a project that would: 1) be located on agricultural
12 property without buffer zones between recreational and active agricultural production, creating “land
13 use conflicts which would adversely impact agricultural operations by threatening long-term agricultural
14 productivity on surrounding parcels;” and 2) establish an urban-type land use across the river, a natural
15 green-belt buffer/boundary between Lompoc and the project site, “which would introduce people and
16 pets into an area of active agricultural activity. The presence of people and pets creates food safety
17 concerns for surrounding agriculture, and represents an incremental increase in urban/rural conflicts.”
18 [AR 003] As to the second finding (“the request is consistent with good zoning and planning practices”),
19 the BOS made essentially the same two findings, adding that the directly adjacent agricultural operation
20 under cultivation was of flowers. [AR 003-004]

22 (2) *CUP Findings:* In its findings on the CUP, the BOS determined that it could not
23 make four of the findings required by LUDC § 35.82.060.E. Those four findings were: 1) the site for
24 the project is adequate in terms of location, physical characteristics, shape, and size to accommodate the
25 type of use and level of development, 2) the project will not be detrimental to the comfort, convenience,
26 general welfare, health and safety of the neighborhood and will be compatible with the surrounding area,
27

1 3) the project will comply with all applicable requirements of the Development Code and
2 Comprehensive Plan, including any applicable community or area plan, and 4) within rural areas as
3 designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate
4 to the rural and scenic character of the area. [AR 004-005]

5 As to the first finding (“the site for the project is adequate in terms of location, physical
6 characteristics, shape, and size to accommodate the type of use and level of development”), the BOS
7 found that the proposed project site is 1,000 feet east of the Lompoc City Limit Line, with the river
8 constituting “a natural green-belt buffer/boundary between” the City and the project site. “The close
9 proximity of these active recreational uses to cultivated agriculture creates land use conflicts which
10 would adversely impact agricultural operations by threatening the long-term agricultural productivity
11 on surrounding parcels. The small size of the parcels precludes ability to provide adequate buffers onsite
12 to separate the recreational uses from the surrounding agricultural uses. Therefore, the project site is not
13 adequate in terms of location and physical characteristics to accommodate the type of use and level of
14 proposed development, and the project is not consistent with this finding.” [AR 004]

15
16 As to the second finding (“the project will not be detrimental to the comfort, convenience,
17 general welfare, health and safety of the neighborhood and will be compatible with the surrounding
18 area”), the BOS found: “The close proximity of existing agricultural operations to the existing and
19 proposed active recreational activities would introduce land use conflicts which would be detrimental
20 to the general welfare, comfort, health, and safety of sensitive receptors (i.e. children and adults utilizing
21 the recreational facility). Therefore the project is not consistent with this finding.” [AR 004]

22
23 As to the third finding (“the project will comply with all applicable requirements of the
24 Development Code and Comprehensive Plan, including any applicable community or area plan”), the
25 BOS found: “There are no permanent buffers established between the existing public recreation, and
26 adjacent agricultural operations. The close proximity of these active public recreational uses to active
27

1 agriculture without the establishment of permanent buffers creates land use conflicts which would
2 adversely impact agricultural operations by threatening the long-term agricultural productivity on
3 surrounding parcels. As a result, the project would not comply with the Lompoc Area Goals and
4 Comprehensive Plan Land Use and Agricultural Element Policies pursuant to Attachment C of the staff
5 memorandum dated December 4, 2013.” [AR 004-005]

6
7 As to the fourth finding (“ within rural areas as designated on the Comprehensive Plan maps,
8 the proposed use will be compatible with and subordinate to the rural and scenic character of the area”),
9 the BOS found: “The close proximity of active public recreational uses to cultivated agriculture would
10 introduce land use conflicts which are incompatible with, and insubordinate to, surrounding agricultural
11 activities in a designated rural area of the County. The small size of the parcels precludes ability to
12 provide adequate buffers onsite to separate the recreational uses from the surrounding agricultural uses.
13 Therefore, the proposed use is not compatible with or subordinate to the rural character of the area, and
14 the project is not consistent with this finding.” [AR 005]

15 **IV. Analysis of the Board Findings**

16
17 As discussed above, the court’s task is to “scrutinize the record and determine whether
18 substantial evidence supports the administrative agency’s findings and whether these findings support
19 the agency’s decision.” *Topanga Assn. for a Scenic Community v. County of Los Angeles, supra*, 11
20 Cal.3d at 514.

21 “[I]mplicit in section 1094.5 is a requirement that the agency which renders the challenged
22 decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate
23 decision or order. If the Legislature had desired otherwise, it could have declared as a possible
24 basis for issuing mandamus the absence of substantial evidence to support the administrative
25 agency’s action. By focusing, instead, upon the relationships between evidence and findings and
26 between findings and ultimate action, the Legislature sought to direct the reviewing court’s
27 attention to the analytic route the administrative agency traveled from evidence to action. In so
doing, we believe that the Legislature must have contemplated that the agency would reveal this
route. Reference, in section 1094.5, to the reviewing court’s duty to compare the evidence and
ultimate decision to ‘the findings’ (italics added) we believe leaves no room for the conclusion
that the Legislature would have been content to have a reviewing court speculate as to the
administrative agency’s basis for decision.”

1 *Id.* at 515. The court in *Topanga* stated that, while the agency’s findings “need not be stated with the
2 formality required in judicial proceedings” [citation], they nevertheless must expose the board’s mode
3 of analysis to an extent sufficient to serve the purposes stated herein.” *Id.* at 517 n16. Even when the raw
4 evidence supports the agency’s decision of the Board, if there is nothing to bridge the gap between the
5 evidence and the decision, the court must remand the matter for the agency to make the necessary
6 findings to support its action. *Mountain Def. League v. Bd. of Supervisors*, 65 Cal. App.3d 723, 732
7 (1977). The court cannot cure an agency’s improper finding. “To permit such a post hoc cure would
8 make unattainable the goals of findings elaborated in *Topanga*....” *Am. Funeral Concepts v. Bd. of*
9 *Funeral Directors & Embalmers*, 136 Cal.App.3d 303, 311 (1982).

11 A. *Analysis of the CUP Findings:* The BOS identified four of the seven necessary statutory
12 findings it could not make for the CUP. Since all the statutory findings would be necessary for approval
13 of the CUP, the factual findings only need to be sufficient as to one of the statutory findings in order to
14 uphold the BOS’s decision.

16 (1) *Analysis of CUP Finding #1:* County maintains that the BOS made findings that
17 the project site is not adequate in size or location.

18 a. *Size of the Project:* The BOS stated that the small size precluded buffers
19 between the recreational and agricultural uses. County says this presents a problem because of pesticide
20 drift. The findings do not bridge the gap between the evidence and the conclusion. Even if the findings
21 mentioned pesticide drift, the evidence does not support the concern. The only evidence of pesticide drift
22 were two complaints of drift that Mosby made in 2009. In one instance, the investigation was dropped
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24 foliage did not support pesticide drift onto Mosby’s property. [AR 275]

25 ///

26 ///

1 The court has searched the entire administrative record for any other evidence of pesticide drift.
2 The only other mentions of pesticide drift are in documents relating to Lompoc's Riverbend Park. Those
3 documents discuss requirements for dealing with any drift.

4 "Signs shall be placed at the entrances to the Park advising Park users of the potential for
5 pesticide drift to impact the project site from adjacent agricultural operations. ... The City of
6 Lompoc Parks and Recreation Department will coordinate with the Agricultural Commissioner's
7 Office and adjacent agricultural operations to attempt to limit the amount of time that organized
8 sports are scheduled to use the playing fields at the same time that agricultural fields are being
treated with pesticides or herbicides. This coordination is not expected to be problematic, as
applications of pesticides or herbicides generally occur overnight or in the early morning hours."

9 City of Lompoc, Riverbend Park and Trail Master Plan, December 2004 [AR 1243, 1252, 1276, 1297,
10 1306, 1441, 1442] Park staff was to act as liaison with the Ag Commissioner and adjacent landowners
11 to identify times of pesticide application in fields adjacent to the park. [AR 1288, 1452] The proposed
12 playing fields in the north portion of the park would be near ongoing agricultural uses where pesticide
13 spraying would be going on. [AR 1449] There is no mention of the size of a buffer, if any. The
14 document states that pesticide drift would be minimal for the park because winds in the area are typically
15 from the northwest and southwest. [AR 1452]

16
17 The wind direction could be a problem for the Mosby property since it is east of a small portion
18 of one agricultural field. Of course, there is still no evidence of any actual drift onto his land. There is
19 no discussion or analysis of winds and pesticide drift in the record. Nor is there evidence that the signs
20 and coordination of activities with spraying would be insufficient on Mosby's property. Indeed, the signs
21 at the park entrance, if indeed they are there, would apparently alert Mosby's patrons as the record
22 suggests that the River Park entrance and entrance to Mosby's property are the same. [AR 113:14-18;
23 120:6-14]

24 County says that, looking alternatively at the impact of the project on neighboring agriculture,
25 the Santa Barbara County Agricultural Advisory Committee took a strong position on the project and
26 recommended denial. [Opp. 10:22-24; AR 173] County refers to potential restrictions on pesticide use
27

1 on existing agricultural operations. Again, there is no bridging of the gap between evidence of pesticide
2 restrictions and the conclusion that that size of the parcels are too small. Also, the evidence does not
3 support the finding.

4 County references the Nov. 6, 2013, written statement of Sharyle Merritt, farmer. She says:

5 “According to statements by the Santa Barbara County Agricultural Commissioner at the
6 November 6, 2013 meeting of the Santa Barbara County Agricultural Advisory Committee, this
7 project could result in pesticide permit restrictions on adjacent parcels. Depending on the crop
8 and the pesticide, fungicide, herbicide, and/or fumigant used, the farmer could be required to
9 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.’”

10 [AR 782] Merritt stated that pesticide restrictions could abrogate adjacent farmers’ “freedom to choose
11 methods of cultivation and their choice of crops.” [AR 782-783] But Merritt simply states her
12 recollection of statements by the County Agricultural Commissioner that are conclusions about
13 restrictions that could result. Neither Merritt nor County point to any authority or precedent for such
14 restrictions or any evidence that such restrictions would – as opposed to could – result. This is hardly
15 “evidence of ponderable legal significance ... reasonable in nature, credible, and of solid value” and
16 “relevant evidence that a reasonable mind might accept as adequate to support a conclusion.” *Desmond*
17 *v. Cnty. of Contra Costa, supra*, 21 Cal.App.4th at 335.

18 Moreover, Cathy Fisher, the County Agricultural Commissioner, said that any coordination of
19 recreational use around pesticide applications should not be part of any land use permit as it would be
20 preempted by state law and could create “serious liability issues.” [C. Fisher, Jan. 31, 2014 e-mail; AR
21 815] Fisher did not comment on any buffer zone required for the Mosby project. As the source of the
22 supposed evidence of pesticide restrictions, she is tellingly silent on the subject.

23 County says the small size of the parcels and lack of buffers fail to protect agricultural fields
24 from trespass by humans and dogs and safety of food being grown nearby would be threatened by fecal
25 matter, trash and foot traffic. This is not mentioned anywhere in the findings. Only one commenter
26
27

1 mentioned "possible fecal matter, trash and foot traffic." [AR 49:22-23] There is no evidence supporting
2 or analysis of this "possibility." County acknowledges that the buffer consists of a fence and road. There
3 is no discussion of why the fence would not keep people and dogs off the adjacent fields.

4 The finding that the size of the project is inadequate or that it precludes adequate onsite buffers
5 is not supported by the evidence.

6
7 *b. Location of the Project:* The BOS concluded that the location and physical
8 characteristics are not adequate to accommodate the type of use and level of development. The type of
9 use is clear. County does not illuminate what it means by "level of development" in the context of this
10 project.

11 County emphasizes that the project site is east of the natural green-belt and the proposed
12 recreational use is an intense project, not a passive use park like the neighboring River Park. County
13 suggests River Park is only open Saturdays, Sundays and Holidays from 10:00 a.m. to 4:00 p.m. The
14 reference in the record – AR 393 – is ambiguous as to whether the City Park is open those limited hours
15 or only the "moto fun" park. The RV park within River Park appears to operate 24-7.

16 County says paintball and sports fields are high intensity recreational uses, again relying on Mr.
17 Merritt's conclusory statements. [AR 782] Under the proposed project, up to 110 people would be on
18 the property on weekdays and up to 780 over the course of a weekend day. There are only 150 parking
19 spots. [AR 312] So there is some evidence that this is an intensive use. Supervisor Farr did express some
20 concern that "there's been no analysis of the cumulative number of people that could be on Mr. Mosby's
21 site from these three different activities at any one time." [AR 113] But the numbers are part of the
22 application. Supervisor Farr mentioned this in the context of conflicting parking between Mosby's
23 events and River Park use because they share a common entrance. But there is nothing in the findings
24 about parking. Supervisors Farr and Carbajal expressed concern over the commercial nature of the
25 project. [AR 112:5-11; 117:8-19] But again, there is nothing in the findings about how a commercial
26
27

1 use renders the project inappropriate.

2 County says that the location of the property was determined to be inadequate because it could
3 bring intense recreational uses and a large number of users across the natural urban/rural boundary that
4 is the Santa Ynez River. It may be that River Park, the moto-fun park, the homeless shelter across the
5 road, and the nearby County maintenance yard – all east of the Santa Ynez River – are of a decidedly
6 different character such that the proposed use is incompatible with the area. But these findings are not
7 stated, only the conclusion that the site is “not adequate in terms of location and physical
8 characteristics.” A recitation of the terms of the County’s ordinance is not an adequate finding. *Am.*
9 *Funeral Concepts v. Bd. of Funeral Directors & Embalmers, supra*, 136 Cal.App.3d at 309.
10

11 The court finds that the BOS’s findings do not adequately fill the analytic gap between the
12 evidence and the findings are not supported by substantial evidence.

13 (2) *Analysis of CUP Finding #2*: The BOS concluded: “The close proximity of
14 existing agricultural operations to the existing and proposed active public recreational activities would
15 introduce land use conflicts which would be detrimental to the general welfare, comfort, health, and
16 safety of sensitive receptors (i.e. children and adults utilizing the recreation facility).” County again
17 argues that the evidence supporting this is the lack of a buffer putting recreational users at risk and
18 potential restrictions on pesticide use. The finding is deficient for the same reasons discussed above as
19 to CUP Finding #1.
20

21 (3) *Analysis of CUP Finding #3*: The BOS again concluded that the close proximity
22 of the proposed recreational uses and agricultural operations and lack of buffers “creates land use
23 conflicts which would adversely impact agricultural operations by threatening the long-term agricultural
24 productivity on surrounding parcels. As a result, the project would not comply with the Lompoc Area
25 Goals and Comprehensive Plan Land Use and Agricultural Element Policies pursuant to Attachment C
26

27 ///

1 of the staff memorandum dated December 4, 2013.” [AR 004-005] “Attachment C” makes essentially
2 the same conclusory statements. [AR 534-535]

3 County again argues impacts on the integrity of agricultural operations by referencing the same
4 issues of pesticide exposure, pesticide use restriction and trespass. The court has found the findings and
5 evidence regarding these matters inadequate as discussed above.

6
7 County argues that the BOS noted goals requiring that urban uses be restricted to areas
8 designated for urban uses, that soil resources be protected, and that expansion of urban development into
9 agricultural areas outside of urban limits should be discouraged so long as infill development is
10 available.

11 County argues that the project brings an intensive urban use across the Urban/Rural Boundary
12 and the natural buffer of the river. County cites evidence in the record regarding altered onsite soils from
13 grading and compaction due to parking, new structures, and paintball detritus, citing Merritt’s comments
14 and evidence from the Environmental Defense Center. [AR 234-257] County cites evidence that there
15 is evidence of infill development of recreational facilities in the City of Lompoc that would render this
16 intrusion into a rural area unnecessary and, therefore, to be discouraged. In this respect, County’s
17 opposition to the petition for writ of mandate reads like a very good set of findings. Unfortunately, it is
18 the BOS that must make findings, not counsel. And none of these issues are addressed in the findings
19 in a manner that bridges the analytic gap between the evidence and the BOS’s conclusions.

20
21 (4) *Analysis of CUP Finding #4:* The BOS determined that it could not find Mosby’s
22 proposed use would be compatible with and subordinate to the rural and scenic character of the area.
23 “The close proximity of active public recreational uses to cultivated agriculture would introduce land
24 use conflicts which are incompatible with, and insubordinate to, surrounding agricultural activities in
25 a designated Rural area of the County. The small size of the parcels precludes the ability to provide
26 adequate buffers onsite to separate the recreational uses from the surrounding agricultural uses.” [AR
27

1 005]

2 Again, these are conclusions without any analytic link to the evidence. County refers to its
3 arguments regarding the three findings above. For the same reasons, this finding is insufficient.

4
5 B. *Analysis of the Rezone Findings:* The BOS identified two of the three necessary
6 statutory findings it could not make for the re-zone. The BOS determined that it could not find: 1) the
7 rezone is consistent with the Comprehensive Plan and in the best interests of the general community
8 welfare; and 2) the request is consistent with good zoning and planning practices. [AR 003-004]

9 Each of the findings is based on the premise that the proposed rezone would facilitate the
10 approval of the project set forth in the CUP application. The BOS then made findings substantially
11 identical to those discussed above, adding that the proposed project “would introduce people and pets
12 into an area of active agricultural activity. The presence of people and pets creates food safety concerns
13 for surrounding agriculture, and represents an incremental increase in urban/rural conflicts.” [AR 003-
14 004]

15
16 Mosby asks the court to analyze the re-zone denial independently of the CUP denial. He says that
17 the reasons for denying the re-zone were that it would facilitate the project and those are not grounds
18 for denying the re-zone because approving the re-zone itself would not approve the project. Mosby did
19 not initially ask for a re-zone and only did so when he was informed that the County could not grant his
20 CUP application without the re-zone. The County initiated the rezone and considered it under a separate
21 case number from the CUP.

22 Mosby asks the court to take judicial notice of the County’s offer, after he filed the petition for
23 writ of mandate, to process the re-zone separately. [Exhibit 10 to Mosby’s Supplemental Request for
24 Judicial Notice] County says it is not appropriate to consider matters outside the record in determining
25 whether substantial evidence supports the BOS’s findings. But County did not include Exhibit 10 in its
26 objections to Mosby’s supplemental request for judicial notice and County argues the content of the
27

1 document. Exhibit 10 reveals that, when the County put this on the Planning Commission agenda,
2 Mosby requested that the Commission not take action on the re-zone and it was dropped from the
3 calendar. It is not clear whether Mosby wants a re-zone independently of the CUP.

4 Either way, the findings are of no different quality than the CUP findings. In fact, they are
5 essentially the same. For reasons discussed above, the findings are insufficient.

6
7 Mosby says this is a consistency rezone and it is either mandatory or routinely granted as a matter
8 of policy. He does not provide statutory authority for the proposition that a consistency remand is
9 automatic. On remand, Mosby can make clear whether he wants a re-zone regardless of whether the
10 BOS approves the CUP application.

11 For all the reasons set forth above, the court determines that the BOS's findings are not
12 supported by substantial evidence and the findings do not support the BOS's conclusion. As set forth
13 below, the court will order the BOS's decision and findings set aside and remand for reconsideration.
14 The court expresses no opinion on whether the BOS should approve the project. The court must not
15 limit or control in any way the discretion legally vested in the BOS. CCP § 1094.5(f).

16
17 **V. Petitioner's Request For An Injunction**

18 Mosby asks the court to suspend County's authority to take any actions concerning his property
19 until such time as the BOS has made a decision based upon legally supported findings and resolutions
20 consistent with County's Comprehensive Plan and zoning ordinances. He provides no authority for this
21 relief. He did not ask for an injunction in his petition. The court denies the request.

22 CCP § 1094.5(g) provides for a stay pending judgment of the court. This order constitutes the
23 court's judgment. There is no authority for a stay of "suspension of authority" after judgment. CCP §
24 1094.5(f) says nothing about a stay. CCP § 1094.5(g) provides for a stay pending appeal, but that is not
25 before the court.

26 ///

1 It does not appear that a stay, suspension or injunction is necessary in any event. This court's
2 judgment remanding the matter to the BOS means Mosby's applications are pending before the BOS.
3 (The BOS may, in turn, remand it back to the Planning Commission.) County staff has stated that there
4 is an "open violation" on Mosby's property that was being held in abeyance pending the result of the
5 permit application. [AR 124:9-15] Since that application is again pending, there is no reason to believe
6 County will change its reasonable position regarding abeyance of code enforcement actions.
7

8 **VI. Petitioner's Request for Attorneys' Fees**

9 Mosby asks the court to award him attorneys fees pursuant to Gov't Code § 800(a), which
10 provides: "In any civil action to appeal or review the award, finding, or other determination of any
11 administrative proceeding..., if it is shown that the award, finding, or other determination of the
12 proceeding was the result of arbitrary or capricious action or conduct by a public entity..., the
13 complainant if he or she prevails in the civil action may collect from the public entity reasonable
14 attorney's fees...."

15 The court has found the BOS's findings insufficient and, in some cases, unsupported by
16 substantial evidence. The BOS and its subordinate Planning Commission acted in their discretion to
17 deny Mosby's project. The record does not support a finding that the BOS's decision was the result of
18 arbitrary or capricious action or conduct. The court denies the request for attorney fees.
19

20
21 **VII. Decision and Order**

22 The court grants petitioner James Mosby's amended petition for writ of mandate. The court
23 orders the Board of Supervisors of the County of Santa Barbara to set aside its February 11, 2014,
24 decision to deny the Mosby Sports and Outdoor Recreation Facility project (Case Nos. 11CUP-00000-
25 00032, 12RZN-00000-00003). The court remands the matter to the Board of Supervisors to reconsider
26 the project and/or to make findings consistent with this order. The Board of Supervisors may, in its
27

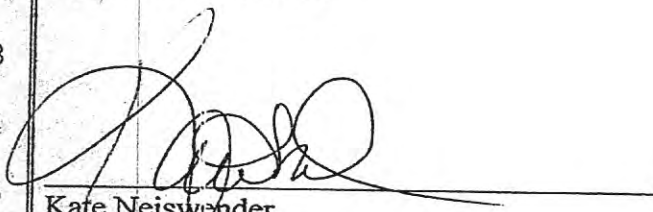
1 discretion, take additional evidence. The court denies petitioner's request for an order suspending the
2 County of Santa Barbara's authority to take any actions concerning his property. The court denies
3 petitioner's request for attorney fees pursuant to Gov't Code § 800(a).

4 Judgment shall issue in accordance with this Order.

5
6 *April 6*
7 DATED: ~~March~~ _____, 2015

8
9 **DONNA D. GECK**
10 THE HONORABLE DONNA GECK
11 Judge of the Superior Court

12 Approved as to form:

13
14 

15 Kate Neiswender
16 Attorney for Petitioner

17
18
19
20 _____
21 Jennifer Richardson
22 Attorney for Respondent

23
24
25
26
27
*Served w/ J
4/10/15*

Excerpts
from Record

**Santa Barbara County Agricultural Commissioner's Office
 PESTICIDE COMPLAINT REPORT NARRATIVE (PCR)
 PCR 3 Mosby 8-6-09 drift**

Summary: On August 6, 2009, J MOSBY stated he had observed a pesticide application conducted by JOSEPH & SONS, the flower grower located west of his property, drift pesticide onto his property.

Background Information: J MOSBY owns approximately 30 acres of land in a largely agricultural area. He leases out a small portion of his land to a flower grower he identified only as "PONCHO" and the remaining land is fallow. He operates a commercial fish farm.

On July 17, J MOSBY called to complain that JOSEPH & SONS drifted pesticides onto his fish ponds, killing a "major" quantity of his fish. J. MOSBY did not see or know the date of any pesticide applications nor did he reveal any dates the fish died. S BRYANT emailed a "Report of Loss" to him for providing details of the incident. He has yet to return a completed report to this office.

J ORTIZ stated they applied pesticides on July 6 and July 11. He faxed pesticide use records showing they applied Endorse, Phyton 27, Rubigan and Breakthru on July 6 and Endorse, Rubigan, Cygnus, and Breakthru on July 11. According to the pesticide labels, all of these pesticides are toxic to fish and other aquatic organisms.

We have been unable to locate PONCHO and he does not have an operator identification number issued by this office.

On July 22, S BRYANT drove to the area and observed a 7-foot high black woven cloth barrier (fence) erected between ORTIZ and MOSBY's properties. She noted JOSEPH & SONS' fields were located approximately 100 feet west/northwest of what appeared to be fish ponds. These ponds are not permitted by Planning and Development as are the 3 fish ponds located approximately 100 feet south of "PONCHO's" fields.

Lack of information from J MOSBY prevents further investigation of this incident.

Violations:

None

Witnesses:

NAME	ADDRESS	EMPLOYER	TELEPHONE
Mr. James Mosby (complainant)	755 Highway 246 Lompoc, CA 93436	N/A	(805) 736-6322
Mr. Juan Ortiz, Jr. (respondent)	1815 Corte Jubilo Camarillo, CA 93012	Joseph & Sons 1815 Corte Jubilo Camarillo, CA 93012	(805) 857-1998
Mr. Ventura Ayala (applicator)	1815 Corte Jubilo Camarillo, CA 93012	Joseph & Sons 1815 Corte Jubilo Camarillo, CA 93012	N/A
Susan Bryant	624 W. Foster Road, #E Santa Maria, CA 93455	Santa Barbara County Agricultural Commissioner	(805) 934-6200
Debbie Trupe	624 W. Foster Road, #E Santa Maria, CA 93455	Santa Barbara County Agricultural Commissioner	(805) 934-6200

**Santa Barbara County Agricultural Commissioner's Office
PESTICIDE COMPLAINT REPORT NARRATIVE (PCR)
PCR 3 Mosby 8-6-09 drift**

Investigation and Statements:

August 6

S BRYANT received a second complaint from J MOSBY. He stated he watched a JOSEPH & SONS applicator drift pesticide onto his land on the evening of August 5. S BRYANT spoke to J ORTIZ who faxed over a use record that showed they applied Endorse and Pounce.

August 7

Wind data from the website, Weather Underground, measured from the Lompoc Municipal Airport located 2 miles west of the site, was from the NW at 13 mph at 6:35 pm.

S BRYANT and D TRUPE met J MOSBY at JOSEPH & SONS Ranch 2 located west of J MOSBY's property. He stated at about 6:30 pm he saw pesticide drifting "50 to 100 feet" onto his property. He said the wind was about 10 to 15 mph from the west and he went to the field and stopped the application.

We also spoke with J ORTIZ who confirmed V AYALA had sprayed pesticides on August 5. J ORTIZ translated our questions to Spanish while we interviewed V AYALA. V AYALA stated he arrived at the field to spray Bells of Ireland plants on August 5 at 6:30 pm. He said the wind was from the west about 3 mph. He started at the southeast end of the field (closest to the MOSBY property), and worked west. The first pass was made with only the boom on the right side of tractor spraying because the tractor was located on the south side of the block, outside of the planted area. At the west end of the field he turned around, activated both booms to spray, and entered the block to begin his second pass. About mid-way, he noticed J MOSBY at the east end. He stopped spraying and called J ORTIZ who told him to quit spraying, which he did. V AYALA and J MOSBY did not speak. We confirmed he made only one full pass. J ORTIZ and V AYALA stated they were using #10 size nozzles and 95 lbs of pressure to produce a coarse spray to avoid drift. The total amount of solution mixed was 25 gallons consisting of 8 ounces of Endorse and 3 ounces of Pounce.

We took five gradient samples according to the protocols in the Investigation and Sampling Manual. The samples were secured over the weekend. On August 10 S BRYANT shipped them through Federal Express to the CDFA laboratory for analysis for permethrin, the active ingredient in Pounce.

Sample information is summarized below:

Sample Number	Material Sampled	Sample Location	Analysis Results
SB-1 8-7-09	Weed foliage	Approx. 200' from treated area	None detected
SB-2 8-7-09	Soil	Approx. 150' from treated area	None detected
SB-3 8-7-09	Soil	approx. 100' from treated area	None detected
SB-4 8-7-09	Soil	approx. 50' from treated area	None detected
SB-5 8-7-09	Ornamental foliage	treated area	3.59 ppm permethrin

Findings:

The sample analyses do not support permethrin drift to J MOSBY's property.

Attachments:

- Overview map
- Sampling map
- Weather Underground Printout
- Planning & Development Permit

REQUIREMENT	DISCUSSION
	<p>APN: 099-141-017. This additional landscaping would further protect visual impacts to the unique character of the area.</p> <p>Policy 1A.1.a-b of the Agricultural Element and Section 35.43.240 of the Land Use and Development Code allow for recreational uses on agriculturally designated lands, through the use of discretionary permits. As described in the Agricultural Resources Section of the Final Mitigated Negative Declaration (Attachment C), the subject parcels do not qualify as agriculturally viable. Furthermore, the proposed recreational uses would not affect each parcels capability of being used for agricultural purposes in the future. Therefore, the proposed project can be found consistent with these Lompoc area community goals.</p>
<p><u>Parks/Recreation</u> <i>Provide facilities for a maximum variety of recreational activities for all age levels within a reasonable distance of the place of residence, so separated and protected as to avoid conflicts between different types of activities.</i></p> <p><i>Locate recreational activities where adverse effects, such as increased auto traffic, noise, and increased litter would not conflict with surrounding areas.</i></p>	<p>Consistent: The proposed project would provide the community of Lompoc with a variety of recreational activities for all age levels. The subject recreational uses associated with the project are of a similar type and intensity to the types of recreational activities currently occurring at the adjacent River Park. The subject recreational uses would continue to provide the community with recreational amenities without substantially impacting the quality of existing established recreational opportunities in the area. No significant impacts associated with traffic, noise, or litter would occur. Adequate onsite parking and restrooms located at the adjacent River Park would be available to serve the proposed project. Therefore, the proposed project is consistent with these community goals.</p>
<p><u>Environment</u> <i>Pollution of streams, sloughs, drainage channels, underground water basins, estuaries, the ocean, and areas adjacent to such waters should be minimized.</i></p>	<p>Consistent: The existing recreational facility is located approximately 250 feet east of the Santa Ynez River. According to the Regional Water Quality Control Board, the water quality in the area of the existing facility is good. The project is not proposing to intensify the existing operation. Santa Barbara County Flood Control and Project Clean Water have reviewed the</p>

REQUIREMENT	DISCUSSION
	subordinate in appearance to the surrounding landscape, and do not intrude into the skyline. Therefore the project is consistent with this policy.
<i>Visual Resource Policy 4: Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.</i>	Consistent: No signage is proposed. Therefore, the project is consistent with this policy.
<i>Agricultural Element</i>	
<p><i>Agricultural Element, Goal I:</i> Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara Country. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</p> <p><i>Agricultural Element, Policy IA:</i> The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</p> <p><i>GOAL II.</i> Agricultural lands shall be protected from adverse urban influence.</p> <p><i>Agricultural Element, Policy II.D:</i> 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.</p>	<p>Consistent: The proposed project does not involve a subdivision of land, nor would the project permanently convert the agricultural potential of these parcels from viable to non-viable. According to the analysis completed in the Final Mitigated Negative Declaration dated June 19, 2013 (Attachment C), the subject parcels are not considered to be agriculturally viable. Each parcel would be able to support the current/proposed use without affecting the potential use of the land for future agricultural activities. Permitting the existing sports and outdoor recreation facility would not substantially hinder or diminish the agricultural capabilities or potential for the subject parcels. Therefore, the proposed project would not impair the agricultural productivity of the land, and would be consistent with the Agricultural Element goals and policies.</p>

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Consistency Rezone

Approval of the proposed consistency rezone would amend the current zoning of 40-AG under the out dated Ordinance 661 to AG-II-40 (Agricultural, 40-acre minimum parcel size) under the current Santa Barbara County Land Use and Development Code (LUDC). Sports and Outdoor Recreational 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).

disrupt surrounding agricultural operations, and the type of development (athletic fields, paintball field, and remote control car track) are not permanent in nature, and could easily be removed to allow the land to be used for agricultural uses. ~~The presence of an existing 50,000 square foot greenhouse and adequate water supply on APN 099-141-016 contributed to the parcel receiving a higher score than that of APN 099-141-017. Both parcels received low scores because the lots are small and there is little to no agriculture on them.~~

Therefore, according to the analysis completed in the weighted point system, the subject parcels are not considered to be agriculturally viable and therefore, the proposed project ~~will~~ would not impair the agricultural productivity of the land. ~~However,~~ 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 use.

The continued use of the property for non-agricultural uses will not affect adjacent agriculture. In addition to surrounding agricultural activities, ~~the~~ subject lots are surrounded by a River Park/campground, the County's road yard, agricultural cultivation, and the applicant's other property. ~~The applicant's proposed recreational use, in comparison to River Park, is a similar type use; the current River Park use has not affected surrounding agricultural uses, therefore it is foreseeable that the proposed additional recreational use would also not affect the surrounding agricultural uses.~~ The recreational components of the project are located on areas of the subject parcels that would not introduce substantial land use conflicts with the surrounding development and agricultural uses. There are existing agricultural operations occurring on the adjacent parcel to the west. River Park is located adjacent to this parcel and is also exposed to agricultural activities in this area. While the subject recreational uses introduce land use incompatibilities with certain agricultural activities, primarily during times of chemical application (insecticide & fertilizer application) to the west, the uses are of a similar type and intensity as the recreational activities occurring at River Park. Historically, there have not been known instances of conflicts between River Park or the existing recreational facility from the adjacent agricultural activities. Therefore, the project would not substantially impede existing agricultural activities in the surrounding area.

~~Furthermore, no structural development is proposed.~~ Each parcel would be able to maintain the current/proposed use without affecting the lands potential use for agricultural in the future. Furthermore, there will be no change in the County's agricultural gross production or agricultural capabilities because the subject lots have not been utilized to support an agricultural commodity in some time. Thus impacts to agricultural industry would be **less than significant.**

Cumulative Impacts: The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant issue constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for agricultural resources. Therefore, the project's contribution to the regionally significant loss of agricultural resources is not considerable, and its cumulative effect on regional agriculture is less than significant.

County air quality thresholds are required to be consistent with the CEQA requirements of the Santa Barbara County Air Pollution Control District (SBCAPCD). As discussed in the SBCAPCD CEQA Guidelines, the cumulative contribution of project emissions to regional levels should be compared with existing programs and plans, including the most recent Clean Air Plan (CAP). Due to the county's non-attainment status for ozone and its regional nature, if a project's emissions from traffic sources of either of the ozone precursors, NOx or ROC, exceed the long-term thresholds, then the project's cumulative impacts will be considered significant. For projects that do not have significant ozone precursor emissions or localized pollutant impacts, if emissions have been taken into account in the most recent CAP growth projections, regional cumulative impacts may be considered to be insignificant. When a project's emissions exceed the thresholds and are clearly not accounted for in the most recent CAP growth projections, then the project is considered to have significant cumulative impacts which must be mitigated to a level of insignificance.

In this instance, the project has been found not to exceed the significance criteria for air quality. Therefore, the project's contribution to regionally significant air pollutant emissions, including GHGs, is not cumulatively considerable, and its cumulative effect is less than significant.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be less than significant. are identified. No mitigation measures are required.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?				X	
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?				X	
e. The loss of healthy native specimen trees?				X	
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?			X		
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?				X	
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?			X		
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?			X		

land use incompatibilities with certain agricultural activities, primarily during times of chemical application (insecticide & fertilizer application) to the west, the uses are of a similar type and intensity as the recreational activities occurring at River Park. Historically, there have not been known instances of conflicts between River Park or the existing recreational facility from the adjacent agricultural activities. Therefore, the permanent and temporary structures existing on site are compatible with the existing agricultural and recreational uses within the surrounding area. Therefore, impacts associated with the potential for incompatible structures would be less than significant.

The unpermitted recreational uses associated with the proposed project would continue to operate under existing levels of participant attendance as follows:

The remote control car track would be open between the hours of 10:00 a.m. and 4:00 p.m. with attendance ranging between 10-30 people. The paintball field would be open between the hours of 10:00 a.m. and 4:00 pm. with attendance ranging from 2-50 people. The athletic fields would be open from 7:00 a.m. to dusk daily. During a weekday, a maximum of 30 people would utilize the athletic fields. During a weekend, athletic field attendance would range from 65-700 attendees depending on the type of event and number of games occurring on that day (ex. club soccer games, or end of season tournaments). At no time would 700 participants be on the project site at the same time. The 700 participant maximum would occur over the entire weekend day during a tournament where multiple games are played on the same day.

Based on the current levels of participant attendance, the project is conditioned to restrict the number of attendees utilizing the site to a maximum of 700 participants per day. The applicant has indicated that this number of participants is a "worst-case scenario" and would occur very rarely during a weekend tournament when multiple games are played on the same day. As discussed in further detail in Section 4.15 – Transportation/Circulation below, the traffic associated with a maximum of 700 participants daily would not generate project specific significant traffic impacts, and would not induce substantial growth or concentration of population beyond the existing baseline conditions. Though most of the site is not utilized for agriculture it will remain in open space and the project is compatible with existing land uses. Therefore, impacts would be less than significant.

(b) Less than significant Impacts. Following completion of the proposed consistency rezone to re-designate the subject parcels as AG-II-40 under the Santa Barbara County Land Use and Development Code, the proposed recreational uses and rezone does not cause a physical change that would not conflict with adopted environmental policies or regulations including the Santa Barbara County Comprehensive Plan and Land Use and Development Code. The A-II zoning and comprehensive land use designation policies and regulations are in place to promote agricultural uses. However, Policy 1A.1.a-b of the Agricultural Element and Section 35.43.240 of the Land Use and Development Code allows for recreational uses in agriculturally designated lands, through the use of discretionary permits. As described in the Agricultural Resources Section of this document, herein incorporated by reference, the proposed recreational uses would not affect each parcels capability of being agriculturally suitable. Therefore, impacts to the County's agricultural industry would be less than significant.

(a, c-d-g, i-j) No impacts. The project is not growth inducing, and does not result in the loss of affordable housing, or a significant displacement of people. The project does not involve the extension of a sewer trunk line, and does not conflict with any airport safety zones. As discussed in Section 4.13 – Public Facilities, below, restrooms serving the existing recreational uses will be provided through the City of Lompoc, located at the adjacent River Park Campground facility.

Cumulative Impacts: The implementation of the project is not anticipated to result in any substantial change to the site's conformance with environmentally protective policies and standards. Thus, the project would not cause a cumulatively considerable effect on land use.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be less than significant. No mitigation is necessary.

4.12 NOISE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?				X	
b. Short-term exposure of people to noise levels exceeding County thresholds?				X	
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	

Existing Setting:

Physical: The subject property is located in a rural area approximately ¼ mile north of the City of Lompoc. The closest off-site sensitive noise receptor to the subject parcel is the Bridgehouse homeless shelter located approximately 1,400 feet southeast. There are no residences on the parcel west of the project site, and the parcel located to the north is owned by the applicant and is utilized in an aquaculture operation. The River Park Campground is located approximately 300 feet west of the subject parcels. The proposed project site is located outside of 65 dB(A) noise contours for roadways, public facilities, airport approach and take-off zones.

County Environmental Thresholds: Noise is generally defined as unwanted or objectionable sound which is measured on a logarithmic scale and expressed in decibels (dB(A)). The duration of noise and the time period at which it occurs are important values in determining impacts on noise-sensitive land uses. The Community Noise Equivalent Level (CNEL) and Day-Night Average Level (L_{dn}) are noise indices which account for differences in intrusiveness between day and night-time uses. County noise thresholds are: 1) 65 dB(A) CNEL maximum for exterior exposure, and 2) 45 dB(A) CNEL maximum for interior exposure of noise-sensitive uses. Noise-sensitive land uses include: residential dwellings, transient lodging, hospitals and other long-term care facilities, public or private educational facilities, libraries, churches, and places of public assembly.

Impact Discussion:

(a, b, c) No Impacts. The nearest sensitive noise receptors to the project site are the Bridgehouse Homeless Shelter located approximately 1,400 feet southeast, and River Park located approximately 300 feet west. The noises associated with the proposed project include sounds from crowds attending soccer games, the use of paintball guns, and remote control cars. The sounds from these uses would be intermittent and temporary in nature and would only occur during times when the facility is operating. The nearest single family residence is located approximately 1,500 feet southeast. Based on the total distance between sensitive noise receptors and the project site (1,500 feet), the noise associated with the project would not exceed the 65 dB(A) CNEL maximum for exterior exposure. The proposed subject recreational uses and rezone will not utilize amplified sound such as music or PA systems. Thus the generation of any noise exceeding County thresholds is not expected to occur. No noise-related impacts would result.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be less than significant.

Cumulative Impacts: The implementation of the project is not anticipated to result in any continually substantial noise effects. Therefore, the project would not contribute in a cumulatively considerable manner to noise impacts.

recreational opportunities which include the kids “moto fun” park described above, 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. The proposed recreational facility would not create cumulatively considerable adverse impacts as it is compatible with the adjacent recreation activities occurring at River Park, and is more than 2 miles from the future location of the Lompoc Valley Motorsports Park. As a result, impacts would be less than significant.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be less than significant.

4.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?			X		
b. A need for private or public road maintenance, or need for new road(s)?			X		
c. Effects on existing parking facilities, or demand for new parking?		X			
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?			X		
g. Inadequate sight distance?			X		
ingress/egress?			X		
general road capacity?			X		
emergency access?			X		
h. Impacts to Congestion Management Plan system?				X	

Existing Setting/County Environmental Thresholds:

The primary factor influencing efficiency of operation of a roadway system is the adequacy of intersection design and operation. Operating conditions are described by level-of-service (LOS), which is derived by comparing traffic volumes with roadway capacity. LOS A represents the best traffic operation, while LOS F represents the worst.

Both the State Department of Transportation (Caltrans) and the County of Santa Barbara are responsible for establishing acceptable LOS on roadway networks within the County, with Caltrans commenting as a responsible agency on projects affecting State Highways and their intersections. Currently, Caltrans’s policy establishes LOS D as the minimum acceptable level for Highway 246 intersections (Transportation Concept Report State Route 246, Caltrans District 5, 2004). Caltrans has classified the segment of Highway 246, where the project is located, as a 2-lane conventional highway, which is currently operating at LOS C.

Pursuant to the County Environmental Thresholds and Guidelines Manual, a significant traffic impact would occur when:

- a. The addition of project traffic to an intersection increases the volume to capacity (V/C) ratio to an unacceptable LOS level.

dated November 15, 2012, Attachment 3) and no further traffic analysis is necessary. As such, the project has demonstrated that it would not generate significant project-specific traffic impacts.

(b) Less than Significant. Need for New Roads or Road Maintenance. Traffic that would be generated by the project would not result in significant impacts to public streets that would require new roads or a significant amount of increased roadway maintenance. Prior to zoning clearance issuance, the applicant would be required to pay Development Impact Mitigation Fees on the number of week day peak hour trips (16) generated by the project, for a total of \$8,800.

(c) Less than Significant with Mitigation. Parking for the existing unpermitted recreational uses would continue to be provided in two existing parking areas totaling approximately 3-acres located on APN 099-141-017. The 3-acres dedicated for parking would easily accommodate the vehicles which would be present during a day when 700 participants visited the site. 150 permanent parking spaces would be installed within this area composed of compacted base and screened with a landscaped berm planted with pine trees. The parking areas are designed with adequate turning radius, and aisles to ensure safe and efficient ingress and egress.

If overflow parking from the recreational uses were to occur on River Park Rd. along the shoulder in undesignated parking stalls, the appropriate sight-distance for entering and exiting the proposed project site and River Park Campground could have the potential to be impaired causing potential safety impacts. Therefore, a mitigation measure requiring that all overflow parking be accommodated on-site and that parking along River Park Road is prohibited has been added as **Mitigation Measure 2**. The proposed project would be required to provide all required parking spaces on-site, and out of the road right-of-way reducing potential sight-distance impairment impacts to **less than significant levels**.

(d, e) No impact. Transit. The proposed project would not result in significant transit-or transportation-related impacts.

(f, g) Less than Significant. Traffic Hazards and Emergency Access. The daily operational use of sports fields would not create a traffic hazard for motorists, pedestrians, bicyclists, or transit users, or affect emergency access. Additionally, a County approved Parking Management Plan would be required that indicates the location of overflow parking, the emergency access points and access ways, and includes the parking coordinators contact name and telephone number. Inclusion of this would ensure sight distances remain adequate along Highway 246 and River Park Road, reducing potential traffic hazard impacts, to **less than significant levels**.

(h) No impacts. Congestion Management Plan. The project would not generate more than the 500 ADT and 50 PHT required to be considered an impact to the Congestion Management Plan.

Cumulative Impacts: The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the traffic generated by the proposed project and adjacent "motofun" park located at River Park have been found not to exceed the threshold of significance for traffic, and the current level of service along this segment of Hwy 246 would continue to remain at LOS C. Therefore, the project's contribution to the regionally significant traffic congestion is not considerable, and is less than significant.

Mitigation and Residual Impact: No mitigation measures for cumulative impacts have been identified. The following mitigation measure would reduce the project's transportation impacts to a less than significant level. With the incorporation of these measures, residual impacts would be less than significant.

- 2. Special Condition – River Park Road Parking Restriction:** In order to prevent potential safety impacts from parked vehicles, no project related parking shall be allowed along River Park Road except in designated parking stalls. During games/tournaments/practices the owner/applicant shall ensure that if the parking demand exceeds the supply provided by the designated spaces, vehicles may be parked in other available areas onsite (e.g. along interior agricultural roads, etc.) so long as they are outside of the emergency access corridors.

AGENDA ITEMS

November 8, 2013

ITEM #: 1

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

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:

RECEIVED

- 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

NOV 08 2013

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

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-cited 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). 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)

Eady, Dana

From: Russell, Glenn
Sent: Monday, February 03, 2014 12:55 PM
To: Eady, Dana
Cc: McCurdy, Alice; Black, Dianne
Subject: FW: DPR response to Mosby request

FYI

Glenn S. Russell, PhD., RPA
Director, Planning and Development
County of Santa Barbara
123 Anapamu St.
Santa Barbara, CA 93101-2030
Phone (805) 568-2085
FAX (805) 568-2030

For more information about the Department go to:
<http://www.sbcountyplanning.org/>



From: Fisher, Cathy
Sent: Friday, January 31, 2014 3:16 PM
To: Bahl, Renee; Russell, Glenn
Subject: DPR response to Mosby request

All,

We heard from DPR legal staff today about Jim's request for conditions requiring him to coordinate recreational uses around pesticide applications. They do not approve of the language in a land use permit referencing any pesticide applications. It would be preempting state law. No surprise. The CAC's authority and limitations for the pesticide use enforcement program comes from the Food and Agricultural Code and Title 3 California Code of Regulations. If Jim wants to have other language to require him to collaborate with the adjacent farm to avoid conflicts will be between P&D and Jim as long as there is no reference to pesticide use (which can also be called a farming practice). Because our authority only pertains to pesticide use, our office will not be involved with other farming practices conditions in a land use permit. It's important for the county to realize this because if they did have any condition that they do not have the authority to enforce, they could be looking at serious liability issues. I will call Jim Monday afternoon. We will also be visiting with the City of Lompoc to clear up this with them as well. I'll let D4 office know.

Cathy Fisher
Santa Barbara County Agricultural Commissioner
Director of Weights & Measures
805-681-5600

2012 Crop Report: \$1.3 Billion
For more information about the department visit:

the department was aware of this so I have a problem with Lompoc and I need to address it. We told Jim our area of authority only involves pesticides use and that we would send a draft condition to DPR for their approval. Any other issues with farming practices next door is outside of our scope of authority. The responsibility would be on Jim Mosby to restrict the recreational use. Regardless, the pesticide applicator is still required to follow all laws and regulations pertaining to pesticide applications. In other words, they can't drift. We will be consulting with the Farm Advisor to see if the farming operation next door, which is currently cut flowers, would have the possibility to grow strawberries in the future which would be a concern because of the fumigants. If DPR does not support this idea, we're done with it. If they do, we simply will submit a draft document to Jim to present to the BOS. It will be up to P&D how to handle if Jim does not meet the conditions of the permit. We also will be considering other pesticide scenarios as well and what that would mean for restricting the grower. Long answer, yes, I plan to attend but will be prepared.

>

> Cathy

>

> From: Bahl, Renee

> Sent: Tuesday, January 28, 2014 1:27 PM

> To: Fisher, Cathy

> Subject: FW: Mosby CUP: Agricultural Commissioner meeting with Mr.

> Mosby on 01/28/14

>

> Cathy

> Are you planning on coming to the Board meeting? This topic is politically charged so it is probably a good idea you attend and be wary of leading questions.

>

> From: Russell, Glenn

> Sent: Tuesday, January 28, 2014 1:12 PM

> To: Bahl, Renee

> Subject: FW: Mosby CUP: Agricultural Commissioner meeting with Mr.

> Mosby on 01/28/14

>

> FYI

>

> Glenn S. Russell, PhD., RPA

> Director, Planning and Development

> County of Santa Barbara

> 123 Anapamu St.

> Santa Barbara, CA 93101-2030

> Phone (805) 568-2085

> FAX (805) 568-2030

>

> For more information about the Department go to:

> <http://www.sbcountyplanning.org/>

>

> [cid:image001.png@01CCFB72.B2A282A0]

>

> From: Karamitsos, John

> Sent: Tuesday, January 28, 2014 1:09 PM

> To: Russell, Glenn; Black, Dianne; McCurdy, Alice; Eady, Dana

> Subject: Mosby CUP: Agricultural Commissioner meeting with Mr. Mosby

> on 01/28/14

>

> Hello All,

>

> Debbie Troup from the Agricultural Commissioner's office came by and asked me some questions after meeting with Mr. Mosby this morning. Specifically, she wanted to know if any

Eady, Dana

From: McCurdy, Alice
Sent: Tuesday, November 12, 2013 9:24 AM
To: Black, Dianne
Cc: Russell, Glenn; Karamitsos, John; Eady, Dana
Subject: FW: please distribute attached to Planning Commissioners
Attachments: Mosby comments 11 8 13.docx

Hi Dianne,
I wanted you to see this letter to the PC from Sharyne Merritt. Dana is concerned about the comments Sharyne makes. Dana is going to make sure that her Powerpoint includes a slide showing the Mosby property, the neighboring ag, and the existing adjacent non-ag uses (River Park, Bridgehouse) which already constrain pesticide use. She is also drafting responses to what she thinks are likely questions that the PC may have based on Sharyne's letter. Please let us know if this letter changes your thoughts about whether we should ask to have someone from the Ag Commissioner's office attend the PC for the Mosby item tomorrow.
Thanks very much,
Alice

-----Original Message-----

From: Eady, Dana
Sent: Tuesday, November 12, 2013 8:46 AM
To: Karamitsos, John
Cc: McCurdy, Alice
Subject: FW: please distribute attached to Planning Commissioners

Attached comment letter re: Mosby from Sharyne Merritt.
Thanks,
Dana

-----Original Message-----

From: Villalobos, David
Sent: Tuesday, November 12, 2013 8:40 AM
To: Eady, Dana
Subject: FW: please distribute attached to Planning Commissioners

fyi

-----Original Message-----

From: Sharyne Merritt [<mailto:pinot@sandpointvineyard.com>]
Sent: Friday, November 08, 2013 3:57 PM
To: Villalobos, David
Subject: please distribute attached to Planning Commissioners

Hello David,

I would greatly appreciate your distributing the attached to the Commissioners today. If there is some reason you cannot send it today (I realize it's almost 4), let me know and I'll email it individually to each.

Thanks,
Sharyne

Eady, Dana

From: Weber, Tammy
Sent: Tuesday, March 05, 2013 9:31 AM
To: Carmichael, Dana
Subject: FW: Mosby Rec Fields IS - Comments on ag resources section
Attachments: MosbyDraftAgResourcesSectionForIS.doc

This might help you.....

From: Stark, Stephanie
Sent: Wednesday, October 31, 2012 3:23 PM
To: Weber, Tammy
Subject: Mosby Rec Fields IS - Comments on ag resources section

Tammy

Attached are my comments via track changes for the Mosby Recreation Fields project. I relied on the project description contained in the completeness letter you sent and I don't know what information was contained in the other sections. Keep that in mind as you look at the comments. My main comments are:

- We are not proposing to permanently convert the site to a non-ag use so I am not sure why we are applying the points. But if we are, then I don't think either parcel are agriculturally viable – although one is close.
- The water availability for the non-ag parcel needs to be clarified.
- The description of the "ag" on the one parcel needs to be expanded. Size, crop, commercial, etc.
- According to the GIS layers, the area with the GH is designated as "built up land" and the Prime Farmland is used for the athletic fields and is underlain with Class III soils (very odd).
- If our position is that the parcels could be used for ag in the future, than I suggest you discuss how the current use does not compromise soils. Soil compaction from parking car for example does not affect the productivity of the soils.
- We should clarify how the project will affect adjacent ag land. Traffic, etc.
- The purpose of the points are to determine whether the proposed project will impair the productivity of the onsite ag land. Therefore I suggest the conclusion should address the other questions in the IS checklist that pertain to conflicts with ag preserve, adjacent ag and converting prime farmland or Important Farmland.

Please contact me if you have any questions.


Stephanie Stark
Agricultural Planner
County of Santa Barbara Planning and Development Department
Long Range Planning Division
123 E. Anapamu Street
Santa Barbara, CA 93101
805.681.5604 or 805.568.2048
ststark@co.santa-barbara.ca.us

located within the 100-year flood plain. Therefore, all Park improvements are subject to compliance with the City's Revised Floodplain Management Ordinance No. 1418 (96), which prohibits the location of permanent structures in the regulatory floodway. Because the Park is located in the Regulatory Floodway and the 100-year flood plain, water connections shall have back-flow assemblies.

An Emergency Removal Plan (ERP) shall be developed as a part of Master Plan implementation. The ERP shall identify each temporary structure located within the Regulatory Floodway and detail how and in what order the structures will be removed from the floodway, in case of flooding. The structures to be removed shall include, but not be limited to: backstops, bleachers, portable toilets, and playing equipment. All structures within the Regulatory Floodway shall be able to be removed within four hours of receipt of notice to implement the Emergency Removal Plan.

The Emergency Removal Plan shall stipulate that in case of flooding, the mainline valve that provides water to Riverbend Park shall be shut-off. This valve is located above the flood level at the intersection of Canfield Drive, "A" Street and McLaughlin Road. Electrical lines shall also be de-energized at a point corresponding roughly with McLaughlin Road and Canfield Drive, whenever the water rises. In case of a flood, the lines shall be de-energized and the transformers located within the floodway removed.

Agricultural Compatibility

Signs shall be placed at the entrances to the Park advising Park users of the potential for pesticide drift to impact the project site from adjacent agricultural operations.

The City of Lompoc Parks and Recreation Department will coordinate with the Agricultural Commissioner's Office and adjacent agricultural operations to attempt to limit the amount of time that organized sports are scheduled to use the playing fields at the same time the agricultural fields are being treated with pesticides or herbicides. This coordination is not expected to be problematic, as applications of pesticides or herbicides generally occur overnight or in the early morning hours.

Lighting

Lighting in and around Riverbend Park is not planned because permanent structures such as lights would not be permitted in the floodway and because the proposed playing fields are adjacent to riparian open space where there is the potential for lighting to disturb nesting birds and animals. In addition, portions of the Riverbend Park site are within the 34:1 Approach Surface and the 7:1 Transitional Surface of the Lompoc Airport and/or are visible from adjacent residences. Lighting of the fields or Park improvements at Riverbend Park could interfere with airport operations or impact nearby residences. Lighting of the fields would also contribute to light pollution in the night sky in a location which is on the edge of the developed portion of the City.

Vehicular access to the Park will be limited to designated parking lots. The parking lots will be surrounded by post and cable fencing. Barriers will be used to discourage vehicle entry onto the Bike Trail and into other portions of the Master Plan area.

Restroom Facilities

Permanent restroom facilities are planned to be located on the western side of the South Park, outside of the Regulatory Floodway, consistent with the requirements of the City's Flood Ordinance.

Hours of Operation

The South Park will be open from dawn to dusk, seven days a week.

Flood Protection and Emergency Removal Plan

A portion of the Phase 3 playing fields are within the defined Regulatory Floodway (See Figure 1-5). The remainder of the South Park site is located within the 100-year flood plain. Therefore, all Park improvements are subject to compliance with the City's Revised Floodplain Management Ordinance No. 1418 (96). The portion of the South Park area that is within the Regulatory Floodway shall be addressed in the Emergency Removal Plan (ERP) described in Phase 1 (North Park) above.

Agricultural Compatibility

Signs shall be placed at the entrances to the Park advising Park users of the potential for pesticide drift to impact the project site from adjacent agricultural operations.

Lighting

Lighting is not proposed for the southern portion of Riverbend Park, with the exception of the previously mentioned screened exterior lighting at the Park Host's residence.

<p>II. The reduction in area for recharge basins may impact the future availability of water for human use.</p> <p>III. There may be a significant noise impact on humans whose residences adjoin "A" Street north of Central Avenue.</p>	<p>There are no mitigation measures that can adequately address this impact, reducing it to a level of insignificance.</p> <p>There are no mitigation measures that can adequately address this impact, reducing it to a level of insignificance. Usual mitigation involves the construction of six-foot high block walls to reduce noise on adjacent properties. There are existing six-foot high block walls on either side of "A" Street and the City's Zoning Ordinance does not permit walls higher than six feet.</p>	<p>CLASS I Significant and Unavoidable</p> <p>CLASS I Significant and Unavoidable</p>
<p>LAND USE AND PLANNING</p>		
<p>I. A Land Use compatibility impact may result from the location of playing fields adjacent to active agricultural operations.</p>	<p>LU-1: The Parks and Recreation Department shall coordinate with the Agricultural Commissioner's office and the property owner to the west, to limit play on the fields when applications of pesticides are known to be occurring on the property to the west.</p>	<p>CLASS II Potentially Significant Impact requiring mitigation</p>
<p>RECREATION</p>		
<p>The proposed project will result in:</p> <p>I. Agricultural resource impacts;</p> <p>II. Noise impacts; and</p> <p>III. Adverse impacts on</p>	<p>There are no mitigation measures which can adequately address these impacts, reducing them to a level of insignificance. (Refer to above sections for rationale.)</p>	<p>CLASS I Significant and Unavoidable</p>

GEOLOGY AND SOILS		
<p>I. Structures associated with the proposed project are subject to seismic forces and the potential for related liquefaction hazard.</p> <p>II. Construction activities may disrupt native soils, increasing potential for erosion and sedimentation.</p>	<p>GS-1: All project facilities shall comply with the most recent adopted City and State building codes to mitigate the potential risk of seismic impacts.</p> <p>GS-2: A Storm Water Pollution Prevention Plan shall be prepared, incorporating the City of Lompoc's Storm Water Best Management Practices and addressing the potential for erosion and sedimentation due to construction.</p>	<p>CLASS II Potentially Significant Impact requiring mitigation</p> <p>CLASS II Potentially Significant Impact requiring mitigation</p>
PUBLIC SERVICES		
<p>I. No potentially significant impacts to public services were identified.</p>	<p>PS -1: No mitigation measures are required. The impacts of the proposed project on public services are less than significant.</p>	<p>CLASS III Less Than Significant Impact</p>
HAZARDS AND HAZARDOUS MATERIALS		
<p>I. Public use of the fields may conflict with agricultural spraying times on the adjacent property to the west.</p>	<p>HM-1: The City Parks Department shall designate a staff person to act as a liaison between the City, the County Agricultural Commissioner, and the agricultural operator of the Dezenber property and operator(s) of the fields to the west. This staff person will work with the Agricultural Commissioner and the adjacent landowner(s), operator(s) to identify discernable times of pesticide application in fields adjacent to or within Riverbend Park.</p>	<p>CLASS II Potentially Significant Impact requiring mitigation</p>

whenever the water rises. In case of a flood, the lines shall be de-energized and the transformers located within the floodway removed.

Agricultural Compatibility

Signs shall be placed at the entrances to the Park advising Park users of the potential for pesticide drift to impact the project site from adjacent agricultural operations.

The City of Lompoc Parks and Recreation Department will coordinate with the Agricultural Commissioner's Office and adjacent agricultural operations to attempt to limit the amount of time that organized sports are scheduled to use the playing fields at the same time the agricultural fields are being treated with pesticides or herbicides. This coordination is not expected to be problematic, as applications of pesticides or herbicides generally occur overnight or in the early morning hours.

Lighting

Lighting in and around Riverbend Park is not planned because permanent structures such as lights would not be permitted in the floodway and because the proposed playing fields are adjacent to riparian open space where there is the potential for lighting to disturb nesting birds and animals. In addition, portions of the Riverbend Park site are within the 34:1 Approach Surface and the 7:1 Transitional Surface of the Lompoc Airport and/or are visible from adjacent residences. Lighting of the fields or Park improvements at Riverbend Park could interfere with airport operations or impact nearby residences. Lighting of the fields would also contribute to light pollution in the night sky in a location which is on the edge of the developed portion of the City.

Master Plan Phase 2 – Santa Ynez River Multi-use Bike Trail Project Elements

Santa Ynez River Bike Trail

The Santa Ynez River Multi-use Bike Trail will run along the Santa Ynez River, beginning at the intersection of East College Avenue and Riverside Drive. From this point the Trail will extend the length of the bluff along Riverside Drive, ultimately finishing at McLaughlin Avenue. The trail will be eight-feet wide and paved for bicycle and pedestrian use. There will be two-foot gravel shoulders on each side of the trail for use by runners and pedestrians. See Figure 1-6 for the location of the trail.

A small segment of Bikeway (Class II) is to be improved within the existing 12th Street right-of-way, between Highway 246 and Laurel Avenue, as a part of the Bike Trail project. This segment will connect with the Class II bikeway along Highway One, south of Highway 246.

The multi-use Bike Trail will be constructed using Federal Highway Administration (FHWA) Transportation Equity Act for the 21st Century (TEA-21) funds. The proposed Bike Trail project

Vehicular access to the Park will be limited to designated parking lots. The parking lots will be surrounded by post and cable fencing. Barriers will be used to discourage vehicle entry onto the Bike Trail and into other portions of the Master Plan area.

Restroom Facilities

Permanent restroom facilities are planned to be located on the western side of the South Park, outside of the Regulatory Floodway, consistent with the requirements of the City's Flood Ordinance.

Hours of Operation

The South Park will be open from dawn to dusk, seven days a week.

Flood Protection and Emergency Removal Plan

A portion of the Phase 3 playing fields are within the defined Regulatory Floodway (See Figure 1-5). The remainder of the South Park site is located within the 100-year flood plain. Therefore, all Park improvements are subject to compliance with the City's Revised Floodplain Management Ordinance No. 1418 (96). The portion of the South Park area that is within the Regulatory Floodway shall be addressed in the Emergency Removal Plan (ERP) described in Phase 1 (North Park) above.

Agricultural Compatibility

Signs shall be placed at the entrances to the Park advising Park users of the potential for pesticide drift to impact the project site from adjacent agricultural operations.

Lighting

Lighting is not proposed for the southern portion of Riverbend Park, with the exception of the previously mentioned screened exterior lighting at the Park Host's residence.

and directed downward so that it will not interfere with approaching flights. The proposed use of the property within the Airport Approach Zone will not be residential, with the exception of the mobile caretaker's residence. As such, hazards to residents will be minimized.

Lower Santa Ynez River Fish Management Plan

The proposed project is consistent with the Lower Santa Ynez River Fish Management Plan in that it provides for periodic plantings to enhance riparian vegetation along the river's edge. These proposed plantings in disturbed areas will help to maintain slopes and banks by reducing erosion and can increase the amount of cover and shade provided when the river is flowing.

Habitat Conservation Plans

The Riverbend Park and Trail Master Plan will not conflict with any habitat conservation plans or natural community conservation plans, as no such plans have been developed for the project area.

Land Use Compatibility

The proposed project will be compatible with adjacent land uses. The proposed project will be compatible with the open space to the east and north of the proposed Park and Trail improvements, as the passive recreational use of bicycle riding and walking should not adversely impact the river or adjacent properties across the riverbed. The playing fields will not be incompatible with the open space to the north, as they are concentrated in a single area and riparian vegetation will not be removed in order to locate them. The proposed playing fields will be compatible with the agricultural fields to the west, as there are no sensitive noise receptors in that location.

The Parks and Recreation Department shall coordinate with the Agricultural Commissioner's office and the property owner to the west to limit play within the fields when applications of pesticides are occurring on the property to the west. In general, applications of pesticides occur in the early morning when there is not a great deal of wind. This is because it is often less windy in the early morning and therefore products applied at that time have the greatest chance of reaching the target species and not drifting off of the field to which they are applied. Because of this practice, the actual number of conflicts between pesticide application and use of the sports fields are expected to be few. Impacts from park users damaging the adjacent agricultural fields are expected to be very limited and are not expected to pose a significant impact.

The proposed Bike Trail will not conflict with the adjacent open space lands or with the residential neighborhoods on the west side of Riverside Drive. The trail will provide a new route for bicycles and pedestrians that is protected from traffic. Some residents have expressed concerns that the construction of the Bike Trail will encourage criminals to use it as an access route. While it is possible that the Bike Trail would be used as an access route, the construction of the Bike Trail is not expected to result in a significant increase in crime. The Trail is to be built on an existing dirt access road which is hard packed and can currently be used by mountain bikes, motorcycles, all-terrain vehicles and even monster-trucks. In addition, this neighborhood is well served with access from existing public streets. Therefore, the potential increase in access by criminals to these neighborhoods, due to the Bike Trail's construction will be negligible. In addition, the Parks and Recreation Department now has three rangers who regularly patrol the off-road project area.

Mitigation Measures

LU-1: The Parks and Recreation Department shall coordinate with the Agricultural Commissioner's office and the property owner to the west, to limit play on the fields when applications of pesticides are known to be occurring on the property to the west.

Unavoidable Significant Impacts

There will be no unavoidable significant Land Use impacts as a result of the proposed project.

hazardous chemicals. No handling or delivery of hazardous materials, acutely hazardous materials, substances, or waste is anticipated as part of the proposed project. The proposed project does not include the use of chemical fertilizer or pesticides on the park property. Herbicides will only be used, as directed, for removal of invasive species.

The temporary continuation of agricultural operations on the Dezember property until development of Phase III, can be expected to use some pesticides. Also, the agricultural property to the west may apply pesticides. While pesticides are usually applied in the early morning, before sports practice or play, the North Park playing fields and Bike Trail will be near the ongoing agricultural uses.

Many agricultural chemicals can be harmful or toxic to humans, fish or wildlife. For this reason, limitations are placed on their use and methods of application are restricted. The California Department of Pesticide Regulation regulates the use and application of pesticides. As a part of their oversight, they coordinate with the Department of Fish and Game, the Department of Health Services, the State Water Quality Control Board, the Department of Toxic Substances Control, the Office of Health Hazard Assessment and the Air Resources Board to assess risk and enforce federal and state law.

The County Agricultural Commissioner's office administers state laws regulating the application of agricultural materials. They carefully control the storage and use of these materials and disposal of containers and waste materials. Controls include concentration of mixtures, methods and timing of applications, and worker handling of materials. There are time constraints as to when workers may enter fields subsequent to application of certain materials, and constraints as to meteorological conditions under which materials may or may not be applied.

Because an increased number of people will be attracted to the enhanced facilities in the Riverbend Park area, human-health impacts could occur. If the Parks Department does not take into account the discernable timing of applications of agricultural chemicals, when drawing up game and practice schedules, players could be exposed to chemicals. Such impacts are potentially significant. Mitigation measure HM-1 minimizes this potential impact to a less-than-significant level by requiring coordination between the Agricultural Commissioner's office, the farmers and the City Parks Department to identify likely times of pesticide application. It should also be noted that, in general, the wind direction in the Lompoc Valley is from the Northwest to Southwest, therefore, agricultural drift impacts from the continued agricultural use of the South Park are expected to be minimal.

Hazardous Materials Accidental Release

The proposed Riverbend Park Improvements and Bike Trail construction will not require the use of hazardous materials in the course of operations. No fueling stations, chemical storage or other regular hazardous material uses are proposed or will be required for the project operation. Minor amounts of hazardous materials may be stored on-site during construction or present in construction vehicles. Provisions to protect the environment from discharge of these materials are to be included in the Storm Water Pollution Prevention Plan for the project. Neither construction activities, nor operation of the proposed project for its intended purposes are likely to cause a release of hazardous materials into the environment.

Private Airstrips

There are no private airstrips within, or adjacent to the City of Lompoc. Therefore, there will be no safety impacts from private airports on people residing or working in the area of the project.

Emergency Response Plans

The proposed project will not impair implementation of emergency response plans or evacuation plans. The proposed project will provide additional emergency supervision for emergency response plans and evacuation efforts at the park in the form of the Park Host. Telephone access will be made available to the Park Host. The proposed project will not impair implementation of any existing emergency response plan for the park. The improvements at Riverbend Park within the Regulatory Floodway will be temporary only and will be subject to removal in case of projected high river flows. This is consistent with the requirements of the existing emergency removal plan for temporary structures within the Regulatory Floodway. In addition, the improved Bike Trail will serve as an emergency access road if needed.

Police, fire, and ambulance vehicles would be able to access all areas of the proposed project by way of existing streets. These areas will be maintained for continued access. All areas to be developed will provide access for emergency vehicles. No significant impact is anticipated.

Wildland Fire

The proposed project will not expose people or structures to the risk of loss, injury, or death involving wildland fires. Although wildlands are adjacent to urbanized areas in the project area, no wooded brushland, woodland, or grassland capable of sustaining wildland fires occur adjacent to residential areas. The proposed park plantings would include irrigated turf and trees, and fire hazard resulting from the proposed vegetation is unlikely. In addition, the park is bounded by the Santa Ynez River on the east and north. No significant adverse impacts related to wildland fire are anticipated. No new residential structures are proposed as a part of the project, with the exception of the proposed Park Host's mobile recreational vehicle. There is adequate access to and from the Riverbend Park site and adequate means to close access to the park if necessary. The proposed Bike Trail is to be constructed so that it can support the weight of vehicles for maintenance and emergency access. The proposed project will not result in increased risk to the public from wildland fire and the project will provide a new paved emergency access along the river's edge.

Mitigation Measures

HM-1: The City Parks Department shall designate a staff person to act as a liaison between the City, the County Agricultural Commissioner, and the agricultural operator of the Dezember property and operator(s) of the fields to the west. This staff person will work with the Agricultural Commissioner and the adjacent landowner(s), operator(s) to identify discernable times of pesticide application in fields adjacent to or within Riverbend Park.

HM-2: Any contaminated soil identified on-site shall be removed or remediated, as required by law.

HM-3: The well located on the South Park site shall be properly abandoned, in accordance with all applicable regulations, if it is not to be used to serve the project.

ATTACHMENT B:
CEQA SECTION 15164 ADDENDUM LETTER

TO: Decision-Makers

FROM: Shelley Stahl, Planner
North County Development Review Division, Planning and Development

DATE: June 13, 2001

RE: CEQA Determination: Finding that CEQA Section 15164 (Addendum) applies to **Bridgehouse Shelter, Case No. 01-CP-023**. CEQA Section 15164 allows an addendum to be prepared when only minor technical changes or changes, which do not create new significant impacts, would result. The Negative Declaration 78-ND-12, prepared for the Farm House Alcoholic Recovery Facility 77-CP-088, is hereby amended by this 15164 letter for 01-CP-023.

Location: The project is located at the northeast corner of the intersection of State Highway 246 and Sweeney Road, known as 2025 Sweeney Road, in the Lompoc area, 4th Supervisorial District. Assessor's Parcel Number 099-150-057.

Background: The parcel was a part of the Rancho Santa Rita, Map 2, Tract 8. In 1978 the site was approved to be developed as an Alcoholic Recovery Center under a Conditional Use Permit, 77-CP-088. A Negative Declaration 78-ND-12 was prepared for the project. The original project approval allowed for the treatment of 50 adult residents and construction of a 4200 sq. ft. multi-purpose building, 1800 sq. ft. administration building and six 2100 sq. ft. dormitory buildings. The facility operated 24 hours a day, 7 days a week. Activities included therapy, recreation, skill development towards alcoholic rehabilitation. Four consecutive one-year time extensions to begin construction were granted in 1979, 80, 81 and 82. In 1986 a determination was approved under 86-M-35, to allow the multi-purpose building to serve up to 200 aftercare patients and family support group members for regular weekly meetings. The first residential building was completed in 1987. Only the multi-purpose building and one two-level dormitory were constructed.

In 1994, the Planning Commission approved under 94-CP-004, the change of use for the existing 6,776 sq. ft. multi-purpose building and a 3,770 sq. ft. dormitory structure as a church facility for up to 250 members. Approved uses included Bible classes, Turning Point Program (for special needs of adults), staff meetings, luncheons, youth meeting, music and drama practices, ministry meetings and overnight accommodations for guest speakers, visitors to the church and the caretaker. The three greenhouses, constructed in 1984, were leased to a local agriculturalist and were not used by the church.

Current Project Description: The Lompoc Housing Assistance Corporation proposes to change the use of the site, (which currently is approved as a church facility), to the Bridgehouse Emergency Shelter for homeless residents. Catholic Charities would operate the shelter, which would be located within the multi-purpose building and would consist of up to 40 beds for homeless single adults and families with children. The 40-beds would be located within the

assembly area on the first floor of the multi-purpose building. A moveable partition would be used to section a portion off for privacy between women and children, and the men residents. Foldable cots would be used for the beds, so that the room could be re-configured depending upon the number of clients.

Dining would take place in the general floor area using five long picnic tables. Breakfast would be a cold meal. Depending on community support, a Sunday brunch may be provided in the future. Lunch would be a brown-bag. Hot meals would be provided at dinner only. Shelter residents, unless exempted by the shelter supervisor are expected to be off-premises (work, school, vocational training) during the hours of 8:00 a.m. to 4:30 p.m. Residents working in the vocational rehabilitation program are permitted onsite during those hours. School-aged children would be allowed back on premises for a structured after-school program conducted by the County Education Office.

A second stage facility with 16 beds for homeless persons in need of longer-term intensive case management before transitioning into more permanent supported housing facilities, is proposed to be located within the existing dormitory building. Another service provider (not determined at this time) would manage this part of the program.

The emergency shelter would operate 24 hours per day, 365 days per year. Residents of the emergency shelter would be allowed to stay for up to 30 days. No special events are proposed, except those that might involve the residents. Projected staffing has not been finalized, but is expected to be two or three shifts consisting of four or five employees staffing the emergency general shelter during the day and evening hours with two employees staffing the evening hours. In addition it is anticipated that five to seven community volunteers will bring in dinners to be heated and served from the kitchen each evening. Second stage facility residents would be able to stay from six months to one year. This part of the shelter would be staffed with two shifts consisting of 2 employees during the day and one staff person during the night. It is not expected that any employees would reside onsite. However, it is possible that County Alcohol, Drug and Mental Health Services may want a live-in supervisor. If this occurs, one bedroom will be reserved for that employee. In any case, no more than sixteen persons would reside onsite. Meals would be prepared in the kitchenette areas of the dormitory building if possible, although initially, meals may be brought over from the main kitchen in the multi-purpose building. Residents of the second stage facility would be served meals in the dormitory building.

The onsite greenhouses would be renovated and utilized for a vocational rehabilitation program for shelter residents. The vocational re-habilitation program would involve one to two instructors and would be open only to clients residing in either of the shelter facilities. This program is funded through the County and will seek to train residents in horticulture.

No new construction, grading or vegetation removal is proposed with the change of use. The project site has 69 existing 8 ½ x 16 ½ parking spaces. Mature shrubs and trees currently exist onsite. Water and sanitary services would continue to be provided by existing facilities. Access

to the site would remain unchanged from Sweeney Road.

Changes in Project Impacts: None. No impacts previously found to be insignificant are now significant. The pattern of use for the facility would be the same or similar to the alcoholic rehabilitation use approved in 1978. An unmitigated Negative Declaration (78-ND-12) was prepared for the alcohol recovery facility (The Farm House) and is included in the staff report, as Attachment "D". Issues addressed in the previous Negative Declaration were water, loss of agricultural land, soils, air quality, aesthetics, and health and safety. Loss of agricultural land was considered as insignificant, because the size of the parcel was too small (10 acres) for long-term economic viability. The greenhouses could provide an opportunity for increased agricultural activity on portions of the property, which are currently undeveloped. Water demand/quality issues were determined to be moderately adverse, as the use would add a non-significant increment in the existing rate of overdraft. No increase is expected for the shelter use beyond what was approved for the Farm House Alcohol Rehabilitation use. The projected water demand for the alcohol rehabilitation use was 2.5 to 3.5 acre-feet per year (AFY) with 5 to 8 AFY. for the commercial vegetable farming use. This usage was determined to be "less than the demand created if the parcel were totally devoted to agricultural uses" (*Water Demand/Quality 78-ND-12.*) Groundwater contamination concerns, regarding the cumulative impact of numerous septic tanks, were considered as moderately adverse. To date, Environmental Health Services has not cited the facility for improper use or maintenance of the system. The proposed project would have less demand than the previous use. Flood hazards were considered as non-significant as only the low westerly portion of the parcel is subject to flooding. A test of the nearby diatomaceous plant emissions showed that the location of the rehabilitation facility would not place residents in a location where air quality would be adverse to their health. This plant has been idle for several years and is no longer a potential health threat. Aesthetics were considered as moderately adverse due to the location of the property at the entrance to Lompoc. A County approved landscape plan was required for the project.

In 1994 an unmitigated Negative Declaration (94-ND-013), was prepared for the change of use requested by the Word of Grace Church in 1994. Issues addressed in the Initial Study/ND included the following: water use, traffic, air quality and housing. Water use factors considered in the Negative Declaration were below the level of significance for the Lompoc groundwater basin. Traffic impacts were considered less than significant due to the non-peak hour use of the facilities. Potential air quality impacts were discussed due to the concerns related to the proximity of the Grefco Plant site. The 1994 ND concluded that project impacts would be adverse, but less than significant. Housing impacts were based on the elimination of one dwelling unit. Since the threshold of significance for housing is the removal of four or more units, a significant impact was not identified. No mitigation measures were required in the ND for the Word of Grace church, as there were no adverse significant impacts identified.

Since the site was originally approved as and used for full-time residential purposes in 1978 for up to 50 tenants with 200 aftercare attendees in 1986 (The Farm House) and in 1994, for church

01-CP-023

Attachment B: CEQA §15164 Addendum Letter

Bridgehouse Shelter

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related activities for up to 250 members (Word of Grace Church), the impacts associated with the use as the Bridgehouse Emergency Shelter for 40 residents and a second stage facility for 16 residents would be considered to be equal to or less than the previous two project approvals. No new impacts have been identified.

Findings:

It is the finding of the Planning and Development Department that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new ND is not required.

Discretionary processing of the Bridgehouse Shelter, 01-CP-012 may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.