

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Coastal Zone Staff Report for the Bidwell Appeal of the Mariposa Investment Trust**  
**Agricultural Water Well**

**Hearing Date:** March 6, 2024

**Staff Report Date:** February 12, 2024

**Case No.:** 23APL-00036

**Environmental Document:** Exemption  
§15303 and §15304 of the California  
Environmental Quality Act (CEQA).

**Deputy Director:** Travis Seawards

**Division:** Development Review

**Supervising Planner:** Kimberley McCarthy

**Supervising Planner Phone #:** (805) 568-2005

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**OWNER/APPLICANT**

Mariposa Investment Trust  
Bradley Sher, Trustee  
4295 Mariposa Drive  
Santa Barbara, CA 93110

**AGENT**

Adam Simmons  
P.O. Box 91  
Goleta, CA 93116

**APPELANT**

Geraldine Bidwell  
4385 Llano Drive  
Santa Barbara, CA 93110



## 1.0 REQUEST

Hearing on the request of Geraldine Bidwell to consider Case No. 23APL-00036, an appeal of the Planning and Development Department Director's decision to approve the installation of an agricultural water well and grading. The appeal was filed in compliance with Chapter 35-182 of the Article II Coastal Zoning Ordinance. The application involves Assessor Parcel No. 063-172-004, located at 4295 Mariposa Drive, in the Hope Ranch area, 2nd Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Your Commission's motion should include the following:

1. Deny the appeal Case No. 23APL-00036.
2. Make the required findings for approval of the project as specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
3. Determine the project exempt under Sections 15303 and 15304 of the California Environmental Quality Act (CEQA) (Attachment C).
4. Grant *de novo* approval of the project, Case No. 22CDP-00000-00035, subject to the conditions included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

## **3.0 JURISDICTION**

The proposed project includes the installation of an agricultural water well and validation of approximately 100 cubic yards of grading. Per Section 35-73.3.11, an agricultural water well is an allowable accessory structure with the issuance of a Coastal Development Permit (CDP).

The County Planning Commission is considering this appeal pursuant to Article II Section 35-182.4.A.2.d, which states that “Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit...” may be appealed to the Planning Commission. Given that the CDP was approved by the Director and subsequently appealed, the County Planning Commission is the decision-making body on this appeal pursuant to Section 35-182.4.A.2 of Article II.

## **4.0 ISSUE SUMMARY**

On March 17, 2022, the applicant filed for a Coastal Development Permit (22CDP-00000-00035) to allow for the installation of an agricultural water well to service a proposed fruit tree orchard on the parcel. During the review process, a violation complaint was filed related to the subject property alleging illegal grading activities. On July 31, 2023, a Building and Safety Enforcement case (23BDV-00097) was opened to evaluate the complaint. The violation complaint was investigated by Planning & Development’s grading inspectors who determined that approximately 100 cubic yards of cut and fill grading had occurred onsite. The past grading activity has been added to the project description so that the applicant may satisfy requirements to abate 23BDV-00097.

On September 27, 2023, the Director approved the proposed project under a Coastal Development Permit, finding the installation of an agricultural water well and the grading activities consistent with the development standards and regulations governing grading and water wells. Since original approval, staff noticed some items that needed corrections, which are carried forward in the permit now recommended for approval.

On October 5, 2023, an appeal of the Director’s decision was filed within the 10-day appeal period. The appellant cites the following issues as the basis of the appeal:

- (1) The installation of the proposed water well has the potential to overdraft the underlying groundwater basin and negatively influence existing well yields for the surrounding area.
- (2) Grading in excess of 50 cubic yards has been completed on the subject parcel without the benefit of a permit, which denied the appellant opportunity to participate in the public permitting process.
- (3) The existing fruit trees have been removed, in conflict with the “existing and proposed” fruit trees mentioned in the project description of the CDP.

Staff reviewed the appeal issues and finds they are without merit. The proposed project, with the adoption of the recommended conditions of approval (Attachment B), is consistent with applicable policies and development standards of the Comprehensive Plan, including the Eastern Goleta Valley Plan and development standards set forth in the Article II Coastal Zoning Ordinance.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, One Family Exclusive Residential (3.5-EX-1) (3.5-acre minimum parcel size), Eastern Goleta Valley Community Plan
Ordinance, Zone	Article II, 3.5-EX-1 (One Family Exclusive Residential, 3.5-acre minimum parcel size)
Site Size	4.03 acre lot
Present Use & Development	The site is currently developed with a 8,402 sf (gross) single family dwelling, a swimming pool, a 776 sf pool cabana, and a 0.05-acre orchard
Surrounding Uses/Zone(s)	North: 3.5-EX-1, single-family dwelling South: 3.5-EX-1, single-family dwelling East: 3.5 EX-1, vacant West: 3.5-EX-1, single-family dwelling

Site Information	
Access	Existing private driveway off of Mariposa Dr.
Public Services	Water Supply: La Cumbre Water Service Sewage: Private Septic Fire: County Fire Police Services: County Sheriff

## 5.2 Project Description

Installation of an agricultural water well to irrigate existing and future fruit trees (orchard) and approximately 100 cubic yards of grading to prepare the site for the installation of additional fruit trees, landscaping, and improvements to the existing driveway. The existing, single-family dwelling, swimming pool, and cabana are not impacted by the proposed project. The subject parcel is a 4.03-acre parcel zoned 3.5-EX-1, shown as APN: 063-172-004 and addressed as 4295 Mariposa Drive in the Hope Ranch area, Second Supervisorial District.

## 6.0 PROJECT ANALYSIS

### 6.1 Appeal Issues

On October 5, 2023, the appellant submitted their appeal application (Attachment F) and the grounds for appeal. The appellant is appealing based on the proposed agricultural water well's potential to overdraft the underlying groundwater basin, denial of the appellant's ability to participate in the public permitting process, and the applicant's removal of the "existing fruit trees" as referenced in the project description. These appeal issues and staff's analysis are provided in the following paragraphs.

#### Appeal Issue 1 – Potential Well Overdraft

The appellant contends that if the proposed project is granted, the proposed agricultural water well will overdraft the existing groundwater basin. The appellant claims that existing wells in the area may potentially suffer from adverse impacts by the extraction of groundwater resources through the installation of the proposed agricultural water well.

#### Staff Response:

The proposed water well is not expected to produce adverse impacts to surrounding water basins. A hydrological evaluation prepared by Adam Simmons, a licensed Engineering Geologist, Certified Hydro Geologist and Professional Geologist (CEG #2015, RG #6234 and CHG #509) was submitted with the CDP application. In Mr. Simmons' report (Attachment E), dated May 29, 2022, it was noted that the proposed agricultural water well will not be drawing from a designated water basin, as the Goleta Valley Central Basin, the closest mapped water basin, is located 6000 feet northwest of the subject parcel.

The proposed agricultural water well will produce groundwater from the fractured Monterey Shale aquifer. As stated in this report, the majority of the Monterey Shale forms and impermeable barrier for lateral groundwater movement, and therefore saltwater intrusion is unlikely given the presence of alternating soft impermeable shale with fractured water bearing shale. The maximum demand for the well is expected to be approximately 4 AFY or 7 GPM for 12 hours on and 12 hours off, conducting the pumping cycle for 8 months of the year.

Further, the closest off-site water well is located approximately 600 feet to the northwest of the subject parcel. The well interference is considered unlikely due to the relatively impermeable shale in the area and the distance between the proposed well and the closest water well. Finally, the proposed agricultural water well was reviewed by Santa Barbara County Environmental Health Services (EHS) for consistency with Executive Order N-7-22. Executive Order N-7-22 was issued on March 28, 2022, and placed requirements to maximize the efficient use of water and to preserve water supplies critical to human health. January 12, 2023, EHS notified the case planner that the permit package was approvable, meaning it was found not likely to interfere with the production and functioning of existing nearby wells, and not likely to cause subsidence that would adversely impact or damage nearby infrastructure. EHS approval is pending issuance of the Coastal Development Permit.

### **Appeal Issue 2 – Denial of Participation in Public Process**

The appellant contends that the applicant conducted unpermitted grading in order to install trees on the subject parcel, which denied her the ability to participate in the permitting process.

#### **Staff Response:**

The appellant has been an active participant in the permitting process. As a neighbor, the appellant was noticed of the initial submittal of the project. Ms. Bidwell has had numerous discussions with staff regarding the agricultural well, grading activities and other concerns throughout the processing of the permit. Furthermore, Ms. Bidwell was specifically notified of the CDP's approval. Through these activities and by submitting a formal appeal of the Director's approval of the CDP, the appellant has not been denied participation in the public permitting process.

On July 31, 2023, a grading violation complaint was filed on the subject parcel for "excessive removal of earth" and an enforcement case was opened (23BDV-00097) to investigate the complaint. The site was investigated by a grading inspector, who determined that approximately 100 cubic yards of grading had occurred onsite for landscaping and repairs to the driveway. In order to ensure that the full scope of onsite development was identified, the applicant added the grading was added to the project description of the CDP. The applicant submitted as-built grading plans detailing the amount of soil moved and the area of disturbance.

### **Appeal Issue 3 – Removal of existing fruit trees prior to approval of permit.**

The appellant contends that the applicant removed the “proposed” fruit trees prior to issuance of the permit, which would negate the need for the water well as the applicant is removing the trees that the well is intended to water.

**Staff Response:**

The applicant has appropriately applied for a Coastal Development permit to approve an agricultural water well to irrigate a proposed fruit tree orchard. Prior to the approval of the Coastal Development Permit, the applicant removed existing olive trees in the area of the proposed fruit orchard. Per Section 35-140 of the Article II: Coastal Zoning Ordinance, the removal of olive trees does not require the issuance of a Coastal Development permit. The applicant proposes the installation of 102 fruit trees for orchards on the northwest and southeastern areas of the parcel as shown on the site plan, included as Attachment D, which the agricultural water well is intended to service. The applicant provided a plan for the installation and maintenance of the trees by a local arborist, as well as an agreement for monthly donations of the fruit yielded by the orchard with to Quail Springs, a nonprofit which intends to use the yields to feed their staff.

Additionally, staff placed conditions of approval, included as Attachment B, which requires that a Permit Compliance case be opened on the subject parcel to verify their agricultural use. This will require the applicant to submit evidence of the proposed agricultural use every five years, and they will be required to remove the agricultural water well if the agricultural use is discontinued.

## 6.2 Environmental Review

The Project was evaluated for compliance with the California Environmental Quality Act (CEQA) and determined to be exempt from environmental review pursuant to CEQA Guidelines Section 15303 [New Construction or Conversion of Small Structures] and Section 15304 [Minor Alterations to Land]. Section 15303 exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. Section 15304 exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Given that the scope of work is limited to the installation of an agricultural water well and grading related to site improvements and the installation of trees, this project is exempt under CEQA Section 15303 and Section 15304. Please see Attachment C, Notice of Exemption, for further detail.

## 6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
ADEQUATE SERVICES	

<p><b>Coastal Plan Policy 2-4:</b> <i>Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.</i></p> <p><b>Coastal Plan Policy 2-6:</b> <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan . . .</i></p> <p><b>Policy WAT-EGV-1.4:</b> <i>The County shall protect the quality and quantity of groundwater resources. New groundwater wells and replacement wells that are not intended to serve agricultural purposes shall not be permitted where the project site can be or is already serviced by a public water district or an existing mutual water company. All new groundwater wells or replacement wells shall be metered and water use shall be monitored by the property owner and reported to the County.</i></p>	<p><b>Consistent:</b> The proposed project is consistent with the applicable policy requirements for public services. Domestic water service will continue to be provided by La Cumbre Mutual Water Company, and the proposed agricultural water well will only be used to serve the proposed fruit orchard. The applicant provided a plan, included as Attachment D, for the care and maintenance of the proposed orchard and its expected yield of 7,500-8,500 lbs of fruit per year, demonstrating the agricultural use that necessitates the need for an agricultural water well. The property is not located within the service boundaries of a sanitary district and sanitary service for the existing residential development will continue to be provided by an existing private septic system and is not impacted by the project. Fire protection is provided by the Santa Barbara County Fire Department. Access will continue to be provided from Mariposa Dr.</p> <p>The proposed agricultural water well is consistent with the policy to protect groundwater resources. The proposed well is expected to produce a small output of water and the water produced will only serve the onsite agriculture (orchard) use. The proposed agricultural water well is not located within a groundwater basin. As verified by a licensed professional, the proposed water well will produce groundwater from the fractured Monterey Shale aquifer. The majority of the Monterey Shale forms and impermeable barrier for lateral groundwater movement, and therefore saltwater intrusion is unlikely given the presence of alternating soft impermeable shale with fractured water bearing shale.</p>
<b>AESTHETICS/VISUAL RESOURCES</b>	
<p><b>Coastal Plan Policy 4-4:</b> <i>In areas designated as urban on the land use plan maps and in</i></p>	<p><b>Consistent:</b> The proposed project is consistent with policies regarding conformance with the</p>

<p><i>designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</i></p> <p><b>Policy VIS-EGV-1.6:</b> <i>Development shall be compatible in design and scale with the surrounding built environment and shall not impair public visual resources.</i></p> <p><b>Coastal Act Sec. 30251:</b> <i>The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p>	<p>scale and character of the existing community and the protection of public visual resources. The proposed project does not include structural development and will not create impacts to views or natural landforms. The subject parcel is located within a developed urban area on a 4.03-acre lot. The grading will not alter any natural landforms or visual resources. The proposed agricultural water well will not increase residential development on the parcel. A water well is a common accessory structure in the Hope Ranch area, and therefore the project will not result in impacts to the character of the existing community nor will it significantly increase the scale of development on the subject parcel. The proposed water well is located completely underground and will not be visible from any point above the ground. The project grading will not alter any natural landforms or visual resources.</p>
<b>BIOLOGICAL RESOURCES</b>	
<p><b>Coastal Plan Policy 9-35:</b> <i>Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.</i></p> <p><b>Policy ECO-EGV-5.1:</b> <i>Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors (RC) within Eastern Goleta Valley shall be protected and, where feasible and appropriate, enhanced.</i></p>	<p><b>Consistent:</b> The proposed project is consistent with policies regarding the protection of sensitive biological resources. No protected trees are proposed for removal as part of this Coastal Development Permit. In addition, no environmentally sensitive habitats are known to exist on or adjacent to the subject parcel.</p>
<b>HILLSIDE AND WATERSHED PROTECTION</b>	



<p><b>Coastal Plan Policy 3-13:</b> <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p><b>Coastal Plan Policy 3-14:</b> <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p>	<p><b>Consistent:</b> The proposed project is consistent with policies regarding the minimization of cut and fill and designing the development to fit the topography of the site. The amount of grading completed for site improvements and to abate 23BDV-00097 is relatively minimal and are not considered to be excessive cut or fill operations and the area of disturbance created by the grading is appropriate for landscaping and driveway improvements. The proposed project will not result in any impact to natural features, landforms, vegetation, or protected trees.</p>
<b>NOISE</b>	
<p><b>Noise Element Policy 1:</b> <i>In the planning of land use, 65dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in the project design.</i></p>	<p><b>Consistent:</b> The proposed project is consistent with the policy to limit noise exposure to 65 dB at the property. The proposed agricultural water well and agricultural orchard is not anticipated to generate any significant noise levels. Additionally, conditions were placed on the CDP, included as Attachment B, to ensure that construction of the proposed water well may only take place between 8 a.m. and 5 p.m., Monday through Friday. No long-term noise generation is expected in excess of existing ambient levels with continued residential use of the property.</p>
<b>WATER RESOURCES</b>	
<p><b>Coastal Act Policy 30231.</b> <i>The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where</i></p>	<p><b>Consistent:</b> The proposed project is consistent with the policies to protect water resources. The proposed agricultural water well will produce groundwater from the fractured Monterey Shale aquifer. The majority of the Monterey Shale forms an impermeable barrier</p>

<p><i>feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</i></p> <p><b>Coastal Plan Policy 3-19:</b> <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p>	<p>for lateral groundwater movement, and therefor saltwater intrusion is unlikely given the presence of alternating soft impermeable shale with fractured water bearing shale. As stated by the hydrological review provided by the project agent, included as Attachment E, the proposed water well is located approximately 6000 ft from the nearest groundwater basin and impacts to nearby groundwater basins are unlikely. There are no streams in close proximity to the subject parcels and the grading will not create impacts to natural streams.</p>
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## 6.4 Zoning: Article II

### 6.4.1 Compliance with Article II, Coastal Zoning Ordinance

**Section 35-73.1** *The purpose of the EX-1 Zone District is to provide for residential development for the area in the Coastal Zone known as Hope Ranch. It is the intent of this district to insure that such development protects the residential character of the area and is consistent with sound standards of public health, welfare, and safety.*

**Section 35-73.3.1** *Orchards, trucks and flower gardens, and the raising of field crops are permitted uses in the EX-1-Zone District.*

**Consistent:** The subject parcel currently contains a single-family dwelling, garage, a swimming pool, and a pool cabana, maintaining a residential land use of the proposed parcel. The proposed agricultural water well and minimal grading for landscaping and site improvements are accessory to the primary residential use, and is compatible and will be consistent with the allowable land uses of the EX-1 Zone. The continued residential uses and proposed agricultural use will be consistent with standards for public health, welfare, and safety because agricultural water wells are a common accessory structure in the Hope Ranch area, no structural development is proposed, and the grading is minimal and will not impact the residential character of the area.

**Section 35-73.6** *Setbacks for Buildings and Structures. Front: 75 feet from road center line or 125 feet from road centerline if right-of-way- is 80 feet or more. Side: 25 feet, Rear: 25 feet.*

**Consistent:** The proposed project is consistent with the setback limits of the EX-1 Zone. The proposed water well is located approximately 45 feet from the side yard property line, 66 feet from the rear yard property line, 486 feet from the primary front yard property line, and 281 ft from the secondary front yard property line.

**Section 35-73.8** *No building or structure shall exceed 25 feet in height.*

**Consistent:** The proposed project is consistent with the height requirements of the EX-1 Zone. The proposed well will be located underground, and therefore complies with the 25 feet height limit. The grading will not result in any structural development on the parcel.

**Section 35-148.3.b.** *Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.*

**Consistent.** The proposed project is consistent with the requirement for development other than agricultural activities be serviced by the appropriate public water district as the existing residential uses are serviced by the La Cumbre Mutual Water Company, and the proposed agricultural water well is intended to service the proposed agricultural orchard use of the parcel.

## **7.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. The appeal fee to the Board of Supervisors is \$773.06.

### **ATTACHMENTS**

- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption
- D. Project Plans
- E. Hydrological Review dated May 23, 2022
- F. Appeal Application
- G. Project Plans